

Appendix 7A Planning Policy and Legislation Summary

Table of key planning policy, legislation and industry guidance considered in the preparation of this PEI Report.

Air Quality

Category/Title	Summary of Requirement
Planning Policy	Summary of Policy Requirement
Overarching National Planning Statement (NPS) for Energy EN-1 Section 5.2 Air quality and emissions	<p>The Environmental Statement (ES) should describe:</p> <ul style="list-style-type: none"> any significant air emissions, their mitigation and any residual effects distinguishing between the project stages and taking account of any significant emissions from any road traffic generated by the project; the predicted absolute emission levels of the proposed project, after mitigation methods have been applied; existing air quality levels and the relative change in air quality from existing levels; and any potential eutrophication impacts. <p>Air quality considerations will be given substantial weight where a project would lead to deterioration in air quality in an area, or leads to a new area where air quality breaches any national air quality limits. However air quality considerations will also be important where substantial changes in air quality levels are expected, even if this does not lead to any breaches of national air quality limits.</p> <p>Where a project is likely to lead to a breach of statutory air quality limits the developers should work with the relevant authorities to secure appropriate mitigation measures to allow the proposal to proceed.</p>
NPS EN-1 Section 5.6 Dust, odour, artificial light, smoke, steam and insect infestation	<p>The applicant should assess the potential for insect infestation and emissions of odour, dust, steam, smoke and artificial light to have a detrimental impact on amenity, as part of the Environmental Statement.</p>
NPS for Renewable Energy Infrastructure EN-3	<p>The EIA should include an assessment of the air emissions resulting from the proposed infrastructure and demonstrate compliance with the relevant regulations.</p> <p>The pollutants of concern arising from the combustion of waste and biomass include NO_x, SO_x, particulates and CO₂. In addition emissions of heavy metals, dioxins and furans are a consideration for waste combustion generating stations but limited by the Waste Incineration Directive (WID) and regulated by the Environment Agency (EA).</p> <p>Waste combustion generating station should meet the requirements of WID and will not exceed the local air quality standards</p> <p>Abatement technologies should be those set out in the relevant sector guidance notes as produced by the EA. The EA will determine if the technology selected for the waste/ biomass combustion generating station is considered Best Available Technique (BAT) and therefore the Planning Inspectorate (PINS) does not need to consider equipment selection in its determination process.</p> <p>The applicant should assess the potential for insect infestation and emissions of odour as set out</p>

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	<p>in EN-1 Section 5.6 with particular regard to the handling and storage of waste for fuel.</p> <p>Proposal should set out appropriate measures to minimise impacts on local amenity from odour, insect and vermin infestation. Reception, storage and handling of waste and residues should be carried out within defined areas, for example bunkers or silos, within enclosed buildings at Energy from Waste EfW generating stations. To minimise potential for infestation, the time between reception, processing and combustion of waste may be limited by consent requirements.</p>
National Planning Policy Framework (NPPF)	<p>New and existing development should not contribute to unacceptable levels of soil, air, water or noise pollution.</p> <p>The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account.</p> <p>New development in Air Quality Management Areas (AQMA) should be consistent with the local air quality action plan.</p>
Wakefield Metropolitan District Council (WMDC) Core Strategy (CS) Policy CS 10 Design, Safety and Environmental Quality	<p>New development should minimise the risk from all forms of pollution and contamination for existing and future occupants, the wider community and the environment, particularly within the defined AQMAs along the M1, M62 and A1 corridors and in the urban areas in the western and northern parts of the District.</p>
WMDC Development Plan (DP) Policy D20 Pollution Control	<p>Development proposals likely to cause pollution should demonstrate that measures can be implemented to minimise emissions to a satisfactory level that protects health, environmental quality and amenity.</p> <p>Proposals affecting an AQMA must be consistent with the aims and objectives of the Council's Air Quality Action Plan</p>
West Yorkshire Local Transport Plan 3	<p>Air quality is considered in the plan as one of the "Current Transport Issues for Quality of Life". The plan notes that emissions have reduced since 1990, but air quality does not meet European standards (for NO₂ and PM₁₀) in some parts of West Yorkshire.</p> <p>The plan proposes to address air quality issues in areas of poor air quality by considering proposals to mitigate and target AQMAs and through the development of an overarching Low Emission Strategy and also potentially through the use of Low Emission Zones.</p>
Legislation	Summary of Legislative Requirement
Air Quality Standards Regulations 2010	<p>The Regulation transposes the requirements of the European Ambient Air Quality Directive 2008 and the 2004 Fourth Air Quality Daughter Directive.</p> <p>The Regulations set air quality limits for a number of major air pollutants that impact public health, such as nitrogen dioxide (NO₂), sulphur dioxide (SO₂) and particulate matter, target values for other pollutants including cadmium, arsenic and nickel and critical levels for the</p>

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	protection of vegetation and ecosystems.
The Environment Act 1995	Requires the Government to produce a national air quality strategy (AQS), last reviewed in 2007, containing air quality objectives and timescales to meet the objectives. These objectives apply to outdoor locations where people are regularly present and do not apply to occupational, indoor or in-vehicle exposure. It requires Local Planning Authorities (LPAs) to undertake an assessment of local air quality to establish compliance or non-compliance with the objectives, and to designate AQMAs if improvements are necessary to meet the objectives.
The Environmental Permitting (England and Wales) (Amended) Regulations 2013 (EPR)	The Regulations transpose the requirement of the EU Industrial Emissions Directive (IED, 2010/75/EU) and are applicable to all new installations from January 2013. Under the IED and EPR, the operator of an installation is required to employ BAT to ensure a high level of protection of the environment as a whole. The BAT reference document (BREF) published for each industrial sector includes Achievable Emission Limit Values (AELVs) that are expected to be met with the application of BAT.
Waste Incineration Directive	The WID provides operational limits to which waste incineration plant must comply, including residence time and temperatures for incineration, and Emission Limit Values (ELVs) typically with a set averaging period (half-hour or daily average).
Industry Guidance	Summary of Guidance
Environment Agency Guidance Note H1	Provides guidance on the assessment of Best Available Techniques, primarily for the purposes of the Environmental Permitting system.
Defra guidance	Defra has published technical guidance to assist LPAs in fulfilling their duties (see paragraph 6.2.26) in relation to Local Air Quality Management. Parts of this guidance, and associated tools, are also useful in assessing the impacts of individual developments within the planning process.

Archaeology and Cultural Heritage

Category/Title	Summary of Requirement
Planning Policy	Summary of Policy Requirement
NPS EN-1 Section 5.8 Historic Environment	The ES should provide a description of the significance of the heritage assets affected by the proposed development and the contribution of their setting to that significance. The applicant should have consulted the relevant Historic Environment Record and assessed the heritage assets themselves using expertise where necessary according to the proposed development's impact. Where a development site includes or has the potential to include heritage assets with an archaeological interest, the applicant should carry out appropriate desk-based assessment and, where such desk-based research is insufficient to properly assess the interest, a field evaluation. Where proposed development will affect the setting of a heritage asset, representative visualisations may be necessary to explain the impact. There should be a presumption in favour of the conservation of designated heritage assets and

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	the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development, recognising that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss. Where the application will lead to substantial harm to or total loss of significance of a designated heritage asset PINS should refuse consent unless it can be demonstrated that the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that loss or harm.
NPPF Section 12 Conserving and enhancing the historic environment	Proposals should describe the significance of any heritage assets affected, including any contribution made by their setting. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Development should not lead to substantial harm to or total loss of significance of a designated heritage asset, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: <ul style="list-style-type: none"> the nature of the heritage asset prevents all reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
WMDC CS Policy CS 10 Design, Safety and Environmental Quality	New development should protect and enhance the District's historic assets particularly Scheduled Ancient Monuments, Conservation Areas, historic buildings, archaeological remains and historic landscapes
WMDC DP Policy D17 Development Affecting Archaeological Sites	Development affecting a Class I or Class II archaeological site will only be permitted if there are exceptional circumstances of over-riding public interest and suitable protective and mitigation measures can be implemented to safeguard the archaeological value of the site. Development affecting a Class III site will only be permitted where a) the remains will be preserved in situ, b) or if not feasible appropriate provision made for the excavation and recording before and/or during development and for the post-excavation analysis, publication, and archive deposition of any findings. Where development proposals affect sites of known or potential archaeological interest, an

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	appropriate archaeological assessment and evaluation will be require to be submitted as part of the planning application.
WMDC DP Policy D18 Development Affecting Historic Locations	Development within or likely to affect the District's Historic Parks and Gardens, Historic Landscapes, Conservation Areas and Sites of Historic Battles only permitted where there is no adverse impact on open spaces, views, landmarks and landscape, the character of any buildings or structures, and the preservation of features of architectural, archaeological and historic interest. Plan should clearly illustrate the impact of the proposal on any features of architectural, archaeological and historic interest of the area
WMDC DP Policy D19 Development affecting Buildings of Local Interest	Development should not affect the character, appearance and setting of a building of local interest.
WMDC Site Specific Policies Local Plan (SSLP) EZ18 Power Generation Employment Zone	As the site coincides with an area of high archaeological potential, a desk-based archaeological assessment will be required, but if this cannot assess the interest a field evaluation will be required.
Legislation	Summary of Legislative Requirement
The Ancient Monuments and Archaeological Areas Act 1979	The Act sets out the requirement for Scheduled Ancient Monument Consent for any works of demolition, repair, and alteration that might affect a Scheduled Ancient Monument. For archaeological sites that are not covered by the above Act, protection is afforded through development control, the Town and Country Planning Act 1990 and the NPPF.
The Planning (Listed Buildings and Conservation Areas) Act 1990	The Act imposes a duty on the Secretary of State to compile lists of buildings of special architectural or historic interest. Section 7 of the Act requires applicants to obtain consent for the demolition of a listed building or for works of alteration or extension, which would affect its character as a listed building. In consideration of proposals within the setting of listed buildings, the Act establishes a requirement to have special regard to the desirability of preserving that setting.

Ecology

Category/Title	Summary of Requirement
Planning Policy	Summary of Policy Requirement

Category/Title	Summary of Requirement
NPS EN-1 Section 5.3 Biodiversity and geological conservation	<p>The ES should sets out any effects on internationally, nationally and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity.</p> <p>The ES should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.</p> <p>Where a proposed development on land within or outside a Site of Special Scientific Interest (SSSI) is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), development consent should not normally be granted. Where an adverse effect, after mitigation, on the site's notified special interest features is likely, an exception should only be made where the benefits (including need) of the development at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs.</p> <p>Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Sites, have a fundamental role to play in meeting overall national biodiversity targets; contributing to the quality of life and the well-being of the community; and in supporting research and education. PINS should give due consideration to such regional or local designations. However, given the need for new infrastructure, these designations should not be used in themselves to refuse development consent.</p> <p>Other species and habitats have been identified as being of principal importance for the conservation of biodiversity in England and Wales and thereby requiring conservation action. The IPC should ensure that these species and habitats are protected from the adverse effects of development by using requirements or planning obligations. PINS should refuse consent where harm to the habitats or species and their habitats would result, unless the benefits (including need) of the development outweigh that harm. In this context the IPC should give substantial weight to any such harm to the detriment of biodiversity features of national or regional importance which it considers may result from a proposed development.</p> <p>The applicant should include appropriate mitigation measures as an integral part of the proposed development. In particular, the applicant should demonstrate that:</p> <ul style="list-style-type: none"> during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works; during construction and operation best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements; habitats will, where practicable, be restored after construction works have finished; and opportunities will be taken to enhance existing habitats and, where practicable, to create new habitats of value within the site landscaping proposals.
NPPF Section 11 Conserving and enhancing the natural environment	<ul style="list-style-type: none"> Proposed development on land within or outside a SSSI likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest; opportunities to incorporate biodiversity in and around developments should be encouraged; and planning permission should be refused for development resulting in the loss or deterioration of

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	irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
WMDC CS Policy CS 10 Design, Safety and Environmental Quality	New Development should protect and enhance the District's biological and geological diversity and green infrastructure including the need to increase tree cover across the district, safeguard designated sites of international, national, regional and local importance, ancient woodland and other ecological assets, including priority habitats and species;
WMDC DP Policy D4 Sites Designated for Biological or Geological Conservation	<p>An ecological assessment will be required for development affecting any designated site or any species of principal importance for conservation.</p> <p>Development that is likely to have either a direct or indirect adverse effect on a nationally designated site will only be permitted if it can clearly be demonstrated that exceptional reasons of public interest for development clearly outweigh any impact on its features of ecological importance and on the national network of designated sites. The development must further the conservation and enhancement of the site.</p> <p>Development that is likely to have either a direct or indirect adverse affect on a regional or locally designated site will only be permitted if it can clearly be demonstrated that:</p> <ol style="list-style-type: none"> development cannot reasonably be located on an alternative site; reasons of public interest for development clearly outweigh its features of ecological importance; and the need for development clearly outweighs any harm which may be caused to the ecological or geological conservation value of the site; and harm can be reduced to acceptable limits; and positive environmental mitigation measures can be implemented either on site or in a suitable alternative location <p>Where development is permitted the Council will require developers to minimise disturbance, protect and enhance the site's ecological value, ensure appropriate management, ensure appropriate mitigation measures are designed into the proposal and work on the site does not commence until these measure are in place, work to approved methods and create new or replacement habitats equal to or above the current ecological value of the site if damage or loss is unavoidable.</p>
WMDC DP Policy D5 Ecological Protection of Watercourses and Water Bodies	Development on or adjacent to watercourses and water bodies will not be permitted unless it can clearly be demonstrated that there will be no significant harm to any ecological features. Where development is permitted proposals shall include environmentally sensitive engineering methods appropriate wetland features and landscaping and appropriate management schemes for the planning and use of areas of water.

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WMDC DP Policy D6 Wildlife Habitat Network	<p>Development that would adversely affect the integrity and value of the Wildlife Habitat Network across the district or the movement of flora and/or fauna species will only be permitted if it can be demonstrated that reasons of public interest for the development clearly outweigh any significant harm. Proposals for development shall make provision for the retention of the network and protection of its wildlife links and ecological conservation value. Where development is permitted the Council will require developers to:</p> <ol style="list-style-type: none"> minimise disturbance; protect and enhance the site's ecological conservation value; contribute towards the objectives of the Wakefield District Bio-diversity Action Plan; ensure appropriate management; and create new or replacement habitats equal to or above the current ecological value of the site if damage or loss is unavoidable.
WMDC DP Policy D7 Protection of Trees and Woodland	Development that would damage or result in the loss of trees, particularly veteran trees, areas of woodland or hedgerows, will only be permitted if it can clearly be demonstrated that development cannot reasonably be redesigned or located on an alternative site, and the need for development clearly outweighs any harm to the ecological value and landscape quality of the area, and harm can be reduced to acceptable limits through the implementation of positive environmental mitigation measures either on site or in a suitable alternative location.
WMDC DP Policy D9 Design of New Development	Proposals shall retain, and where appropriate enhance important ecological and landscape features.
WMDC DP Policy D12 Landscape Design	<p>Development proposals shall:</p> <ol style="list-style-type: none"> conserve and integrate existing natural features; create areas of valuable habitat for wildlife by additional planting of native species rather than by using purely decorative planting;
WMDC SSP EZ18 – Power Generation Employment Zone	<p>Future development proposals must recognise, conserve and enhance the Fryston Park Wood Local Wildlife Site, which is situated in this zone.</p> <p>The site has potential ecological value and an ecological survey is required.</p>
Wakefield Biodiversity Action Plan (BAP)	The Wakefield Local BAP identifies key local species and habitats that are considered to be rare or threatened and that are given consideration when reviewing planning applications.
Legislation	Summary of Legislative Requirement

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Conservation of Habitats and Species Regulations 2010 (as amended)	<p>The Conservation of Habitats and Species Regulations 2010 consolidate all the various amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994 in respect of England and Wales. The 1994 Regulations transposed Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive) into national law.</p> <p>The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.</p> <p>Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive.</p> <p>The main aim of the Habitats Directive is to promote the maintenance of biodiversity by requiring Member States to take measures to maintain or restore natural habitats and wild species listed on the Annexes to the Directive at a favourable conservation status, introducing robust protection for those habitats and species of European importance. In applying these measures Member States are required to take account of economic, social and cultural requirements, as well as regional and local characteristics.</p> <p>The provisions of the Directive require Member States to introduce a range of measures, including:</p> <ul style="list-style-type: none"> Maintain or restore European protected habitats and species listed in the Annexes at a favourable conservation status as defined in Articles 1 and 2; Contribute to a coherent European ecological network of protected sites by designating Special Areas of Conservation (SACs) for habitats listed on Annex I and for species listed on Annex II. These measures are also to be applied to Special Protection Areas (SPAs) classified under Article 4 of the Birds Directive. Together SACs and SPAs make up the Natura 2000 network (Article 3); Ensure conservation measures are in place to appropriately manage SACs and ensure appropriate assessment of plans and projects likely to have a significant effect on the integrity of an SAC. Projects may still be permitted if there are no alternatives, and there are imperative reasons of overriding public interest. In such cases compensatory measures are necessary to ensure the overall coherence of the Natura 2000 network (Article 6); Member States shall also endeavour to encourage the management of features of the landscape that support the Natura 2000 network (Articles 3 and 10); Undertake surveillance of habitats and species (Article 11), Ensure strict protection of species listed on Annex IV (Article 12 for animals and Article 13 for plants). Report on the implementation of the Directive every six years (Article 17), including assessment of the conservation status of species and habitats listed on the Annexes to the Directive.
Wildlife and Countryside Act (WCA) 1981 (as amended)	<p>The WCA is the principle piece of UK legislation dealing with to the conservation of wildlife and habitats. It consolidates and amends existing national legislation and incorporates the requirements of the Habitats and Birds Directives.</p> <p>The Act makes it an offence to intentionally or recklessly:</p> <ul style="list-style-type: none"> kill, injure, or take any wild bird; take, damage or destroy the nest or egg of any wild bird. <p>The Act sets out within its Schedules those species which receive protection under the law including:</p>

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	<ul style="list-style-type: none"> Schedule 1 birds which are protected from intentional or reckless disturbance while at or near the nest or whilst attempting to nest; Schedule 5 animals are protected from intentional or reckless killing, injury or being taken and interference of their places of shelter or protection is prohibited; Schedule 8 sets out those species of plant it is an offence to intentionally or recklessly pick, uproot or destroy. <p>The Act also sets out measures to prevent the intentional or reckless release, spread and establishment of invasive and non-native species of flora and fauna, listed in Schedule 9.</p>
Countryside and Rights of Way (CROW) Act 2000	<p>The CROW Act 2000 places a duty on Government Departments to have regard for the conservation of biodiversity and maintain lists of habitats and species which require efforts for their conservation.</p> <p>Schedule 9 of the Act amends some of the provisions of the WCA for changing, protecting and managing SSSIs including a duty of public bodies to further conserve and enhance SSSIs and increase penalties where provisions are breached or third parties damage SSSIs.</p> <p>Schedule 12 of the Act strengthens legal protection for threatened species and makes certain offences 'arrestable' and creates a new offence of reckless disturbance.</p>
Natural Environment and Rural Communities (NERC) Act 2006	<p>Section 41 (S41) of the Act required the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. This list was based on the now withdrawn UK BAP and was drawn up in consultation with Natural England, as required by the Act.</p> <p>The S41 list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the NERC Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions. The NERC Act S41 list (though the preceding UKBAP) has informed the Wakefield Local BAP, along with other locally important habitats and species.</p>
The Protection of Badgers Act 1992	<p>The Protection of Badgers Act makes it an offence to take, injure, kill, treat cruelly, sell, possess or mark a badger, or interfere with its sett.</p>
The Hedgerow Regulations 1997	<p>The Hedgerow Regulations make it an offence to remove or destroy certain hedges with LPA permission.</p> <p>The Regulations set out the criteria for designating 'important' hedgerows based on series of physical and botanical characteristics.</p>

Ground Conditions

Category/Title	Summary of Requirement
Planning Policy	Summary of Policy Requirement
NPS EN-1 Section 5.10 Land use including open space, green infrastructure and Green Belt	For developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination.
NPPF	Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. The site should be suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
WMDC DP Policy D21 Protection from Hazardous Operations	Development proposals which involve either notifiable quantities of hazardous substances or which are in the vicinity of notified sites or other known hazards, or sensitive development which is likely to be exposed to hazardous processes or other potentially hazardous activities will only be permitted if it can be demonstrated that measures can be implemented to protect public health and safety.
WMDC DP Policy D22 Contaminated Land	Development on or adjacent to land where there are adverse ground conditions will only be permitted if it has been adequately demonstrated that these conditions have been properly identified and safely treated. Proposals for development should include a desk study of the previous uses of the site identifying possible ground contamination. Where contamination has been identified or is strongly suspected, a full site investigation shall be submitted with the planning application. This investigation shall clearly identify the contamination, assess the risks to human health and controlled waters, and propose remediation requirements where necessary.

Water Resources and Flood Risk

Category/Title	Summary of Requirement
Planning Policy	Summary of Policy Requirement
NPS EN-1 Section 5.7 Flood risk	Projects of 1 hectare or greater in Flood Zone 1 in England or Zone A in Wales and all proposals for energy projects located in Flood Zones 2 and 3 in England or Zones B and C in Wales should be accompanied by a Flood Risk Assessment (FRA). The minimum requirements for FRAs are that they should:

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	<ul style="list-style-type: none"> be proportionate to the risk and appropriate to the scale, nature and location of the project; consider the risk of flooding arising from the project in addition to the risk of flooding to the project; take the impacts of climate change into account, clearly stating the development lifetime over which the assessment has been made; be undertaken by competent people, as early as possible in the process of preparing the proposal; consider both the potential adverse and beneficial effects of flood risk management infrastructure, including raised defences, flow channels, flood storage areas and other artificial features, together with the consequences of their failure; consider the vulnerability of those using the site, including arrangements for safe access; consider and quantify the different types of flooding (whether from natural and human sources and including joint and cumulative effects) and identify flood risk reduction measures, so that assessments are fit for the purpose of the decisions being made; consider the effects of a range of flooding events including extreme events on people, property, the natural and historic environment and river and coastal processes; include the assessment of the remaining (known as 'residual') risk after risk reduction measures have been taken into account and demonstrate that this is acceptable for the particular project; consider how the ability of water to soak into the ground may change with development, along with how the proposed layout of the project may affect drainage systems; consider if there is a need to be safe and remain operational during a worst case flood event over the development's lifetime; and be supported by appropriate data and information, including historical information on previous events. <p>In determining an application for development consent, PINS should be satisfied that where relevant:</p> <ul style="list-style-type: none"> the application is supported by an appropriate FRA; the Sequential Test has been applied as part of site selection; a sequential approach has been applied at the site level to minimise risk by directing the most vulnerable uses to areas of lowest flood risk; the proposal is in line with any relevant national and local flood risk management strategy; priority has been given to the use of sustainable drainage systems (SuDs) and in flood risk areas the project is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed over the lifetime of the development.
NPS EN-1 Section 5.15 Water quality and resources	Where the project is likely to have effects on the water environment, the applicant should undertake an assessment of the existing status of, and impacts of the proposed project on, water quality, water resources and physical characteristics of the water environment as part of the ES or equivalent. The ES should in particular describe: <ul style="list-style-type: none"> the existing quality of waters affected by the proposed project and the impacts of the proposed project on water quality, noting any relevant existing discharges, proposed new discharges and proposed changes to discharges;

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	<ul style="list-style-type: none"> existing water resources affected by the proposed project and the impacts of the proposed project on water resources, noting any relevant existing abstraction rates, proposed new abstraction rates and proposed changes to abstraction rates (including any impact on or use of mains supplies and reference to Catchment Abstraction Management Strategies); existing physical characteristics of the water environment (including quantity and dynamics of flow) affected by the proposed project and any impact of physical modifications to these characteristics; and any impacts of the proposed project on water bodies or protected areas under the Water Framework Directive and source protection zones (SPZs) around potable groundwater abstractions.
NPS EN-3	<p>Where the project is likely to have effects on water quality or resources the applicant should undertake an assessment which should particularly demonstrate that appropriate measures will be put in place to avoid or minimise adverse impacts of abstraction and discharge of cooling water.</p> <p>The applicant should demonstrate measures to minimise adverse impacts on water quality and resources.</p> <p>Design of the cooling system should include intake and outfall locations that avoid or minimise adverse impacts. There should also be specific measures to minimise fish impingement and/or entrainment and the discharge of excessive heat to receiving waters.</p>
NPPF Section 10 Meeting the challenge of climate change, flooding and coastal change	<p>Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.</p> <p>Flood risk will be managed by applying the Sequential Test and if necessary the Exception Test. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.</p> <p>For the Exception Test to be passed:</p> <ul style="list-style-type: none"> it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
WMDC CS Policy CS 1 Location of Development	<p>The sequential and exceptions tests of PPS25 will be applied to direct development to areas at the lowest probability of flooding, taking account of the vulnerability of the type of development proposed, its contribution to creating sustainable communities and achieving the sustainable development objectives of the plan.</p>
WMDC CS Policy CS 13 Mitigating and Adapting to Climate Change & Efficient	<p>Climate Change mitigation/adaptation measures will be implemented by avoiding unacceptable levels of flood risk, the prudent and efficient use of natural resources including water and proactively managing surface water through the promotion of sustainable drainage techniques and positive land management.</p>

Category/Title	Summary of Requirement
Use of Resources	
WMDC DP Policy D24 Flood Risk	<p>The Council's Strategic Flood Risk Assessment will be used to inform the Sequential Test and, where development can only be situated in flood risk areas, it must have wider sustainability benefits that outweigh the flood risk, and should reduce flood risk overall.</p> <p>Development in Flood Zone 2 and 3 must provide evidence of the Sequential Test.</p> <p>An appropriate flood risk assessment will be required for proposals in Flood Zone 2 (medium probability) following successful completion of the Sequential Test;</p> <p>Applicants must demonstrate that developments can be considered safe over their predicted lifetime, and that they will not increase flooding elsewhere.</p> <p>Measures to mitigate the risk of flooding and to manage any residual flood risk must be provided as part of the development and provision must be made for their future maintenance.</p>
WMDC DP Policy D25 Drainage	<p>Surface water from new developments must be managed using sustainable drainage techniques unless it can be demonstrated that they are not technically feasible.</p> <p>Development will only be permitted if infrastructure required to service the development is available or the provision of infrastructure can be co-ordinated to meet the demand generated by the new development.</p>
WMDC SSLP EZ18 Power Generation Employment Zone	<p>Development must take full account of the parts of the site affected by flood zones. In accordance with planning policy proposals for power stations and grid and primary substations must pass the exception and sequential tests and be appropriately designed within flood zones areas.</p>
Pollution Prevention Guidance (PPG) 1	<p>General Guide to the Prevention of Pollution, provides an introduction to the prevention of pollution from a variety of sources.</p>
PPG 2	<p>Above Ground Oil Storage Tanks offers advice on storage options, equipment and its maintenance and how to deal with spills.</p>
PPG 3	<p>Use and Design of Oil Separators in Surface Water Drainage Systems, provides guidance on when oil separators are appropriate and what size and type of separator are required.</p>
PPG 4	<p>Disposal of Sewage where no Mains Drainage is available, offers advice if connection to the local sewage network is not possible and offers guidance on alternative means of wastewater disposal.</p>
PPG 5	<p>Works in, near or liable to affect watercourses provides guidance on general precautions to take when working in the vicinity of a watercourse, along with more specific measures to take to prevent contamination and to minimise any impacts.</p>
PPG 6	<p>Working at construction or demolition sites repeats much of what PPG5 presents but concentrates specifically on the situations likely to occur at demolition and construction sites.</p>
PPG 7	<p>Refuelling Activities, provides information on the correct delivery, storage and dispensing of fuel to help reduce the risk of pollution.</p>

Category/Title	Summary of Requirement
PPG 21	Pollution Incident Response Planning, contains advice for those developing site specific pollution incident response plans to help prevent and mitigate damage to the environment caused by accidents such as spillage and fire.
CIRIA publication C532	Control of Water Pollution from Construction Sites: Guidance for Consultants and Contractors brings together the above but goes into much more detail with regard to sources of water on construction sites, pollutants and pathways in addition to providing guidance on planning for the type and location of suitable control measures.
CIRIA publication C697	The SUDS Manual provides best practice guidance on the planning, design, construction, operation and maintenance of SUDS to facilitate their effective implementation within developments. This supersedes a number of guidance notes including C521.
Legislation	Summary of Legislative Requirement
Groundwater Directive 80/68/EEC	To protect groundwater against pollution by 'List 1 and 2' Dangerous Substances.
Environmental Protection Act 1990	Integrated Pollution Control (IPC) system for emissions to air, land and water.
Water Resources Act 1991	Protection of the quantity and quality of water resources and aquatic habitats. Parts have been amended by the Water Act 2003.
Habitats Directive 92/44/EEC	To conserve the natural habitats and to conserve wild fauna and flora with the main aim to promote the maintenance of biodiversity taking account of social, economic, cultural and regional requirements. In relation to abstractions and discharges, can require changes to these through the Review of Consents (RoC) process if they are impacting on designated European Sites.
Environment Act 1995	Sets out the role and responsibility of the Environment Agency.
Pollution Prevention and Control Act (PPCA) 1999	Implements the Integrated Pollution Prevention and Control (IPPC) Directive. Replaces the IPC system with a Pollution Prevention and Control (PPC) system, which is similar but applies to a wider range of installations.
Water Framework Directive (WFD) 2000/60/EC (Implemented through The Water Environment (Water Framework Directive)(England and Wales) Regulations 2003)	<p>The WFD was passed into UK law in 2003. The overall requirement of the Directive is that all river basins must achieve 'good ecological status' by 2015, or by 2027 if there are grounds for derogation. The WFD, for the first time, combines water quantity and water quality issues together. An integrated approach to the management of all freshwater bodies, groundwater, estuaries and coastal waters at the river basin level has been adopted. It effectively supersedes all water related legislation which drives the existing licensing and consenting framework in the UK.</p> <p>The Environment Agency is the body responsible for the implementation of the WFD in the UK. The Environment Agency have been supported by UKTAG, an advisory body which has proposed water quality, ecology, water abstraction and river flow standards to be adopted in order to ensure that water bodies in the UK (including groundwater) meet the required status. These have recently been finalised and issued within the River Basin Management Plans</p>

Category/Title	Summary of Requirement
	(RBMP).
Water Act 2003	Implements changes to the water abstraction management system and to regulatory arrangements to make water use more sustainable.

Transport and Access

Category/Title	Summary of Requirement
Planning Policy	Summary of Policy Requirement
NPS EN-1 Section 5.13 Traffic and transport	<p>The applicant's ES should include a transport assessment, using the New Approach to Appraisal (NATA)/WebTAG methodology stipulated in Department for Transport guidance, or any successor to such methodology. Applicants should consult the Highways Agency and Highways Authorities as appropriate on the assessment and mitigation.</p> <p>Where appropriate, the applicant should prepare a travel plan including demand management measures to mitigate transport impacts. The applicant should also provide details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal and to mitigate transport impacts.</p> <p>The applicant should seek to mitigate impacts on the surrounding transport infrastructure including during the construction phase of the development.</p> <p>Where mitigation is needed, possible demand management measures must be considered and if feasible and operationally reasonable, required, before considering requirements for the provision of new inland transport infrastructure to deal with remaining transport impacts.</p> <p>Water-borne or rail transport is preferred over road transport at all stages of the project, where cost-effective.</p>
NPPF Section 4 Promoting sustainable transport	<p>All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:</p> <ul style="list-style-type: none"> the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. <p>All developments which generate significant amounts of movement should be required to provide a Travel Plan.</p>
NPPF Section 8 Promoting healthy communities	Planning policies should protect and enhance public rights of way and access.

Category/Title	Summary of Requirement
WMDC CS Policy CS 4 Sustainable Transport	<p>Development will be located where:</p> <p>a. it can be served by alternative modes of transport other than the car, such as public transport, walking and cycling;</p> <p>b. the traffic generated can be accommodated by existing or known improvements to highways and where it will not create or add to problems of safety, congestion or damage to the environment;</p> <p>d. it makes best use of existing transport networks and has regard to future transport investment proposals, so as to enhance the viability of public transport services,</p> <p>e. it will improve accessibility to jobs and services for those without access to a car and those from disadvantaged groups and areas.</p>
WMDC CS Policy CS 8 The Local Economy	On sites which are accessible by rail and/or waterways, developers should make full use of these forms of transport.
WMDC CS Policy CS 9 Transport Network	<p>Efficient access for goods and services is a key factor in supporting the vitality of urban areas. In order to achieve a balanced and integrated transport network which makes the most efficient and effective use of road, rail and water transport, consistent with the priorities identified in the Regional Spatial Strategy and Local Transport Plan.</p> <p>Developments that generate large volumes of freight traffic or involve the transport of bulk materials will include, or be located close to, inter-modal transfer facilities, rail freight facilities or wharves and make use of rail or water for freight movements, wherever practical.</p>
WMDC CS Policy CS 14 Influencing the Demand for Travel	The Council will be limiting the amount of car parking in new development through the application of maximum parking standards, particularly in urban areas with higher levels of accessibility by public transport.
WMDC DP Policy D9 Design of New Development	Proposals should incorporate arrangements for access of vehicles, pedestrians and cyclists.
WMDC DP Policy D14 Access and Highway Safety	<p>Development proposals shall demonstrate that they can be accessed conveniently and safely and by modes of transport other than the car. In particular proposals shall ensure the safe and free flow of traffic within the development and on the surrounding highway network be supported by travel plans which encourage the use of public transport, cycling and walking, where appropriate;</p> <p>c. allow access and penetration by public transport, where appropriate;</p> <p>d. provide pedestrian and cycling connections within the site and to its surroundings, including linking into existing and proposed pedestrian and cycling routes where appropriate, and ensuring these can be accessed easily and safely by all sections of the community;</p>

Category/Title	Summary of Requirement
	<p>e. include provision for safe cycle storage;</p> <p>f. provide a level of parking provision appropriate to the proposal and its location (applying the agreed maximum standards set out in current guidance), ensuring that such provision is located in safe and accessible locations, paying particular attention to the needs of wheelchair/pram users which should be located close to entrances;</p> <p>g. take into account changes in site levels to ensure the development can be accessed easily and safely by all sections of the community and by different modes of transport;</p> <p>h. take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely; and</p> <p>i. take into account access for emergency, service and refuse collection vehicles.</p>
WMDC SSLP EZ18 Power Generation Employment Zone	This is a large site that will have a significant impact on public transport and will need to be looked at in more detail for, example regarding re-routing services or providing contributions to new services.
West Yorkshire Local Transport Plan 2011-2026 (LTP)	The strategy includes Strategic Proposals to support the efficient and sustainable movement of freight; to improve safety and security, seeking to minimise transport casualties; to develop networks and facilities to encourage cycling and walking and; ensuring that development is concentrated in sustainable, accessible and safe locations and delivered in a way that encourages sustainable travel choices to be made.

Noise and Vibration

Category/Title	Summary of Requirement
Planning Policy	Summary of Policy Requirement
NPS EN-1 Section 5.11 Noise and vibration	<p>The applicant should include the following in the noise assessment:</p> <ul style="list-style-type: none"> a description of the noise generating aspects of the development proposal leading to noise impacts, including the identification of any distinctive tonal, impulsive or low frequency characteristics of the noise; identification of noise sensitive premises and noise sensitive areas that may be affected; the characteristics of the existing noise environment; a prediction of how the noise environment will change with the proposed development; in the shorter term such as during the construction period; and in the longer term during the operating life of the infrastructure. <p>The project should demonstrate good design through selection of the quietest cost-effective plant available; containment of noise within buildings wherever possible; optimisation of plant layout to minimise noise emissions; and, where possible, the use of landscaping, bunds or noise barriers to</p>

Category/Title	Summary of Requirement
	<p>reduce noise transmission.</p> <p>Proposals must satisfy the following aims:</p> <ul style="list-style-type: none"> • avoid significant adverse impacts on health and quality of life from noise; • mitigate and minimise other adverse impacts on health and quality of life from noise; and • where possible, contribute to improvements to health and quality of life through the effective management and control of noise. • Mitigation measures may include one or more of the following: <ul style="list-style-type: none"> • engineering: reduction of noise at point of generation and containment of noise generated; • lay-out: adequate distance between source and noise-sensitive receptors; incorporating good design to minimise noise transmission through screening by natural barriers, or other buildings; and • administrative: restricting activities allowed on the site; specifying acceptable noise limits; and taking into account seasonality of wildlife in nearby designated sites.
NPS EN-3	<p>The ES should include a noise assessment of the impacts on amenity in case of excessive noise from the project</p> <p>The applicant should demonstrate that noise and vibration will be adequately mitigated through requirements attached to the consent.</p> <p>The primary mitigation for noise for biomass and EfW generating stations is through good design to enclose plant and machinery in noise-reducing buildings, wherever possible, and to minimise the potential for operations to create noise. Noise from gas turbines should be mitigated by attenuation of exhausts to reduce any risk of low-frequency noise transmission.</p> <p>Noise from features including sorting and transport of material during and apparatus external to the main generating station may be unavoidable. This can be mitigated through careful plant selection.</p>
NPPF	<p>Planning decisions should aim to:</p> <ul style="list-style-type: none"> • avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; • mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; • recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.
Legislation	Summary of Legislative Requirement
The Environmental Permitting Regulations 2010	<p>The EPR require the application of BAT to activities performed within installations regulated by the legislation in order to manage the impact of these operations on the surrounding environment.</p> <p>In terms of noise specifically, the selection of BAT will have to be considered and balanced with releases to different environmental media (air, land and water) and to give due consideration to issues such as usage of energy and raw materials. Noise, therefore, cannot be considered in isolation from other impacts on the environment.</p>
WMDC DP	Development proposals that are likely to cause pollution or are likely to be exposed to potential sources of pollution will only be permitted if it can be demonstrated that measures can be

Category/Title	Summary of Requirement
Policy D20	implemented to minimise emissions to a satisfactory level that protects health, environmental quality and amenity.
The Control of Pollution Act 1974 (CoPA)	CoPA requires that 'Best Practicable Means' (as defined in Section 72 of the CoPA) be adopted for construction noise on any given site. CoPA makes reference to British Standard (BS) 5228 as best practicable means.
Industry Guidance	Summary of Guidance
Environmental Advisory Leaflet 72	Currently there are no notional standards or guidelines that provide noise limits for construction sites. The Environmental Advisory Leaflet 72 'Noise Control on Building Sites' (AL72), published in 1976, provides some guidance on acceptable construction noise levels.
Calculation of Road Traffic Noise (CRTN) (1998)	Describes procedures for traffic noise calculation, and is suitable for environmental assessments of schemes where road traffic noise may have an impact.
Design Manual for Road and Bridges (DMRB)	Volume 11 Section 3 Part 7-Traffic Noise and Vibration' provides guidance on the appropriate level of assessment to be used when assessing the noise and vibration impacts arising from all road projects, including new construction, improvements and maintenance.
BS 6472-1	Guide to evaluation of human exposure to vibration in buildings Part 1: Vibration sources other than blasting'. The guidance presents recommended frequency weighted vibration spectra (for continuous vibration) and vibration dose values (VDV) (for intermittent vibration) above which adverse comment is likely to occur in residential and commercial properties.
BS 5228	'Noise and Vibration Control on Construction and Open sites'. The Guidance provides a 'best practice' guide for noise and vibration control, and includes sound power level data for individual plant as well as a calculation method for noise from construction activities. Example criteria for the assessment of the significance of noise effects are also provided.
BS 7385	'Evaluation and measurement for vibration in buildings'. The guidance presents guide values or limits for transient vibration, above which there is a likelihood of cosmetic damage.
BS 4142	'Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas'. The guidance can be used for assessing the impact of noise from mechanical services plant. The method compares the 'rating level' of the new noise, with the 'background level' at the receptor position.

Socio-Economics

Category/Title	Summary of Requirement
Planning Policy	Summary of Policy Requirement
NPS EN-1	The assessment should consider all relevant socio-economic impacts, which may include:

Category/Title	Summary of Requirement
Section 5.12 Socio-economic	<ul style="list-style-type: none"> the creation of jobs and training opportunities; the provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities; effects on tourism; the impact of a changing influx of workers during the different construction, operation and decommissioning phases of the energy infrastructure. This could change the local population dynamics and could alter the demand for services and facilities in the settlements nearest to the construction work (including community facilities and physical infrastructure such as energy, water, transport and waste). There could also be effects on social cohesion depending on how populations and service provision change as a result of the development; and cumulative effects – if development consent were to be granted to for a number of projects within a region and these were developed in a similar timeframe, there could be some short-term negative effects, for example a potential shortage of construction workers to meet the needs of other industries and major projects within the region. <p>Applicants should describe the existing socio-economic conditions in the areas surrounding the proposed development and should also refer to how the development's socio-economic impacts correlate with local planning policies.</p> <p>Socio-economic impacts may be linked to other impacts, for example the visual impact of a development.</p> <p>Potential socio-economic impacts of new energy infrastructure identified by the applicant and from any other sources will be both relevant and important to the decision.</p> <p>PINS will consider any relevant positive provisions the developer has made or is proposing to make to mitigate impacts (for example through planning obligations) and any legacy benefits that may arise as well as any options for phasing development in relation to the socio-economic impacts.</p>
NPS EN-1 Section 5.10 Land use including open space, green infrastructure and Green Belt	<p>The ES should identify existing and proposed land uses near the project, any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing. Applicants should also assess any effects of precluding a new development or use proposed in the development plan.</p> <p>Applicants will need to consult the local community on their proposals to build on open space, sports or recreational buildings and land. Taking account of the consultations, applicants should consider providing new or additional open space including green infrastructure, sport or recreation facilities, to substitute for any losses as a result of their proposal. Applicants should use any up-to-date LPA assessment or, if there is none, provide an independent assessment to show whether the existing open space, sports and recreational buildings and land is surplus to requirements.</p> <p>During any pre-application discussions with the applicant the LPA should identify any concerns it has about the impacts of the application on land use, having regard to the development plan and relevant applications and including, where relevant, whether it agrees with any independent assessment that the land is surplus to requirements.</p>
NPPF Achieving sustainable development	<p>The planning system has:</p> <ul style="list-style-type: none"> an economic role by contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

Category/Title	Summary of Requirement
Core planning principles 1. Building a strong, competitive economy 3. Supporting a prosperous rural economy	<ul style="list-style-type: none"> a social role by supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. <p>Planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.</p> <p>The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.</p> <p>The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.</p> <p>Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:</p> <ul style="list-style-type: none"> an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss. <p>Planning should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.</p> <p>Plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas.</p>
WMDC CS Policy CS 8 The Local Economy	<p>Most new employment development will be located within the urban areas of the district, particularly within city and town centres, Employment Zones, and on sites allocated for employment use</p> <p>Light and General Industrial activities will be located in the urban areas set out in the spatial development strategy on previously developed land, within employment allocations designated on the Local Development Framework (LDF) Proposals Maps or within existing Employment Zones</p>
WMDC CS Policy CS 11 Leisure, Recreation and Open Space	<p>Development proposals will not result in the loss of an existing leisure or recreation facility or open space unless satisfactory alternative provision is made or it can be demonstrated that the asset is no longer needed.</p>
WMDC SSP EZ18 Power Generation Employment	<p>The creation of an Employment Zone on part of the operational land at Ferrybridge Power Station, for power generation and associated uses related infrastructure only will encourage investment in power generation, including generation from renewable energy sources.</p>

Category/Title	Summary of Requirement
Zone	
Wakefield District Jobs and Growth Plan 2012-2017	<p>The Plan provides a Vision, Priority Actions and Places Priorities for achieving jobs and growth in the District.</p> <p>The Vision is “to create more and better jobs, to support business and economic growth, and to do so in a way that improves the environment, quality of life and inclusion.”</p> <p>Priority Actions include: Develop and deliver a programme of enterprise, education and internships between businesses and the education sector; Promote a combined enterprise support offer for new businesses; Coordinate support for and connect established businesses to a package of integrated business support; Assist businesses to export more; Assist businesses to enhance competitiveness through resource efficiency and exploiting opportunities in the low carbon economy; Attract and retain more inward investment through promotion of Wakefield’s offer as well as through a key account management approach; Target the six key business sectors as a focus for growth, inward investment and marketing activity: Business and Professional Services, Digital, Creative and Cultural Industries, Environmental Technologies, Manufacturing, Food and Drink, and Logistics; Create stronger employer engagement that ensures skills provision which meets business needs; Significantly improve the skills levels of those already in work; Reconnect disadvantaged individuals and communities to skills and jobs opportunities and ensure a better match of available jobs to local people; Tackle transport and other barriers that prevent people from accessing jobs; Building on the Local Development Framework improve the vitality and functioning of our major settlements as places for our people to live, work and take pleasure in; Enhance and showcase the district’s built environment and “green” assets ensuring sustainable delivery of business land and properties for growth.</p> <p>Its Places’ Priority for Knottingley includes:</p> <ul style="list-style-type: none"> • Create the Knottingley Development Plan and work with key partners to deliver its action plan; • Work with Multifuel Energy Ltd, Ferrybridge to maximise supply chain and job impacts from the construction and operation of their new power plant. • Prepare for delivery of key housing and employment sites, particularly those adjacent to the A1/M62 junction, by working with landowners and developers to ensure broader housing and economic growth outcomes • Deliver the construction of the Dish Hill roundabout and complementary traffic works in Ferrybridge to improve the flow of commercial traffic to support business growth and reduce environmental impacts on local communities; and • Facilitate the joint delivery of a development and delivery plan to guide investment and regeneration and create a more coherent urban form which better serves the needs of communities and develops the town’s potential to be a green energy hub. <p>A target for the Plan is for the creation of 2,000 jobs and £80 million of business investment supported by April 2017.</p>

Landscape and Visual

Category/Title	Summary of Requirement
Planning Policy	Summary of Policy Requirement

Category/Title	Summary of Requirement
NPS EN-1 Section 5.9 Landscape and visual	<p>The applicant should carry out a landscape and visual assessment and report it in the ES. The landscape and visual assessment should include reference to any landscape character assessment and associated studies as a means of assessing landscape impacts relevant to the proposed project. The applicant’s assessment should also take account of any relevant policies based on these assessments in local development documents in England and local development plans in Wales.</p> <p>The applicant’s assessment should include the effects during construction of the project and the effects of the completed development and its operation on landscape components and landscape character.</p> <p>The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of the project and potential impacts on views and visual amenity. This should include light pollution effects, including on local amenity, and nature conservation.</p> <p>Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.</p> <p>Outside nationally designated areas, there are local landscapes that may be highly valued locally and protected by local designation. Where a local development document in England or a local development plan in Wales has policies based on landscape character assessment, these should be paid particular attention. However, local landscape designations should not be used in themselves to refuse consent, as this may unduly restrict acceptable development.</p> <p>Any adverse impact on the landscape should be offset by the benefits (including need) of the project.</p> <p>Design should take account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation.</p> <p>Visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, should not outweigh the benefits of the project.</p> <p>It may be helpful for applicants to draw attention, in the supporting evidence to their applications, to any examples of existing permitted infrastructure they are aware of with a similar magnitude of impact on sensitive receptors.</p> <p>Applicants should have taken into account the landscape and visual impacts of visible plumes from chimney stacks and/or the cooling assembly.</p> <p>Within a defined site, adverse landscape and visual effects may be minimised through appropriate siting of infrastructure within that site, design including colours and materials, and landscaping schemes, depending on the size and type of the proposed project. Materials and designs of buildings should always be given careful consideration.</p>
NPS EN-3	<p>An assessment of the landscape and visual effects of the proposed infrastructure should be undertaken in accordance with the policy set out in 5.9 of EN-1.</p> <p>PINS should take into account that any biomass/waste combustion generating station will require a building able to host fuel reception and storage facilities, the combustion chamber and abatement units. The overall size of the building will be dependent on design and fuel throughput, although it is unlikely to be less than 25m in height. External to the building there may be cooling towers, the</p>

Category/Title	Summary of Requirement
	<p>size of which will also be dependent on the throughput of the generating station.</p> <p>Good design that contributes positively to the character and quality of the area will go some way to mitigate adverse landscape/visual effects. Development proposals should consider the design of the generating station, including the materials to be used in the context of the local landscape.</p> <p>Mitigation is achieved primarily through aesthetic aspects of site layout and building design including size and external finish and colour of the generating station to minimise intrusive appearance in the landscape as far as engineering requirements permit. The precise architectural treatment will need to be site-specific.</p> <p>Applicants should seek to landscape waste/biomass combustion generating station sites to visually enclose them at low level as seen from surrounding external viewpoints. This makes the scale of the generating station less apparent, and helps conceal its lower level, smaller scale features. Earth bunds and mounds, tree planting or both may be used for softening the visual intrusion and may also help to attenuate noise from site activities.</p>
NPPF	<p>Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.</p> <p>By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.</p>
WMDC DP Policy D8 Landscape Character	<p>Development within the countryside, on the edge of settlements or within areas of open urban green space shall contribute towards the protection, maintenance and enhancement of the character of the district's landscape, its biodiversity, and where appropriate, the recreational quality of the area. The Council may require an evaluation of the impact of development on the landscape to be submitted with development proposals. Impact upon the landscape will be assessed having regard to the extent to which development would:</p> <ol style="list-style-type: none"> adversely affect landscape elements which contribute to landscape character such as landform, field boundaries, or settlement patterns; adversely affect vegetation and trees which are characteristic of that landscape type; cause unacceptable visual intrusion; and introduce or remove incongruous landscape elements.
WMDC DP Policy D9 Design of New Development	<p>In particular proposals shall:</p> <ol style="list-style-type: none"> respect, and where appropriate enhance the character of the locality in terms of design, scale, massing, height, density, layout, materials and colour; provide a quality setting within the development; retain, and where appropriate enhance important ecological and landscape features; respect, and where appropriate enhance existing natural and built features, skyline, landmarks or key views that contribute to the character and local distinctiveness of the area; incorporate high quality landscaping and boundary treatment;

Category/Title	Summary of Requirement
	<ol style="list-style-type: none"> incorporate arrangements for access of vehicles, pedestrians and cyclists; incorporate arrangements for servicing, waste handling, recycling and storage; incorporate sensitive treatment of ancillary development such as parking and service areas and provide satisfactory screening where appropriate; incorporate sensitive treatment of wiring, cabling and pipelines either by laying underground or providing adequate screening or landscaping; allow for flexibility to adapt non-residential development to alternative uses to meet changing needs and circumstances over the lifetime of the development; have no significant detrimental impact on the amenity of neighbouring users or residents and existing or prospective users; allow easy access for all members of the community such as disabled people, elderly people and people with push chairs or young children; and allow the opportunity for access to adjoining undeveloped land so it may subsequently be developed.
WMDC DP Policy D12 Landscape Design	<p>New development shall be designed so that important existing landscaping features such as water bodies, trees, hedgerows, stone walls and other elements identified in the Landscape Character Assessment together with any new features are incorporated as an integral part of the proposal. In particular development proposals shall:</p> <ol style="list-style-type: none"> conserve and integrate existing natural features; use new landscape features such as planting, shelter belts, and green spaces to integrate development with the wider landscape; integrate new and existing development at the boundaries of the site through the continuity of landscape; create areas of valuable habitat for wildlife by additional planting of native species rather than by using purely decorative planting; and where appropriate allow public access and/or provide opportunities for recreation.

Sustainability

Category/Title	Summary of Requirement
Planning Policy	Summary of Policy Requirement
NPS EN-1	The principal purpose of the combustion of waste, or similar processes is to reduce the amount of waste going to landfill in accordance with the Waste Hierarchy and to recover energy from that waste as electricity or heat. Only waste that cannot be re-used or recycled with less environmental impact and would otherwise go to landfill should be used for energy recovery. The energy produced

Category/Title	Summary of Requirement
	from the biomass fraction of waste is renewable and is in some circumstances eligible for Renewables Obligation Certificates, although the arrangements vary from plant to plant.
NPPF Section 10	When determining planning applications, LPAs should: <ul style="list-style-type: none"> not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.
WMDC CS Policy CS 10 Design, Safety and Environmental Quality	New development should help reduce fossil fuel dependency, by promoting designs which incorporate energy efficiency and renewable energy generation technology. Opportunities should be identified where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers. Proposals for energy development should not be required to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions
WMDC CS Policy CS 13 Mitigating and Adapting to Climate Change & Efficient Use of Resources	Development should take measures to reduce carbon emissions and adapt to climate change during the construction and operation of new developments through, for example, orientation, layout, design and material selection. Development should include the prudent and efficient use of natural resources including energy, water, soil and the best and most versatile agricultural land and the use of re-used and recycled materials. The Council will encourage the development of new sources of renewable energy generation where there is no adverse environmental impact on nearby communities.
WMDC DP Policy D28 Sustainable Construction and Efficient Use of Resources	The Council will require that new development within the district shall be energy and water efficient and incorporate built-in conservation measures. Opportunities to conserve energy and water resources through the layout and design of the development shall be maximised. The Council will require where practical the use of heat recycling (such as combined heat and power), layouts which reduce wind-chill and maximise the efficient use of natural light, the use of green roofs, rainwater and grey water storage and recycling, and sustainable drainage systems, the use of renewable and recycled materials during construction and provision for the recycling of construction, demolition and excavation wastes.
WMDC SSP SSP1 Presumption in Favour of Sustainable Development	Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether: <ul style="list-style-type: none"> any adverse impacts of granting permission would significantly and demonstrably outweigh the

Category/Title	Summary of Requirement
	benefits, when <ul style="list-style-type: none"> assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in that Framework indicate that development should be restricted.

Waste and Resources

Category/Title	Summary of Requirement
Planning Policy	Summary of Policy Requirement
NPS EN-1 Section 5.14	Sustainable waste management is implemented through the “waste hierarchy”, which sets out the priorities that must be applied when managing waste: <ul style="list-style-type: none"> prevention; preparing for reuse; recycling; other recovery, including energy recovery; and disposal. <p>The applicant should set out the arrangements that are proposed for managing any waste produced and prepare a Site Waste Management Plan. The arrangements described and Management Plan should include information on the proposed waste recovery and disposal system for all waste generated by the development, and an assessment of the impact of the waste arising from development on the capacity of waste management facilities to deal with other waste arising in the area for at least five years of operation. The applicant should seek to minimise the volume of waste produced and the volume of waste sent for disposal unless it can be demonstrated that this is the best overall environmental outcome.</p> <p>Applicants should propose an effective system for managing hazardous and non-hazardous waste arising from the construction, operation and decommissioning of the proposed development.</p> <p>Applicants should demonstrate:</p> <ul style="list-style-type: none"> any such waste will be properly managed, both on-site and off-site; the waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area; and adequate steps have been taken to minimise the volume of waste arisings, and of the volume of waste arisings sent to disposal, except where that is the best overall environmental outcome.
NPS EN-3	An assessment of the proposed waste combustion generating station should be undertaken that examines the conformity of the scheme with the waste hierarchy and the effect of the scheme on the relevant waste plan or plans where a proposal is likely to involve more than one LPA. The application should set out the extent to which the generating station and capacity proposed contributes to the recovery targets set out in relevant strategies and plans, taking into account

Category/Title	Summary of Requirement
	<p>existing capacity.</p> <p>It may be appropriate for assessments to refer to the Annual Monitoring Reports published by relevant waste authorities, which provide an updated figure of existing waste management capacity and future waste management capacity requirements.</p> <p>The results of the assessment of the conformity with the waste hierarchy and the effect on relevant waste plans should be presented in a separate document to accompany the application to PINS.</p> <p>The proposed waste combustion generating station should be in accordance with the waste hierarchy and of an appropriate type and scale so as not to prejudice the achievement of local or national waste management targets in England and local, regional or national waste management targets in Wales. Where there are concerns in terms of a possible conflict, evidence should be provided to PINS by the applicant as to why this is not the case or why a deviation from the relevant waste strategy or plan is nonetheless appropriate and in accordance with the waste hierarchy.</p> <p>The assessment should include the production and disposal of residues as part of the ES. Any proposals for recovery of ash and mitigation measures should be described.</p> <p>Applicants should set out the consideration they have given to the existence of accessible capacity in waste management sites for dealing with residues for the planned life of the power station.</p> <p>PINS should consult the EA on the suitability of the proposals.</p> <p>Management plans for residue disposal should satisfactorily minimise the amount that cannot be used for commercial purposes.</p> <p>PINS should consider what requirements it may be appropriate to impose. If the EA has indicated that there are no known barriers to it issuing an Environmental Permit for operation of the proposed biomass/waste fuelled generating station and agrees that management plans suitably minimise the wider impacts from ash disposal, any residual ash disposal impacts should have limited weight.</p> <p>The environmental burdens associated with the management of combustion residues can be mitigated through recovery of secondary products, for example aggregate or fertiliser, rather than disposal to landfill.</p> <p>The primary management route for fly ash is hazardous waste landfill. However, there may be opportunities to reuse this material for example in the stabilisation of industrial waste. The management of hazardous waste will be considered by the EA through the Environmental Permitting regime.</p>
PPS10	<p>The overall objective of Government policy on waste is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. By more sustainable waste management, moving the management of waste up the 'waste hierarchy' of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort, the Government aims to break the link between economic growth and the environmental impact of waste.</p>
WMDC CS Policy CS 15 Waste Management	<p>1. Waste will be managed using the 'waste management hierarchy' in the following order:</p> <p>a. waste reduction</p> <p>b. re-use, recycling and composting</p>

Category/Title	Summary of Requirement
	<p>c. energy recovery - making the best use of available technologies, possibly including incineration;</p> <p>d. disposal</p> <p>Sites for waste management facilities will be identified based on the following general principles:</p> <p>a. moving the management of all waste streams up the waste hierarchy;</p> <p>b. promoting opportunities for on-site management of waste where it arises at retail, industrial and commercial locations, particularly in the main urban areas;</p> <p>c. dealing with the forecast tonnages for different waste streams in the Regional Spatial Strategy;</p> <p>d. achieving the objectives and targets for recycling/recovery for waste set out in the Regional Spatial Strategy and the Council's Municipal Waste Management Strategy;</p> <p>e. achieving regional, sub-regional, local authority and neighbourhood self-sufficiency, at the lowest practicable level for the waste stream concerned;</p> <p>f. promoting opportunities to co-locate facilities together and with complementary activities (reflecting the concept of resource recovery parks);</p> <p>g. giving priority to:</p> <p>i. established and proposed industrial sites where most modern waste management facilities can be appropriately developed particularly where the co-location of complementary activities, such as "resource recovery" or "sustainable growth" parks is possible;</p> <p>ii. the use of other previously-developed land before greenfield sites, including use of mineral extraction and landfill sites during their period of operation for the location of related waste treatment activities in sustainable locations;</p>
WMDC Waste Development Plan Document (WDPD)	<p>Waste Document Objectives:</p> <ul style="list-style-type: none"> • To reduce the impacts of waste related development on the causes of climate changes; • To re-use, recycle and recover as much waste as possible and create energy using clean and energy efficient technologies; • To minimise waste production and encourage on-site recycling and resource management. • To ensure waste management facilities contribute towards regional self-sufficiency and waste is managed as close as possible to the point of production, whilst meeting community needs; • To provide an integrated network of strategic and local waste management facilities in sustainable locations within the urban areas of the district, wherever possible, as set out in the Core Strategy; • To manage waste to protect and enhance the environment, amenity and human health; • To ensure there is sufficient landfill capacity to deal with waste that cannot be re-used, recycled, composted or recovered; • To ensure high quality waste related development through high quality design and efficient use of resources; and • To maximise the economic and social benefits associated with using waste as a resource.

Category/Title	Summary of Requirement
WMDC WDPD Policy W1 Strategic Approach to Waste Management	Waste management capacity will be provided through: <ul style="list-style-type: none"> a strategic municipal waste management facility to meet recovery targets; a network of local waste management facilities for municipal waste; sites for managing commercial and industrial waste to meet recovery targets; and Existing landfill sites.
WMDC WDPD Policy W5 Location of Other Waste Management Facilities	Proposals should demonstrate that they serve an identified need which cannot be met by existing or allocated facilities, and should be in accordance with the spatial development strategy and settlement hierarchy set out in the Core Strategy.
WMDC WDPD Policy W6 Assessing Applications for Waste Management Facilities	Where appropriate for waste management facilities, provision should be made to recover energy.
WMDC WDPD Policy W8 Managing Residual Waste	All significant development proposals should make efficient use of resources and integrate waste management facilities. A waste management plan must be provided with all planning applications, which should consider: <ol style="list-style-type: none"> designs and layouts that allow the effective sorting, recycling and where appropriate composting of waste; the need to ensure that development can be served by appropriate waste collection methods to support recycling systems; design principles and construction methods that, where appropriate, encourage the use of high-quality building materials made from recycled and secondary sources; and construction, demolition and excavation methods using fixed and mobile plant that minimise waste production and re-use/recycle materials, as far as practicable onsite.
Legislation	Summary of Legislative Requirement
Control of Pollution (Amendment) Act 1989	Requires carriers of controlled waste to register with the EA or Scottish Environment Protection Agency (SEPA) and outlines the penalties (including seizure and disposal) for vehicles shown to have been used for illegal waste disposal.

Category/Title	Summary of Requirement
Environmental Protection (Duty of Care) Regulations 1991	A legal duty of care is imposed on anyone, from producers to carriers to disposers of waste to ensure that waste is not illegally disposed of, waste is only transferred by and to authorised people and that a full written description is included with the transfer.
Controlled Waste Regulations 1992	Classifies waste as household, industrial or commercial waste, and lists the types of waste for which LPAs may make a charge for collection and disposal.
Environment Act 1995	Establishes the EA and SEPA as the regulating bodies for contaminated land, abandoned mines, national parks, control of pollution, conservation of natural resources, conservation or enhancement of the environment, and fisheries.
The Hazardous Waste (England and Wales) Regulations 2005	These Regulations set out the regime for the control and tracking of the movement of hazardous waste for the purpose of implementing the Hazardous Waste Directive (Directive 91/689/EC).
The Environmental Permitting (England and Wales) Regulations 2007	Provide a consolidated framework for environmental permits and exemptions for industrial activities, mobile plant, waste operations, mining waste operations, water discharge activities, groundwater activities and radioactive substances activities. It also sets out the powers, functions and duties of the regulators.
The Site Waste Management Plans Regulations 2008	Requires the preparation of a site waste management plan for any construction projects with an estimated cost of over £300,000.
The Environmental Damage (Prevention and Remediation) Regulations 2009.	The Environmental Damage (Prevention and Remediation) Regulations 2009 were introduced to implement the provisions of the European Commission's Environmental Liability Directive into law in England. They are based on the 'polluter pays principle' so those responsible for environmental damage are required to prevent, and if needs be remedy damage, rather than the taxpayer.