

DNS Pre-application Advice

DNS CAS-03463-R2W9C2 - Kronospan Low Carbon CHP

19/06/2024

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Advice is provided following a request submitted by the applicants on 24 May 2025. This advice should be read in conjunction with PEDW's procedural guidance on Developments of National Significance.

The advice is not binding and does not prejudice PEDW's processing of the application if submitted, any recommendation made by an Inspector, or any decision made by the Welsh Ministers in relation to a development of this nature on this site.

Summary of Request

The applicant requested advice on the following matters:

1. The principle of the Proposed Development as a low carbon Combined Heat and Power (CHP) facility that would be predominately (and potentially exclusively) manage on-site process residues and Grade C waste wood that is unable to be re-used or recycled.
2. Following on from the above, the principle that the Proposed Development is considered more as a low carbon renewable energy development than a conventional Energy from Waste (EfW) facility.
3. Whether PEDW considers the component of the Proposed Development dealing with waste wood (i.e. 90% - 100% of the feedstock) falls outside the remit of the Written Statement which we understand was primary published to drive municipal and similar commercial and industrial waste up the waste hierarchy i.e. recycling, reuse and reduction.
4. The status of the consented energy generating plant at Potters Yard, Welshpool with respect the likelihood of this facility coming into operation and whether it can reasonably be considered to be contributing to Wales' residual waste management needs on the basis that it has remained undeveloped 15 years after it was originally granted planning permission.
5. It is reasonable, due to proximity, for the facility in Chirk to contribute to the established need for residual waste treatment capacity in Mid and Southwest Wales.
6. The proposed scope and content of the DNS application including the scope of supporting technical / environmental assessments (noting that the formal request for an EIA Scoping Opinion will be made separately).
7. Any comments on the initial design or the location of the Proposed Development.
8. Any issues or concerns regarding the Proposed Development.

PEDW Response

1. The principle of the Proposed Development as a low carbon CHP facility, predominately managing on-site process residues and Grade C waste wood
2. The principle that the Proposed Development is considered more as a low carbon renewable energy development than a conventional EfW facility
3. Whether the component of the Proposed Development dealing with waste wood falls outside the remit of the Written Statement

The applicant's first three questions pertain to the principle of the development and will therefore be addressed together.

[Planning Policy Wales](#) (PPW) paragraph 5.13.10 states that the extent to which a proposal demonstrates a contribution to the waste management objectives, policy, targets and assessments contained in national waste policy will be a material consideration. In making their arguments, the applicant may wish to outline whether the proposal would be consistent with the aims of waste planning policy in Wales in terms of need, sustainability and direction of travel, in the context of national and development plan policy.

The applicant's request indicates the Proposed Development would predominately use on-site process wood residues and Grade C waste wood, but would also be capable of using forestry residues and / or Refuse Derived Fuel. The ["Written Statement: Taking action to make the circular economy a reality"](#) states there is a moratorium on new large scale energy from waste plants covering those of 10 MW or greater. The Proposed Development is caught by this moratorium. However, there is an arguable case, due to the particular circumstances of this development largely dealing with operational waste and providing operational heat and power, that the Proposed Development would not undermine the aim and general principles of the moratorium. The applicant would need to include strong justification of why the moratorium would not apply in this case.

The Written Statement acknowledges the moratorium is enacted through planning policy. National planning policy on waste is set out in PPW and [Technical Advice Note 21, Waste](#) (TAN 21). Towards Zero Waste is the Welsh Government's overarching waste strategy, which is accompanied by a suite of sector plans, including the Collections, Infrastructure and Markets ("CIM") Sector Plan.

The strategic assessment for the need for new energy from waste capacity in section 2.3.4 of the CIM Sector Plan has been replaced by the ["Strategic assessment for the future need for energy from waste capacity in the three economic regions of Wales"](#) ("Strategic Assessment"), dated 24 March 2021. The Strategic Assessment is based on the need for new energy from waste capacity by region. The Strategic Assessment reiterates that TAN 21 makes it clear the capacity assessments in the CIM Sector Plan, updated by the Strategic Assessment, represent the starting point for the determination of need for future capacity. The information in the Strategic Assessment will be a material consideration in the wholly exceptional circumstances where large scale energy from waste proposals of 10 MW or greater have, or may, come forward.

It is open to the applicant to make the argument regarding capacity for energy from waste. In making the argument the applicant may wish to consider the proximity principle, as described in PPW and TAN 21. In particular the overall balance of the relative difference in the number of vehicular trips where currently waste is exported from the site, to the potential future situation where on-site waste will be converted to energy, taking into account some waste material will be imported. The applicant would need to make a good case in relation to waste to be imported to the site.

The applicant may also wish to consider any net difference in carbon in the current way in which energy is generated to power existing operations, versus energy generation from CHP.

The detail of evidence required to demonstrate such arguments would likely become apparent through the EIA Scoping Consultation and Pre-Application Consultation exercises.

Within their covering letter the applicant has quoted the Inspector's Report for the Energy Recovery Facility (ERF) at Buttington Quarry (DNS/3214813). The Inspector's Report and Ministerial Decision for the Môr Hafren ERF (DNS/3236340) touches on similar issues and the applicant may wish to refer to that case as well. Both cases can be accessed via PEDW's planning casework portal:

- Buttington Quarry ERF – DNS 3214813:
<https://planningcasework.service.gov.wales/searchresults?q=3214813>
- Môr Hafren ERF – DNS 3236340:
<https://planningcasework.service.gov.wales/searchresults?q=3236340>

4. Status of the consented energy generating plant at Potters Yard, Welshpool

TAN 21 states that where planning permissions already exist in an area (region) they should be taken into account in determining the level of need for future capacity for energy recovery. It acknowledges that the significance which can be attached to proposed capacity in determining the level of need will vary depending on the likelihood of facilities being built.

TAN 21 further states that planning authorities should try to ascertain as far as possible the up to date position with regard to the prospects of existing planning permissions becoming operational facilities. PEDW therefore recommends the applicant liaises with Powys County Council on this matter. However, based on what the applicant has outlined regarding on site works and the age of the permission, it is not an unreasonable assumption that the scheme will not come forward in the near future.

5. Is it reasonable for the facility in Chirk to contribute to the established need for residual waste treatment capacity in Mid and Southwest Wales

The applicant highlights that although the Proposed Development is in the North Wales economic region, it is very close to the Mid and Southwest Wales economic region.

The moratorium does not preclude waste being brought in from other regions where the source is in 'close proximity'. It is therefore arguable that the Proposed Development could contribute to capacity in the Mid and Southwest Wales economic region. In making the argument, the

applicant may wish to consider the proximity principle, as described in PPW and TAN 21. TAN 21 states there are several reasons why it is important to manage waste close to where it arises, including the emissions associated with the transportation of waste.

6. The proposed scope and content of the DNS application

The requirements for a valid application are set out in Article 12 of the Developments of National Significance (Procedure) (Wales) Order 2016 (as amended). On the basis that this application does not involve Crown Land, mining operations or the use of land for mineral working deposits, and does not include an overhead electric line, the following documents are the statutory requirements.

All DNS Applications must include:

- Completed application form
- Copy of the acceptance of Notification issued on behalf of the Welsh Ministers
- Site location plan
- Any other plans, drawings and information necessary to describe the development which is the subject of the application
- Copy of land ownership certificates (Article 17)
- A Design and Access Statement (in line with Article 14)
- A Pre-Application Consultation Report (in line with Article 11)
- A written statement regarding obligations under S106 of The Town and Country Planning Act 1990 (as amended)

NB: All plans and drawings must be drawn to a scale identified by the applicant and all plans must show the direction of north.

As the development requires EIA, an Environmental Statement (ES) must also be submitted. PEDW notes the applicant's pre-application advice letter includes suggested topics for inclusion in the ES. Please note that this advice cannot pre-empt the outcome of the formal Scoping request submitted by the applicant under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (as amended) on 30 May 2024. Subject to the outcome of the Scoping Direction, further supporting technical / environmental documents may be required as part of the DNS Submission.

If the application involves Secondary Consents:

- A written statement outlining any secondary consents must accompany the application; there may also be additional validation requirements in respect of the Secondary Consent application, depending on the type. PEDW is working on updating its Secondary Consent guidance to address each type, but in the interim period applicants are free to raise case specific queries once they have identified what Secondary Consents they intend to seek.

It would assist in the Acceptance process and enable an effective examination if the application documents include an Index of submitted documents that specifies the version number and date of each document, which also helps to signpost where matters are addressed in the application documents. This could be updated as the examination progresses should any additional documents / updated versions be submitted.

- **Planning, Design and Access Statement**

Regarding the applicant's proposed Planning, Design and Access Statement, PEDW encourages the submission of a separate Planning Statement and Design and Access Statement for clarity purposes. If the applicant wishes to combine the documents, they need to be clearly partitioned and not interwoven into a single narrative. Cross referencing between the two statements is encouraged.

Regarding the Planning Statement, PEDW draws to the applicant's attention that paragraph 4 of the Minister's final decision for Môr Hafren Energy Recovery Facility (DNS/3236340) made it clear that National Policy Statements (NPSs) have no standing in relation to applications to Welsh Ministers under the Town and Country Planning Act 1990 (as amended). The territorial extent of NPSs designated under s.5 of the Planning Act 2008 (as amended) ("the Planning Act") extends only to Development Consent Orders in Wales, and its relevance in decision-making in Wales is confined to s.104 of the Planning Act.

- **Waste Planning Assessment**

TAN 21 states that applications for a waste facility classified as a disposal, recovery or recycling facility, should be accompanied by a Waste Planning Assessment, to enable proper consideration of the principles contained in the Technical Advice Note. The applicant's attention is drawn to TAN 21 for further detail on the information required as part of the Waste Planning Assessment.

- **Green Infrastructure Statement**

In accordance with paragraph 6.2.12 of PPW, all planning applications should be accompanied by a Green Infrastructure Statement.

- **Self-assessment - Well-being of Future Generations (Wales) Act 2015**

PEDW advises that, whilst it is not a statutory validation requirement, it may be helpful if the application is accompanied by a 'self-assessment' against the Ways of Working laid out in the Well-being of Future Generations (Wales) Act 2015.

7. Comments on initial design or location of Proposed Development

PEDW notes the Proposed Development is located within the grounds of the existing Kronospan facility. PEDW is not aware of the site context as it is not our practice to undertake a site visit at pre-application stage. The appointed Inspector would undertake a site visit as part of the examination stage.

Matters concerning the initial design or location of the Proposed Development will likely become apparent through the EIA Scoping Consultation exercise and will be included within PEDW's Scoping Direction. Furthermore, the applicant may wish to seek views on the proposed design from the [Design Commission for Wales](#).

8. Issues or concerns regarding the Proposed Development

PEDW has no further comment in relation to the Proposed Development as part of this pre-application advice request.