

# Buttington Energy Recovery Facility

Meeting Note: PINS, Broad Energy, ECL, Savills

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Note of Meeting held on Monday 8<sup>th</sup> April 2019: 13:00hrs  
Crown Building, Cathays

Present:

Rob Sparey (RS): Planning & Environment Manager, Planning Inspectorate, Welsh Government  
Chris Sweet (CW): Planning Officer, Planning Inspectorate, Welsh Government  
Alistair Hilditch-Brown (AHB), Director, Broad Energy  
Sarah Burley (SB), Technical Director, Environmental Compliance Limited  
Will Ryan (WR), Director, Savills

## 1. Project Update

**WR** described the changes to the project team since the last meeting between Broad Energy and PINS held in August 2018. ECL continue to lead the EIA Team, and Savills are the recently appointed planning lead. Project management is led by Judith Harper of WARP who had attended the previous meeting with PINS. Legal advice is being provided by Weightmans LLP.

**RS** described the PINS team that would manage the case, including the prospective case officers.

**AHB** confirmed that HZI (Hitachi Zosen Inova) are the appointed technology providers and that they already operate a number of similar facilities in the UK including at Millerhill near Edinburgh and at Hartlebury in Worcestershire.

**SB** explained that in the period since the Scoping Direction was issued by PINS (October 2018), the project design team has been working on progressing the layout of the facility. The focus of the design work has been on the relationship between the layout of the plant and the remainder of Buttington Quarry. **SB** tabled a number of draft plans that explained the current rationale of the design, including the proposed treatment of the adjoining quarry slopes, the stand-off between the plant and the slopes, the context of the geological SSSI and the access arrangements.

**CS** also commented that the Design and Access Statement should also include the evolution of design of the quarry sides, i.e. 34° slope vs 60° slope.

**SB** further explained that the design has effectively been frozen for the purposes of completing the EIA, but will need to be subject to a high level review of potential noise impacts prior to wider distribution to ensure that it meets noise criteria.

In terms of the architectural treatment of the facility, this work is in its early stages. The iterative process of input from the architects, landscape architects and HZI would take some time to resolve to secure an effective outcome.

**RS** reminded **SB** of the need to consider SuDS which would be considered under a wholly separate regime prior to the commencement of development. **SB** explained that the drainage consultant is aware of recent changes to the process and the need to secure approval from the Sustainable Drainage Approval Board (SAB), a function of Powys County Council.

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**CS** asked whether any consideration had been given to involvement with Design Commission for Wales (DCfW). **WR** confirmed that some thought had been given to this process and that past experiences on waste facilities had been generally positive. It would be something that Broad Energy would consider, subject to timescales.

## 2. EIA Scoping Clarification

- (i) Brexit. **SB** sought clarification on PINS approach to the potential changes to the environmental law regime as a result of the various permutations of Brexit. The message is that it is entirely business as usual, and that all assessments must be based on prevailing legislation at the time of submission of the proposal.
- (ii) Departure from Scoping Direction. The Direction requires an quantitative Odour Impact Assessment, however the Powys CC EHO is content with a qualitative assessment. **RS** explained that the Direction has some flexibility depending on stakeholder consultation. The developer has the option of resubmitting an amended/addenda to the Request for Scoping. **RS** suggested that in this case the change to the assessment could be explained in the ES;
- (iii) HIA. **RS** confirmed that PINS would not require any representation or observation on the HIA stakeholder group;
- (iv) England. **WR** requested clarification on the role of English stakeholders, given the proximity of the Wales/England border (approx. 2km). **RS** confirmed that no English stakeholders had been consulted at Scoping stage, that there was no statutory obligation to do so, and that there was no statutory requirement for the developer to take account of any cross-border consultation. It is at the discretion of the developer to consult in England: this is the closest DNS thus far to the English border so there is no clear precedent. It was considered that discussion with the EA could be relevant, however, it was agreed that it may be best to discuss this with NRW for their advice.

## 3. Parameter approach

Given the need for an iterative design, **WR** sought clarification on the potential to implement a parameter approach at application stage. **RS** explained that the DNS process does not allow for flexibility post-consent, and therefore the parameter approach would not be appropriate. There was some discussion on the need to build some optioneering into the consultation process to ensure that stakeholders had an appropriate opportunity to input into the design process.

## 4. Stakeholder Engagement

**WR** explained that much of the consultation thus far had been undertaken with technical officers and that there had been less involvement with strategic stakeholders than would be the preference. This is in the process of being resolved: of particular significance is the relationship with Powys CC as host authority, and clarification is being sought from PCC officers. Similarly, Requests have been made to NRW for a strategic meeting. A schedule of stakeholders and a strategy for engaging with them is in the process of being developed, and as above, consideration is being given to the level and extent of engagement with English stakeholders. This was noted by PINS.

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The significance of agreed Statements of Common Ground were acknowledged by both parties, and **WR** agreed to keep PINS up to date on progress.

**AHB** summarised the on-going public consultation that has been undertaken since 2015/16, the availability of web-based material and the relationship with the Community Council and others.

## 5. Relationship with PINS

**RS** proposed that the interaction between the developer and PINS should be progressed on a light-touch basis. PINS would be happy to receive regular email updates on progress, and telephone calls, if required, would be preferred to formal meetings. It was agreed that these mechanisms would be the best way forward.

## 6. Projected Timeline

**WR** outlined the likely timescale for the preparation of the DNS submission. The design freeze is a significant moment in the progress of the project, and subject to the high level noise assessment would be the basis for the EIA work to conclude.

The expectation is that a formal pre-application consultation period will commence in June (date TBC) and progress for at least 6 weeks. There was some discussion on the potential period of consultation coinciding with the school summer holidays - the approach of Broad Energy is to comply with the statutory period of consultation and to deal with any criticism locally if it arises.

In order for PINS to start considering availability of Inspectors, it was agreed that the DNS submission would not take place before 1<sup>st</sup> September 2019, and that **WR** would keep PINS informed as to what the actual date would be subject to progress.

The meeting was concluded at 14:00 hrs.

*WR*  
11-4-19