

# ENVIRONMENTAL STATEMENT CHAPTER 6: PLANNING POLICY CONTEXT

Land South of Rover Way, Cardiff CF24 5PH

Harsco Metals Group Limited

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## 6.1.0 Introduction

- 6.1.1 This chapter of the Environmental Statement (ES) seeks to outline the applicable overarching planning policy position associated with the site and the proposed development. Policies applicable to the various technical assessments included within the ES are contained within the relevant chapters. Where appropriate, the individual ES chapters also outline any legislation or guidance of relevance to their individual assessments.
- 6.1.2 To the extent that Development Plan policies are material to an application for planning permission, the decisions for applications must be taken in accordance with the development plan, unless there are material considerations that indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 6.1.3 A more detailed assessment of the relevant national and local planning policy position is contained within the Planning, Design and Access Statement prepared by Carter Jonas and submitted in support of the application.

## 6.2.0 Planning Policy Wales

- 6.2.1 The 10<sup>th</sup> Edition of Planning Policy Wales ('PPW') was published in December 2018 and sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes ('TANs'), Welsh Government Circulars, and policy clarification letters, which together provide the national planning policy framework for Wales. Further information regarding any directly relevant TANs, MTANs, Welsh Government Circulars or policy clarification letters is contained within later sections of this Chapter.
- 6.2.2 As identified within paragraph 1.2 *"The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well functioning planning system is fundamental for sustainable development and achieving sustainable places"*.
- 6.2.3 Paragraphs 1.11 to 1.37 deal with sustainable development, the well-being of future generations and how these interrelate with both national and local level planning policy within Wales. As identified within paragraph 1.21 *"Up-to-date development plans are the basis of the planning system and set the context for rational and consistent decision making... Planning applications must be determined in accordance with the adopted plan, unless material considerations indicate otherwise"*.
- 6.2.4 Chapter 2 of PPW relates to 'People and Places: Achieving Well-being Through Placemaking', identifying at paragraph 2.13 that *"The plan-led system underpins the delivery of sustainable places to ensure all development plans and decisions taken by the planning system work together to deliver sustainable places..."*. PPW continues by identifying that there are five key principles needed to embrace placemaking and ensure that planning facilitates the right development in the right place. These five key principles are:
- Growing the economy in a sustainable manner;
  - Making best use of resources;
  - Facilitating accessible and healthy environments;
  - Creating and sustaining communities; and
  - Maximising environmental protection and limiting environmental impact.
- 6.2.5 It is against these five key principles that a range of National Sustainable Placemaking Outcomes have been identified. However, as detailed at paragraph 2.20, it should be remembered that *"Not every development or policy proposal will be able to demonstrate they can meet all of these outcomes, neither can it necessarily be proved at the application or policy stage that an attribute of a proposal will necessarily lead to a specific outcome. However, this does not mean that they should not be considered in the development management process to see if a proposal can be improved or enhanced to promote wider well-being. It is for developers and planning authorities to identify these opportunities and act upon them."*

- 6.2.6 Paragraph 2.24 continues by identifying that *“Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed... to ensure a balanced assessment is carried out... There may be occasions when one benefit of a development proposal or site allocation outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all well-being goals”*. Paragraph 2.25 continues by detailing the social, economic, cultural and environmental considerations which should be assessed.
- 6.2.7 Chapter 3 of PPW relates to ‘Strategic and Spatial Choices’ outlining at paragraph 3.1 that *“Effective strategic placemaking requires early collective consideration of placemaking issues at the outset, in the formulation of a development plan, or when developing specific proposals. The policy issues should not be considered in isolation from one another. This includes considering the design of a development and its impacts upon everyday lives as well as thinking holistically about where people might live and work and which areas should be protected. These crucial, early decisions will have the greatest impact on the type of development which is ultimately delivered and its contribution to sustainable development and the environmental, social, cultural and economic well-being of Wales”*.
- 6.2.8 The chapter continues by outlining a range of considerations associated with strategic and spatial choices, including:
- Access and inclusivity;
  - Environmental sustainability;
  - Character;
  - Community safety;
  - Movement;
  - Appraising context;
  - Considering design issues; and
  - Design and access statements.
- 6.2.9 With regard to promoting healthier places, paragraph 3.24 identifies that *“Where significant effects on human health are likely to arise as a result of development plans or individual development proposals, environmental impacts should be considered in full knowledge of the likely consequences for health. Information to assess potential impacts on health can be required through various mechanisms, such as sustainability appraisal of development plans and environmental impact assessments, and where relevant, health impacts should be incorporated into such assessments. In general, the most effective and collaborative ways of working will require shared and integrated approaches to evidence gathering and assessments.”*
- 6.2.10 With regard to the sustainable management of natural resources, paragraph 3.32 identifies that the planning system can contribute by:
- *“improving the resilience of ecosystems and ecological networks;*
  - *halting and reversing the loss of biodiversity;*

- *maintaining and enhancing green infrastructure based on seeking multiple ecosystem benefits and solutions;*
- *ensuring resilient locational choices for infrastructure and built development, taking into account water supplies, water quality and reducing, wherever possible, air and noise pollution and environmental risks, such as those posed by flood risk, coastal change, land contamination and instability;*
- *taking actions to move towards a more circular economy in Wales; and*
- *facilitating the move towards decarbonisation of the economy.*

6.2.11 With regard to accessibility, paragraph 3.45 identifies that *“Spatial strategies should support the objectives of minimising the need to travel, reducing reliance on the private car and increasing walking, cycling and use of public transport”*.

6.2.12 Paragraph 3.51 continues by stating that *“Previously developed (also referred to as brownfield) land... should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome”*.

6.2.13 With regard to supporting infrastructure, paragraph 3.57 identifies that *“Adequate and efficient infrastructure, including services such as education and health facilities along with transport, water supply, sewers, sustainable waste management, electricity and gas (the utilities) and telecommunications, is crucial for economic, social and environmental sustainability. It underpins economic competitiveness and opportunities for households and businesses to achieve socially and environmentally desirable ways of living and working”*.

6.2.14 Paragraph 3.59 continues by identifying that *“Development should be located so that it can be well serviced by existing or planned infrastructure. In general this will involve maximising the use of existing infrastructure or considering how the provision of infrastructure can be effectively co-ordinated to support development plans. Infrastructure choices should support decarbonisation, socially and economically connected places and the sustainable use of natural resources”*.

6.2.15 Chapter 4 relates to active and social places, identifying at paragraph 4.0.3 that the *“theme aims to ensure new development is located and designed in a way which minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, local services and community facilities”*.

6.2.16 Paragraph 4.1.4 identifies that *“Land use and transport planning must be integrated. The planning system must ensure it enables integration:*

- *within and between different types of transport;*
- *between transport measures and land use planning;*
- *between transport measures and policies to protect and improve the environment; and*
- *between transport measures and policies for education, health, social inclusion and wealth creation”*.

- 6.2.17 Paragraph 4.19 continues by detailing that *“The planning system has a key role to play in reducing the need to travel and supporting sustainable transport, by facilitating developments which:*
- *are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;*
  - *are designed in a way which integrates them with existing land uses and neighbourhoods; and*
  - *make it possible for all short journeys within and beyond the development to be easily made by walking and cycling”.*
- 6.2.18 Chapter 5 deals with productive and enterprising places, including a section on making best use of material resources and promoting the circular economy.
- 6.2.19 Paragraph 5.12.2 identifies that *“Planning authorities should consider both design choices and site selection and treatment as part of assessing development proposals and encourage a shift towards embedding circularity in the flow of materials. Measures which prevent waste arising include reducing the quantity of wastes produced, the reuse of products, extension of the lifespan of products and considering how materials within a site can be incorporated into new development. Where waste is produced it should be kept separate for reuse or recycling. All opportunities should be explored to incorporate re-used or recyclable materials or products into new buildings or structures”.*
- 6.2.20 Paragraph 5.12.3 continues by stating that *“Construction sites inevitably require a degree of cut and fill engineering operations. Minimising the level of earthwork cut and fill volumes not only reduces waste but also protects soils, reduces energy consumption and reduces transport movements to and from a site. Ultimately it also reduces materials being sent to landfill and makes sustainable use of a finite resource. Such measures will need to be carefully considered against overall visual impacts”.*
- 6.2.21 Paragraph 5.12.6 identifies that *“Industrial by-products have been used for many years to produce secondary aggregates so as to conserve primary resources<sup>69</sup>. The reuse and recycling of material available locally should be encouraged in line with the proximity principle. Where appropriate, development plans should encourage the reuse and recycling of secondary aggregates, construction, demolition and excavation waste, incinerator bottom ash and other appropriate recycled materials”.*
- 6.2.22 Of specific relevance to the application proposals, paragraph 5.12.7 identifies that *“Slag from steel making, material from colliery shale, ash from power stations and slate waste can be processed and used in construction in place of other minerals and form about 10% of total aggregate supply. The use of these materials could contribute further to the overall supply of aggregates. Road planings and construction and demolition waste are a significant potential source of alternative aggregate material and much of this is already re-used as part of on-site treatment and redevelopment proposals. Research has identified key factors that tend to constrain re-use, including insufficient recycling facilities and unnecessarily high specifications for roads”.*
- 6.2.23 Paragraph 5.12.8 continues by stating that *“Planning authorities should encourage innovative approaches to recycling, particularly those which bring multiple benefits such as reducing energy costs and associated emissions. This may include encouraging the practice of on-site recycling on minerals sites, taking proper account of all likely costs and benefits, support for ‘urban quarries’ and the recycling of construction and demolition waste in conjunction with other suitable uses, such as within builder’s merchant yards”.*

- 6.2.24 Section 5.13 deals specifically with sustainable waste management facilities, stating at paragraph 5.13.1 that *“The planning system has an important role to play in facilitating sustainable waste management by providing a framework for decision making which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses, whilst at the same time:*
- *minimising adverse environmental impacts and avoiding risks to human health;*
  - *protecting areas of designated landscape and nature conservation from inappropriate development; and*
  - *protecting the amenity of residents, of other land uses and users affected by existing or proposed waste management facilities”.*
- 6.2.25 Paragraph 5.13.4 states *“The Welsh Government’s policy for waste management is contained in Towards Zero Waste and associated sector plans. Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy as far as possible”.*
- 6.2.26 Paragraph 5.13.15 continues by identifying that *“Proposals aimed at preparation for reuse and reuse facilities should be supported by planning authorities, taking into account factors associated with the deposit and collection of goods, the nature of the repairs, maintenance and treatment, the need to ensure satisfactory transport and accessibility for the deposit and collection of goods and any potential environmental and amenity implications”.*
- 6.2.27 Chapter 6 relates to distinctive and natural places, detailing at paragraph 6.01 that this topic *“covers historic environment, landscape, biodiversity and habitats, coastal characteristics, air quality, soundscape<sup>99</sup>, water services, flooding and other environmental (surface and sub-surface) risks”.* Rather than repeat the content of this topic specific PPW Chapter, key elements contained therein are detailed within the individual chapters of this ES or the topic specific assessments submitted in support of the planning application.

## Technical Advice Notes

- 6.2.28 The following TANs are of relevance to the application proposals:
- TAN 5: Nature Conservation and Planning;
  - TAN 11: Noise;
  - TAN 12: Design;
  - TAN 15: Development and Flood Risk;
  - TAN 18: Transport;
  - TAN 21: Waste;
  - TAN 23: Economic Development; and
  - TAN 24: The Historic Environment.

- 6.2.29 Rather than repeat the content of these topic specific TANs, key elements contained therein are detailed within the individual chapters of this ES or the topic specific assessments submitted in support of the planning application.

### **Minerals Technical Advice Notes**

- 6.2.30 The Minerals Technical Advice Note (MTAN1) was published in March 2004. There is a section which deals with the future supply of Secondary/Recycled Materials, such as those created by the Celsa Steel Works site. In addition, MTAN1 also contains sections dealing with the protection of areas of importance, how to reduce the impact of aggregates production and efficiency of use/recycling.
- 6.2.31 Rather than repeat the content of the MTAN1, key elements contained therein are detailed within the individual chapters of this ES or the topic specific assessments submitted in support of the planning application.

### **Welsh Government Circulars**

- 6.2.32 There are a range of Welsh Government Circulars of relevance to planning, however only 'Use of Waste Material for Road Fill (Circular 36/87)' is of direct relevance to the application proposals.

## 6.3.0 Development Plan Policies

6.3.1 This section seeks to outline the regional and local level planning policy documents of note with regard to the application proposals.

### South East Wales Regional Waste Plan

6.3.2 The ‘Recommended Draft’ of the Regional Waste Plan (‘RWP’) 1<sup>st</sup> Review was published September 2008 and covered 11 local authorities within South East Wales. The RWP’s key aims were:

- To minimise adverse impacts on the environment and human health;
- To minimise adverse social and economic impacts and maximise social and economic opportunities;
- To meet the needs of communities and businesses; and
- To accord with the legislative requirements, targets, principles and policies set by the European and national legislation and policy framework.

6.3.3 Paragraph 14 identifies that *“In the past, South East Wales has approached waste as problem that is most conveniently and cost effectively disposed of in landfill. It is now widely recognized that this disposal approach is unsustainable in the long term because of growing volumes of waste, because of the risk of environmental pollution and because of the burying of valuable resources”*.

6.3.4 As such *“Waste must now be approached as a resource from which value can, and should, be recovered. This recovery approach will see the value in waste being realized through the reuse, recycling or composting of products and materials and the production of energy. New facilities will need to be developed in South East Wales to recover value from the waste produced in the region”* (paragraph 15).

6.3.5 Paragraph 31 identifies that *“...many existing land use class B2 ‘general industrial’ (and similar) employment sites, existing major industry areas, and new B2 sites allocated in development plans will be suitable locations for the new generation of in-building waste management facilities...”*

6.3.6 Paragraph 4.3.1. outlines the waste hierarchy, stating: *“The Waste Hierarchy sets out the order in which approaches to waste management should be considered based on environmental impact. The hierarchy suggests that the most effective environmental solution is to **reduce** the generation of waste. Where further reduction is not practicable, the next best solution is to **reuse** products and materials, either for the same or for a different purpose. Failing that, the next best solutions are to **recycle** or **compost** – in order to recover value from waste through the recovery of materials – followed by methods to **recover energy**. Only if none of these offers an appropriate solution should waste be incinerated without energy recovery or disposed of to landfill”*.

6.3.7 Sections 4.4 and 4.5 detail concepts of ‘the proximity principle’ and ‘the self-sufficiency principle’.

6.3.8 Paragraph 4.4.1 states that *“The Proximity Principle states that waste should be treated and/or disposed of as near to the source of origin as possible because transporting waste itself has an environmental impact and because we all need to take responsibility for our own waste arisings and not be content with distributing it to other locations for disposal”*.

- 6.3.9 Paragraph 4.5.1 states that *“The Self-sufficiency Principle sets out that, as far as practically possible, waste should be treated and/or disposed of within a sensibly defined region where it is produced. Therefore, each of the three regions in Wales should aim, as far as is practicable, to provide for facilities with sufficient capacity to manage the predicted quantity and nature of waste arisings from that region”*.
- 6.3.10 The slag created through Celsa Steel’s operations would be considered an ‘industrial waste’, whilst its use within the Harsco Asphalt Plant would be considered a ‘reuse of materials’. As such, and as confirmed within paragraph 6.2.1, the reuse of materials is not the main focus of the RWP.

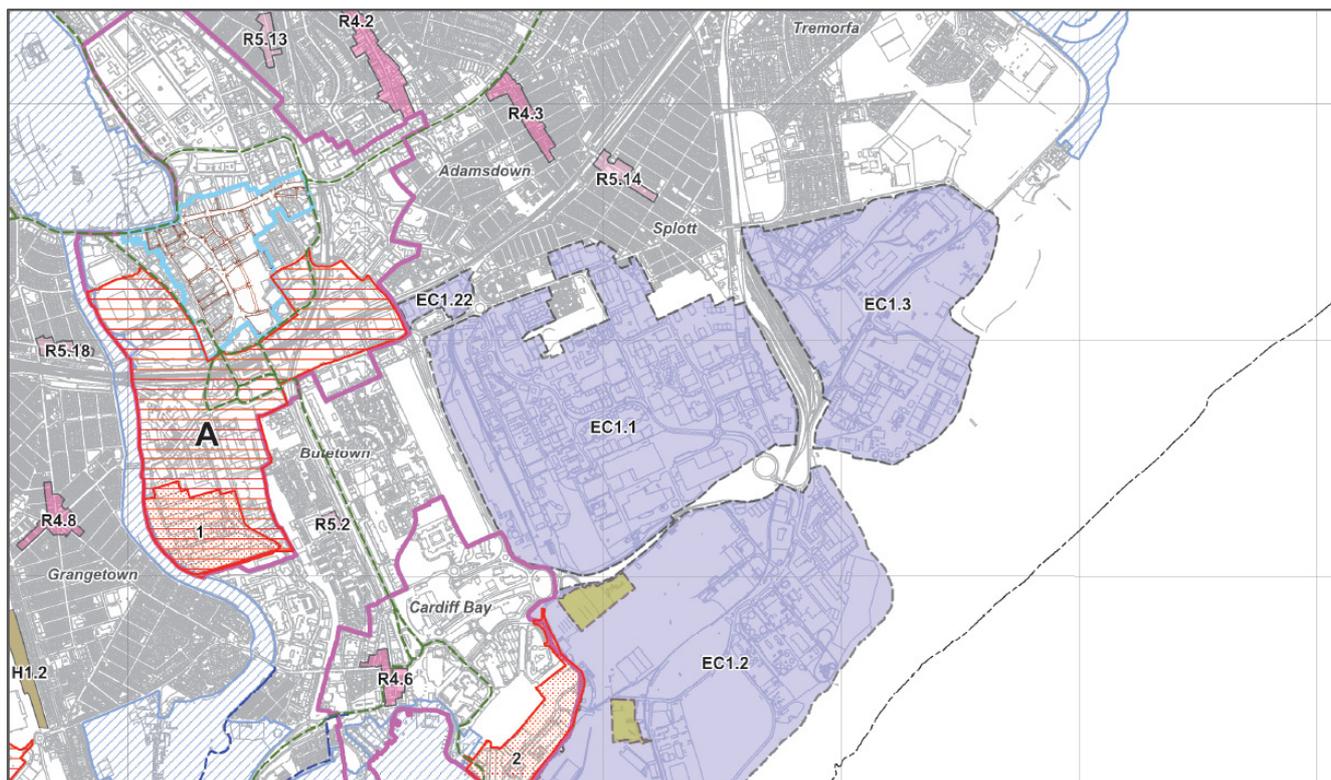
## South Wales Regional Aggregates Working Party

- 6.3.11 A Regional Technical Statement for the South Wales Regional Aggregates Working Party was published in October 2008. Paragraphs 3.10 to 3.14 detail the key background, general policy setting and general issues associated with ‘Secondary and Recycled Aggregates’.
- 6.3.12 Furthermore, Appendix 5 of the document provides more detail on the main characteristics of ‘Secondary and Recycled Aggregates’ including industrial materials such as the metallurgical slags created by the Celsa Steel Works.

## Cardiff Local Development Plan

- 6.3.13 The Cardiff Local Development Plan, as adopted in 2016, provides the statutory framework for the development and use of land within Cardiff over the plan period (2006-2026). Within the Proposals Map, an extract of which is provided within Figure 2-3 below, the site is identified as being located within allocation EC1.3

Figure 6-1: Extract of Local Development Plan Proposals Map



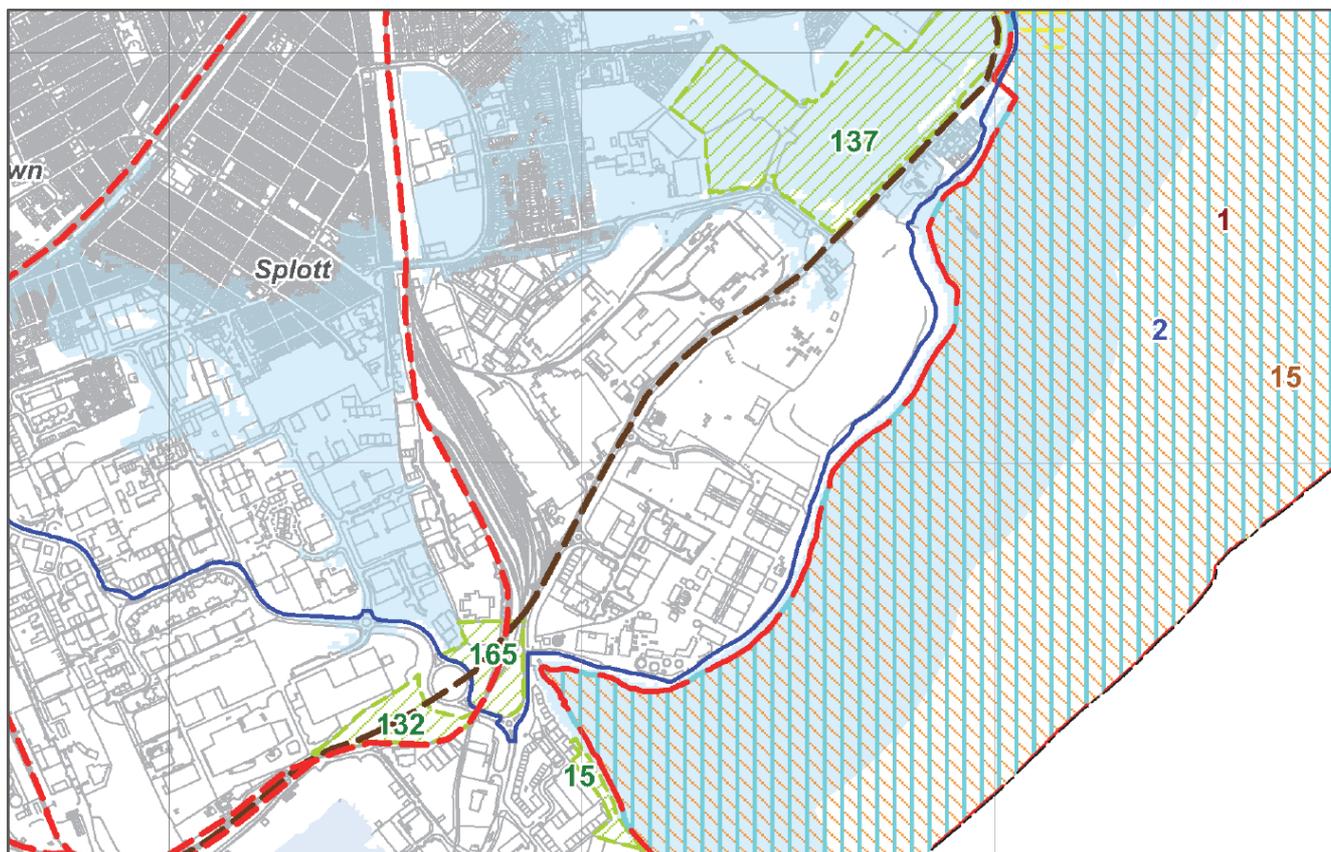
6.3.14 Policy EC1 relates to ‘Existing Employment Land’ and states that *“The city’s existing employment areas outside of the Central and Bay Business Areas (as designated on the Proposals Map) will be protected for B Use Class employment generating uses (together with appropriate ancillary and/or complementary uses and activities as referred to in Policy EC2) as described in the table below”*

**Table 6-1: Policy EC1 Designation**

Site Ref	Site Name	Primary Use/Activity	Status
EC1.3	Rover Way (Celsa Steel Works, Tremorfa Industrial Estate, Seawall Road)	B2, B8	Primary

6.3.15 In addition to the above, the Local Development Plan also contains a ‘Constraints Map’ which identifies areas which have been allocated for the purposes of environmental, cultural or heritage related protection. An extract of this ‘Constraints Map’ is provided within Figure 2-4 below.

**Figure 6-2: Extract of Local Development Plan Constraints Map**



6.3.16 As can be noted from Figure 2-4 above, the Severn Estuary is designated as a Special Protection Area and RAMSAR, Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC).

6.3.17 Policy KP5 relates to good quality and sustainable design, stating *“To help support the development of Cardiff as a world-class European Capital City, all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by:*

- i. *Responding to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals;*
- ii. *Providing legible development which is easy to get around and which ensures a sense of continuity and enclosure;*
- iii. *Providing a diversity of land uses to create balanced communities and add vibrancy throughout the day;*
- iv. *Creating interconnected streets, squares and spaces as distinctive places, which are safe, accessible, vibrant and secure and incorporate public art where appropriate;*
- v. *Providing a healthy and convenient environment for all users that supports the principles of community safety, encourages walking and cycling, enables employment, essential services and community facilities to be accessible by sustainable transport and maximises the contribution of networks of multi-functional and connected open spaces to encourage healthier lifestyles;*
- vi. *Maximising renewable energy solutions;*
- vii. *Achieve a resource efficient and climate responsive design that provides sustainable water and waste management solutions and minimise emissions from transport, homes and industry;*
- viii. *Achieving an adaptable design that can respond to future social, economic, technological and environmental requirements;*
- ix. *Promoting the efficient use of land, developing at highest practicable densities and where appropriate achieving the remediation of land contamination;*
- x. *Ensuring no undue effect on the amenity of neighbouring occupiers and connecting positively to surrounding communities;*
- xi. *Fostering inclusive design, ensuring buildings, streets and spaces are accessible to all users and is adaptable to future changes in lifestyle; and*
- xii. *Locating Tall buildings in locations which are highly accessible through walking and public transport and within an existing or proposed cluster of tall buildings.”*

6.3.18 Policy KP8 relates to sustainable transport, stating “Development in Cardiff will be integrated with transport infrastructure and services in order to:

- i. *Achieve the target of a 50:50 modal split between journeys by car and journeys by walking, cycling and public transport.*
- ii. *Reduce travel demand and dependence on the car;*
- iii. *Enable and maximise use of sustainable and active modes of transport;*
- iv. *Integrate travel modes;*

- v. *Provide for people with particular access and mobility requirements;*
- vi. *Improve safety for all travellers;*
- vii. *Maintain and improve the efficiency and reliability of the transport network;*
- viii. *Support the movement of freight by rail or water; and*
- ix. *Manage freight movements by road and minimise their impacts”.*

6.3.19 Policy KP12 relates to waste and states “Waste arisings from Cardiff will be managed by:

- i. *Promoting and supporting additional sustainable waste management facilities, measures and strategies in accordance with the Collections, Infrastructure and Markets Sector Plan (2012) and TAN 21 (2014) in a manner that follows the waste hierarchy and the principles of an integrated and adequate network of waste installations; nearest appropriate installation; self-sufficiency and protection of human health and the environment;*
- ii. *Encouraging the provision of in-building treatment facilities on existing and allocated areas of general industry;*
- iii. *Supporting the provision and maintenance of sustainable waste management storage and collection arrangements in all appropriate new developments; and*
- iv. *Supporting waste prevention and reuse and the provision of facilities that use recycled or composted products”.*

6.3.20 Other detailed policies of note are as follows:

- Policy EN3 – Landscape Protection;
- Policy EN5 – Designated Sites;
- Policy EN6 – Ecological Networks and Features of Importance for Biodiversity;
- Policy EN7 – Priority Habitats and Species;
- Policy EN9 – Conservation of the Historic Environment;
- Policy EN10 – Water Sensitive Design;
- Policy EN11 – Protection of Water Resources;
- Policy EN13 – Air, Noise, Light Pollution and Land Contamination;
- Policy EN14 – Flood Risk;
- Policy T1 – Walking and Cycling;
- Policy T5 – Managing Transport Impacts; and
- Policy T6 – Impact on Transport Networks and Services.

6.3.21 Rather than repeat the content of these detailed policies, key elements contained therein are detailed within the individual chapters of this ES or the topic specific assessments submitted in support of the planning application.

### Supplementary Planning Guidance

6.3.22 The following SPGs are of relevance to the application proposals:

- Archaeology and Archaeologically Sensitive Areas (July 2018);
- Soils and Development Technical Guidance Note (November 2017);
- Locating Waste Management Facilities (January 2017);
- Managing Transportation Impacts (incorporating Parking Standards) (July 2018);
- Planning for Health and Wellbeing (November 2017);
- Planning Obligations (January 2017);
- Safeguarding Business and Industrial Land and Premises (November 2017); and
- Waste Collection and Storage Facilities (October 2016).

6.3.23 Rather than repeat the content of these topic specific SPGs, key elements contained therein are detailed within the individual chapters of this ES or the topic specific assessments submitted in support of the planning application.

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