



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

# DNS: EIA Scoping Direction

## 3236340 - Môr Hafren Energy Recovery Facility (ERF)

25 October 2019

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This Scoping Direction is provided on the basis of the information submitted to the Planning Inspectorate on 30 August 2019, in addition to consultation responses received. The advice does not prejudice any recommendation made by an Inspector or any decision made by the Welsh Ministers in relation to the development, and does not preclude the Inspector from subsequently requiring further information to be submitted with the submitted DNS application under Regulation 24 of [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#) (as amended) (**"The 2017 Regulations"**).

## 1. Introduction

The Planning Inspectorate (**"the Inspectorate"**) received a request under [Regulation 33](#) of the 2017 Regulations for a Scoping Direction in relation to a proposed development for construction and operation of an Energy Recovery Facility by Môr Hafren Bio Power (**"the Applicant"**).

The request was accompanied by a Scoping Report (SR) [[3236340 – Môr Hafren ERF Scoping Report \(August 2019\)](#)] that outlines the proposed scope of the Environmental Statement (ES) for the proposed development.

This Direction has taken into account the requirements of the 2017 Regulations as well as current best practice towards preparation of an ES. In accordance with the 2017 Regulations the Inspectorate has consulted on the SR and the responses received from the consultation bodies have been taken into account in adopting this Direction.

The Inspectorate is authorised to issue this Scoping Direction on behalf of the Welsh Ministers.

## 2. Site Description

The site is located in Trowbridge, Cardiff, approximately 6km from Cardiff City Centre. The residential suburb of Rumney lies approximately 1.5 km to the west of the site and the suburb of Llanrumney is about 0.6 km to the north. The site is situated immediately to the south of the main South Wales railway line and to the north of B4239 Wentloog Avenue/Wentloog Road.

Further information is provided in section 2 of the SR.

## 3. Proposed Development

The proposal is for a 15MW Energy Recovery Facility (ERF), fuelled by residual waste to produce electricity to the local area.

The proposed built components within the development plot would comprise:

- The tipping hall, fuel bunker, process buildings (boiler and turbine halls, and stack);
- Air-cooled condensers;
- Flue gas treatment plant;
- Residue silos;
- Firewater tanks;

- Office and weighbridge.

Further detail is provided in section 3 of the SR.

The scope of the EIA should include all elements of the development as identified in the SR, both permanent and temporary, and this Scoping Direction is written on that basis.

#### 4. History

As detailed in section 1.4 of the SR, there is a previous planning permission on the site for the construction of an (200,000 tpa) integrated waste management facility incorporating autoclave technology, materials recycling and combined heat and power generation, ancillary offices and weighbridge office, and associated roads, car parking and landscaping (planning reference 09/00246/E).

#### 5. Consultation

In line with [Regulation 33\(7\)](#) of the 2017 Regulations, formal consultation was undertaken with the following bodies:

- Cardiff County Council (CCC)
- Natural Resources Wales (NRW)
- Cadw

Responses received are included in Appendix 1.

The legislative requirements for publicity in relation to the ES are set out by [Part 5](#) of the 2017 Regulations. Specific examples of where the Applicant may benefit from liaising over details of methodology may be cited under the relevant topics detailed in the Scoping Direction.

The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided as part of the ES summarising responses from the consultation bodies and how they are, or are not, addressed by the ES. Similarly, the ES should demonstrate how it has taken into account this Scoping Direction.

#### 6. Environmental Impact Assessment Approach

The Applicant should satisfy themselves that the ES includes all the information outlined in [Schedule 4](#) of the 2017 Regulations. In addition, the Applicant should ensure that the Non-Technical Summary includes a summary of all the information included in Schedule 4. Consider a structure that allows the author of the ES and the appointed Inspector and Decision Maker to readily satisfy themselves that the ES contains all the information specified [Regulation 17](#) and Schedule 4 of the 2017 Regulations. Cross refer to the requirements in the relevant sections of the ES and include a summary after the Contents page that lays out all the requirements from the Regulations and what sections of the ES they are fulfilled by.

As the assessments are made, consideration should be given to whether standalone topic chapters would be necessary for topics that are currently proposed to be considered as part of other chapters, particularly if it is apparent that there are significant effects and a large amount of information for a particular topic.

There may also be topic areas scoped out of the ES where the Applicant may wish to include application documents that sit outside of the ES and provide information that will support their consultation(s) and the decision-making process. The Applicant is encouraged to liaise with key consultees regarding non-ES application documents which are not a legislative requirement of the DNS regime. If agreement cannot be reached over non-ES application documentation, then the Applicant may wish to explore whether the Inspectorate can help provide clarity via its statutory pre-application advice service.

The ES should focus on describing and quantifying significant environmental effects. Policy considerations / arguments relating to those impacts should be addressed in other documentation supporting the application (e.g. a Planning statement), which cross references the ES where necessary.

### 6.1 Baseline

[Schedule 4](#) of the 2017 Regulations states that the 'baseline scenario' is "A description of the relevant aspects of the current state of **the environment**" (emphasis added). The baseline of the ES should reflect actual current conditions at that time.

### 6.2 Reasonable Alternatives

In line with the requirements of [Regulation 17](#) and [Schedule 4](#) to the 2017 Regulations, any reasonable alternatives studied by the Applicant should be presented in the ES. The reasons behind the selection of the chosen option should also be provided in the ES, including where environmental effects have informed the choices made.

It is worth bearing in mind that under the [Conservation of Habitats and Species Regulations 2017](#) ("the Habitats Regulations") unless it can be clearly shown to the Welsh Ministers that the project would have no adverse effect on the integrity of any designated sites, it would have to be shown that there is no feasible alternative solution (see advice note from [IEMA](#)). Further advice regarding the Habitats Regulations is provided in the final chapter of this Screening Direction.

### 6.3 Currency of Environmental Information

For all environmental aspects, the Applicant should ensure that any survey data is as up to date as possible and clearly set out in the ES the timing and nature of the data on which the assessment has been based. It is noted at section 9.3 of the SR the existence of baseline ecological data from 2008, updated in 2014. The Applicant is advised that most surveys would need to be repeated, in order to provide an accurate view of the ecology onsite. Further detail is provided below in the Ecology section of this Scoping Direction, and comments received from consultees are appended to this direction.

Any study area applied to the assessments should be clearly defined. The impacts of construction, operation and decommissioning activities should be considered as part of the assessment where these could give rise to significant environmental effects. Consideration

should be given to relevant legislation, planning policies, and applicable best practice guidance documents throughout the ES.

The ES should include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters. Where professional judgement has been applied this should be clearly stated.

The ES topic chapters should report on any data limitations, key assumptions and difficulties encountered in establishing the baseline environment and undertaking the assessment of environmental effects.

#### 6.4 Cumulative Effects

Based on the information set out in the SR, the approach to the assessment of cumulative impact is considered largely appropriate. Effects deemed individually not significant from the assessment, could cumulatively be significant, so inclusion criteria based on the most likely significant effects from this type of development may prove helpful when identifying what other developments should be accounted for. The criteria may vary from topic to topic.

All of the other development considered should be documented and the reasons for inclusion or exclusion should be clearly stated. Professional judgement should be used to avoid excluding other development that is close to threshold limits but has characteristics likely to give rise to a significant effect; or could give rise to a cumulative effect by virtue of its proximity to the proposed development. Similarly, professional judgement should be applied to other development that exceeds thresholds but may not give rise to discernible effects. The process of refinement should be undertaken in consultation with CCC and other consultees, where appropriate. The scope of the cumulative assessment should be fully explained and justified in the ES.

The Inspectorate has issued a Scoping Direction for a proposed DNS solar scheme in the vicinity of the village of [Redwick \(Rush Wall Farm\)](#). A Scoping Direction has also been issued for a proposed [renewable energy hub at Wentlooge Levels](#). Best practice is to include proportionate information relating to projects that are not yet consented, dependent on the level of certainty of them coming forward. The Applicant should satisfy themselves as to whether it is appropriate to include these potential DNS schemes in the cumulative assessment, depending on the progress of that project at the time this application is submitted, and provide a justification as to the approach taken.

Although intended for larger schemes, the Planning Inspectorate's guidance for Nationally Significant Infrastructure Projects – [Advice Note 17: Cumulative Effects Assessment](#) sets out a staged process for assessing cumulative impacts that may be of relevance to the Applicant.

#### 6.5 Mitigation

Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should provide reference to how the delivery of

measures proposed to prevent/ minimise adverse effects is secured (through legal requirements or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.

### 6.6 Transboundary Effects

[Schedule 4 Part 5](#) of the 2017 Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The ES should address this matter as appropriate.

### 6.7 Population and Human Health

The Applicant should ensure that the ES addresses any significant effects on population and human health, in light of the EIA Regulations 2017. This could be addressed under the separate topic chapters or within its own specific chapter.

## 7. Environmental Impact Assessment Topics

**This section contains the Inspectorate's specific comments on the scope and level of detail of information to be provided in the Applicant's ES. Environmental topics or features are not scoped out unless specifically addressed and justified by the Applicant and confirmed as being scoped out by the Inspectorate. In accordance with Regulation 17(4)(c) the ES should be based on this Scoping Direction in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant's Scoping Report.**

The Inspectorate has set out in this Direction where it has/ has not agreed to scope out matters on the basis of the information available at this time. The Inspectorate is content that the receipt of a Scoping Direction should not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.

### Scope of the ES:

#### 7.1 Air Quality – Scoped In

The Air Quality Assessment should ensure that construction, operation and demolition phases of the development are proportionately considered.

CCC draws the Applicant's attention to the Environment Agency's '[Air emissions risk assessment for your environmental permit](#)' (as referenced by NRW's website). In line with that guidance and with the advice from NRW, the Applicant is directed to utilise a screening distance of 10 km from source for Special Areas of Conservation, Special Protection Areas, and Ramsar sites, while using 2 km for Sites of Special Scientific Interest. It is only necessary to include designated sites with features sensitive to aerial emissions. The Applicant is directed to ensure that the relevant human and ecological receptors are assessed against the matters identified by NRW and CCC:

- Environmental Assessment Levels for the protection of human health

- Nitrogen oxide critical level (annual and daily)
- Sulphur dioxide critical level
- Nitrogen critical loads

The ES should clarify how the design choice of the stack height considers efflux velocity and potential impacts on the plume during high speed wind events.

The Inspectorate welcomes the Applicant's intention to comply with the Institute of Air Quality Management (IAQM) and Environmental Protection UK (EPUK)'s '[Land Use Planning and Development Control: Planning for Air Quality](#) (2017 Update)'. The Applicant's attention is also drawn to the IAQM's '[A guide to the assessment of air quality impacts on designated nature conservation sites](#)' (June 2019).

With reference to air quality impacts due to Heavy Duty Vehicle movements, ES should be completed in line with the IAQM 'indicative criteria for requiring an air quality assessment' (Table 6.2 of Land Use Planning and Development Control: Planning for Air Quality).

The ES should include an assessment of the likely impacts in terms of odour, prepared in line with the IAQM's '[Guidance on the assessment of odour for planning](#)' (Version 1.1, 2018).

## 7.2 Noise and Vibration – Scoped In

The approach to noise and vibration set out in the SR is considered appropriate, subject to the following points.

It is noted that the Applicant intends to produce a full noise and vibration assessment of both the construction and operational phases to inform the ES. That assessment should ensure that the full range of impacts in these respects are assessed and that the potential for significant environmental effects is clearly set out in the ES; any proposed mitigation should be incorporated into that assessment.

It is acknowledged that the Applicant intends to assess the impacts of noise and vibration on ecological receptors. For clarity, this should include potential effects on any noise sensitive features of the Gwent levels - Rumney and Peterstone SSSI and the Severn Estuary SPA/SAC/Ramsar as advised by NRW, with appropriate specific mitigation proposed as necessary.

CCC provide advice on the questions raised by the Applicant and this should be considered and followed as appropriate. In particular, the following points should be incorporated into the ES.

In relation to Noise Sensitive Receptors (NSR) it is agreed, based on the reasons set out by CCC, that the residential estate to the north east of the site, off Green Meadows / Hendre Road should be included in the NSRs to be assessed. Similarly, a more representative position for establishing background readings for the Travellers Site NSR should also be identified and incorporated into the assessment.

The SR states at para 8.6.5 that monitoring to inform the background assessment will be carried out over a weekday period. However, the proposed ERF, whilst operational, would

be running on a 24/7 basis and as such, a weekend survey should also be undertaken in line with the CCC advice.

Notwithstanding the above, the Applicant should continue to consult with the relevant CCC Officers and seek agreement on the approach to assessment as appropriate.

### 7.3 Ecology – Scoped In

It is noted that the site lies within the Gwent Levels – Rumney and Peterstone SSSI, which is important for its range of aquatic plants and invertebrates associated with the reens and ditches of the drainage system. Field ditches are located both within and adjacent to the proposed development site. The SR does not appear to acknowledge the potential impacts of the proposal on the SSSI. The Inspectorate directs that the ES should therefore assess any impacts the project will have on the qualifying features of the SSSI, during construction, operation and decommissioning phases. Further comments from NRW in relation to this are appended to this direction and the Applicant should note that any assessment should be informed by consultation with NRW.

An evaluation of the impacts of the proposed scheme should also include the SPA, SAC and Ramsar sites located approximately 1.4 km to the south east of the site.

The Inspectorate endorses the comments of both NRW and CCC in relation to existing ecological data. The Inspectorate does not consider that ecological data dating back to 2008, refreshed in 2014, reflects a robust and accurate view of the ecology on site. The Applicant should therefore update necessary ecological data, to be agreed in consultation with the relevant ecologist at CCC. Further comments related to the age of ecological data is provided by CCC and is appended to this direction.

The Applicant should consult with the relevant ecologist in CCC to ensure that local biodiversity issues are appropriately assessed. NRW also recommends that the applicant engages with relevant local groups for information relevant to the site and its surrounds, and this is supported by the Inspectorate. Further comments provided by CCC and NRW are appended to this Scoping Direction, and it is recommended that these are considered by the applicant when preparing the ES.

It is noted in the SR at 'Table 3: Ecological Receptors' the Severn Estuary Ramsar site is recorded, however, the Inspectorate recommends that any air quality impact assessment should also include the Severn Estuary SAC and SPA. Furthermore, NRW recommends the applicant produces a Construction Environmental Management Plan (CEMP) to address all relevant environmental issues, and this is endorsed by the Inspectorate.

### 7.4 Landscape and Visual Impact – Scoped In

The approach to Landscape and Visual Impact Assessment (LVIA) outlined by the Applicant in the SR is considered appropriate. It is recommended that the Applicant prepares the LVIA in line with guidance set out in the [Guidelines for Landscape and Visual Impact Assessment \(Third Edition\)](#), and any other relevant guidance.

CCC have confirmed that the proposed viewpoint locations are considered appropriate, and the Inspectorate welcomes this. Further comments provided by CCC in relation to LVIA are appended to this direction and should be considered by the applicant.

The SR does not confirm the proposed stack height; however, the SR states that the air quality study will be based on a stack height of 70m. If the development proposal is amended to increase the stack height, the applicant should ensure that the LVIA reflects any amendments.

The Applicant should ensure that the landscape and visual impact of the whole scheme is assessed, and that as far as practical, all elements are included in visualisations. It will also be appropriate to consider temporary installations, for example cranes used during the construction phase. The LVIA should be prepared in consultation with the relevant officer at CCC.

### 7.5 Transport – Scoped In

The Applicant has indicated that the Transport Assessment will be prepared in line with the Institute of Environmental Management & Assessment's 'Guidelines for the Environmental Assessment of Road Traffic'. The Applicant should also have regard to [Technical Advice Note 18: Transport](#) and CCC's **Supplementary Planning Guidance: [Managing Transportation Impacts \(Incorporating Parking Standards\)](#)** when preparing this section of the ES.

In line with the advice from CCC, the Applicant is directed to ensure that the ES includes surveys and analysis of these junctions:

- Newlands Road / Wentloog Ave
- Parkway / Wentloog Ave
- Wentloog Avenue / Mardy Road
- Lamby Way / Mardy Road
- Mardy Road / New Road
- Rover Way toward the M4 westbound (unless it can be confirmed that waste material would be transported via Lamby Way, Southern Way / A48 / M4)

The assessment should include all trips likely to be generated, including staff movements.

The Applicant should liaise closely with CCC whilst preparing this section of the ES.

### 7.6 Historic Environment – Scoped In

The approach to Historic Environment assessment, set out in the SR, is considered appropriate. Advice provided by Cadw, including the list of relevant historic assets to be assessed, should be considered and incorporated into the assessment process and the ES. As the site is not located within the Gwent Levels Landscape of Outstanding Historic interest, an AISDOHL2 assessment is not considered necessary in this case. However, the potential for impacts on the setting of the Historic Landscape should be incorporated and carried out in line with advice contained in Welsh Government's 'Setting of Historic Assets in Wales'.

The Applicant should consult the Glamorgan Gwent Archaeological Trust in relation to archaeology, as appropriate based on the result of initial desk-based survey work.

### 7.7 Flood Consequences Assessment – Scoped In

The SR confirms that a Flood Consequences Assessment (FCA) will be carried out, and the approach outlined is considered appropriate. NRW suggest that it would be appropriate to **rename this topic area as 'Water Resources', in order to cover the FCA, water quality and water quantity considerations.** The Inspectorate endorses this approach.

NRW also recommend the assessment scope should be expanded to include Internal Drainage Districts (IDD) interests, and fully assess impacts on the SSSI, and this approach is endorsed by the Inspectorate. NRW request that specific matters in relation to the IDD should be scoped into the EIA, including evidence that greenfield run-off rates would be complied with, and an assessment of the potential impacts. The comments received from NRW are recommended by the Inspectorate and should be carefully considered by the Applicant in preparation of the relevant sections of the ES.

As set out above in the Ecology section of this Scoping Direction, the development site is within the Gwent Levels – Rumney and Peterstone SSSI. The ES should assess potential impacts of the proposal on the SSSI.

The proposed development is likely to require SuDS Approval Body consent before construction can commence. Whilst this is not a matter for the DNS application, the incorporation of a SuDS scheme that satisfies the statutory national standards may have design implications for the proposal. Any design changes required to satisfy the SuDS standards may have knock-on effects for assessment and the production of the ES. As such, the applicant should give early consideration to this issue and incorporate any changes as necessary.

### 7.8 Arboriculture – Scoped Out

It is agreed that arboricultural assessment can be scoped out of the ES and submitted as a separate supporting document.

### 7.9 Ground Conditions – Scoped Out

The Applicant indicates that this topic will be addressed in the Planning Statement that they intend to submit with the application. The Inspectorate directs that this topic be scoped out of the ES on the proviso that that the Applicant provides a technical note supporting the assertion that the findings of the previous site investigations are still relevant; as indicated by NRW, if such assurance cannot be provided this topic may need to be scoped back in to the ES.

## 8. Other Matters

This section does not constitute part of the Scoping Direction, but addresses other issues related to the proposal.

### 8.1 Habitats Regulation Assessment

[The Conservation of Habitats and Species Regulations 2017](#) require competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a

European site (either alone or in combination with other plans or projects). The competent authority in respect of a DNS application is the relevant Welsh Minister who makes the final **decision. It is the Applicant's responsibility to provide sufficient information to the** competent authority to enable them to carry out an AA or determine whether an AA is required.

When considering whether or not significant effects are likely, Applicants should ensure that their rationale is consistent with the [CJEU finding](#) that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an AA and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site **when determining whether an AA is required ('screening')**. The screening stage must be undertaken on a precautionary basis without regard to any proposed integrated or additional avoidance or reduction measures. Where the likelihood of significant effects cannot be excluded, on the basis of objective information the competent authority must proceed to carry out an AA to establish whether the plan or project will affect the integrity of the European site, which can include at that stage consideration of the effectiveness of the proposed avoidance or reduction measures.

Where it is effective to cross refer to sections of the ES in the HRA, a clear and consistent approach should be adopted.

**The Planning Inspectorate's guidance for Nationally Significant Infrastructure Projects – [Advice Note 10: Habitat Regulations Assessment relevant to Nationally Significant Infrastructure Projects](#)** may prove useful when considering what information to provide to allow the Welsh Ministers to undertake AA.

## 8.2 SuDS Consent

As noted above, whilst a separate legislative requirement from planning permission, the **Applicant's attention is drawn to the statutory SuDS regime that came into force in Wales** in January 2019. The requirement to obtain SuDS consent prior to construction may require iterative design changes that influence the scheme that is to be assessed within the ES and taken through to application. As such, it is recommended that the applicant contact the local SuDS Approval Body early on.

## Appendix: Consultation Responses

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Consultee	Role
Cardiff County Council (CCC)	Statutory Consultee: Relevant Local Planning Authority (LPA)
Natural Resources Wales (NRW)	Statutory Consultee
The Welsh Ministers (Cadw)	Statutory Consultee: Historic Environment

Application No. / Rhif Cais: **SC/19/00011/MJR**  
Date / Dyddiad: 10/10/2019  
Please ask for / Gofynnwch am : Tim Walter  
Telephone / Ffon: 029223 30820

Kym Scott  
Planning Inspectorate  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

Dear Miss Scott

**Local Government Act 1972 section 101 Screening Opinion  
SCREENING APPLICATION NO.SC/19/00011/MJR**

**Proposal: CONSTRUCTION AND OPERATION OF A 15MW ENERGY  
RECOVERY FACILITY (ERF)**

**Location: LAND OFF NEWLANDS ROAD, WENTLOOG, CARDIFF, CF3 2EU**

In accordance with the powers delegated to me by the County Council under the above Act, my decision is as follows:

The above proposal has been scoped with regard to the need for the preparation of an Environmental Statement to accompany the application, in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (the EIA Regulations).

**1. Introduction**

- 1 This request for advice on the scope of an EIA relates to proposals for the construction and operation of an energy recovery facility on land off Newlands Road, Wentloog, Cardiff.
- 2 The proposals constitute a 'Development of National Significance' (DNS) by virtue of the projected energy output exceeding 10MW. The Planning Inspectorate (PINS) has therefore requested Cardiff Council's advice on the scope of the EIA and the proposed methodologies outlined in the Scoping Report, in relation to the authority's functions.
- 3 This report has been prepared by Cardiff Council in response to the information contained within the Scoping Report prepared by GP Planning Limited dated August 2019. Following advice from PINS, no external organisations were consulted; only relevant Service Areas of the Council were contacted for their

comments.

- 4 This report comprises a brief description of the site and the proposals, a summary of the consultation responses, and the Council's advice to inform the scoping opinion.
- 5 The Local Planning Authority has taken the following into account:
  - (i) any information provided by the applicant about the proposed development;
  - (ii) the specific characteristics of the particular development;
  - (iii) the specific characteristics of development of the type concerned; and
  - (iv) the environmental features likely to be significantly affected by the development

## **2. Description of The Proposed Development and Site Context**

### The Proposed Development

- 1 The development proposal is described as follows:

*Construction and operation of a 15MW Energy Recovery Facility (ERF).*

- 2 The proposed ERF will use residual waste (i.e. that which cannot be recycled or re-used) to generate electricity for export to the National Grid. The ERF will process up to 200,000 tonnes of commercial and industrial waste per year and aims to export approximately 15MW of electricity per year.
- 3 The development would use moving grate technology with a steam raising heat recovery boiler.
- 4 The waste would be sourced from within a 30 mile catchment from sources within and around Cardiff, with up to 200,000 tonnes per year being delivered by road.
- 5 The developer aims to produce 15MW of electricity each year through a continuous, 24-hour operation with an approximate average of 8,000 operational hours per annum (it would be offline for approximately 10% of the year for maintenance purposes).
- 6 17 no. car parking spaces are proposed within the site, including 2 no. accessible spaces. Approximately 25 staff would be employed of a 3 shift system.
- 7 The building would be approximately 48m high with a stack height of approximately 70m.

### Site Context

- 8 The site extends to approximately 1.67 hectares and comprises generally flat and level grassland/scrub. A man-made embankment borders the frontage onto Newlands Road. The west boundary is defined by a reën which forms part of the Site

of Special Scientific Interest designation.

- 9 The site is immediately adjacent to the London-Swansea mainline railway, which runs immediately north of the site. Existing industrial, warehousing and business operations are located to the northeast, southeast and southwest. Newlands Farm and Penpill Farm are located south near the junction with Wentloog Avenue, and further beyond to the southeast is the Traveller's caravan site at Shirenewton.
- 10 The Severn Estuary European Marine Sites are located approximately 1.4km to the southeast (SPA, SAC, and RAMSAR).
- 11 The site lies within the Gwent Levels Rumney and Peterstone Site of Special Scientific Interest.
- 12 The land immediately north of the railway is a designated as the Hendre Road Site of Importance for Nature Conservation (SINC).
- 13 The site is also within a C1 Flood Zone.
- 14 The site also lies within an archaeologically sensitive area.

### **3. Consultation Responses**

- 1 The proposed topics to be covered in the EIA will be addressed in this section in the order in which they are listed in the scoping report. Consultation responses from relevant Service Areas are included where relevant.

#### Air Quality Assessment

- 2 The Council's Air Quality Officer has advised as follows:
  - (i) An assessment will need follow the Environment Agency online guidance (referenced by NRW) '*Air emissions risk assessment for your environmental permit*' (the AERA guidance), available at <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>
  - (ii) The AERA guidance requires assessment of potential short-term and long-term impacts on both human and ecological receptors (such as SSSIs within 2km and SACs/SPAs within 10km). Impacts will be assessed against relevant Environmental Assessment Levels (EALs) for the protection of human health and against Critical Loads (CLo) and Critical Levels (CLe) for the protection of vegetation and ecosystems.

- (iii) The assessment of emissions from the site would be undertaken using the staged approach as defined in the AERA guidance, i.e. a screening assessment (known as Stage 1 and 2) to identify those emissions that can be considered insignificant and the requirement (if any) for detailed dispersion modelling. The assessment would entail:
- ) a review of air quality standards and guidelines of relevance to the additional emission sources;
  - ) a review of the existing air quality in the area on the basis of monitoring data obtained from the local authority and other national networks (no site-specific monitoring is proposed);
  - ) derivation of emission source term for the emissions sources based upon 'manufacturer standard', published emissions factors and any available test data;
  - ) followed if necessary by detailed dispersion modelling of the emissions;
  - ) assessment of predicted ground level impacts against Environmental Assessment Levels (EALs); and
  - ) comparison of predicted ground level concentrations and deposition with critical levels and critical loads for protection of sensitive ecological receptors.
- (iv) Concerning odour, the assessment will be undertaken qualitatively on the basis of the source-pathway-receptor conceptual model following IAQM '*Guidance on the assessment of odour for planning*', i.e. the magnitude of odour emissions will be qualitatively assessed, and the potential dispersion considered on the basis of prevailing meteorological conditions, combined with the sensitivity of receptors address the likely magnitude of impact and significance of effect.
- (v) Finally, in respect of traffic emissions, the operational phase may generate additional High Duty Vehicles (HDVs) & LDV movements on the local road network. Clarity will be required concerning the figures expected to and from the site. These additional trips have the potential to impact ground level pollutant concentrations at existing receptor locations. The applicant must refer to Table 6.2 of the EPUK and IAQM guidance "Land- Use Planning and Development Control: Planning for Air Quality, January 2017" to assess the stipulated criteria for generated traffic movements.

#### Noise/Vibration Assessment

- 1 In respect of the questions relating to noise sensitive receptors in paragraph 8.6.4, the Noise Pollution Officer, advises:
- (i) There is a residential estate to the northeast of the development, off Green Meadows/Hendre Road, almost equi-distant to that off of Trowbridge road already listed, that should also be considered. This will give a clearer projection of any potential of the estate as a whole, and for reasons outlined in answer 2;

- (ii) The Local Development Plan 2006-2026 has allocated a parcel of land to the south of Green Meadows / Hendre Road residential for “*Non-Strategic Housing Site*” H1.1 (Areas 9-12 St. Mellons). Depending on the results of background noise levels and Operational Noise Impact Assessment, any new developments may struggle to reach internal ambient noise levels as outlined in BS8233. This further emphasises our position in response to 8.6.9, question 3;
- (iii) There are nearby commercial activities namely, Pinewood Studio Wales, who will be subject to any operational and construction noise. They have previously raised concerns to this service about vehicular movement in the estate impacting their operations. Their exact operating times are not known and by nature of their operations, may change. It will be worth the developer considering this or approaching them;
- (iv) Para. 8.6.5. It is noted earlier in the scoping report that 24hr monitoring will be conducted weekday and weekend, however here only weekday is stated. Given the development is to be operating 24/7, a weekend survey should also be conducted, on a day where background is likely to be lower.
- (v) Para. 8.6.6 – 8.8.8: Any background readings taken at Newlands Farm are unlikely to be representative of the Travellers Site NSR, namely because there are less operations in close proximity to the Travellers Site and is situated further away from the train line. With this considered, an additional site within this section should be listed either adjacent to the Travellers Site *or* in another point that can be agreed within the Environmental Statement that is representative.
- (vi) Question 1 of paragraph 8.6.9 is not fully understood. If it does not relate to NSRs away from the development site, the third question covers this together with his comments on the Construction Phase Noise Impact Assessment (CPNIA) below.
- (vii) In response to question 2, the report memo ref. JH4-5025/19 was not attached, however it is agreed as the site itself is not noise sensitive, this is not crucial. It is anticipated that the development will be designed with these factors to protect any staff themselves and would draw attention to BS8233.
- (viii) It is expected that any BS4142 type environmental assessment for all anticipated operation noise would not exceed 10dB below the measured background levels (LA90)
- (ix) Hours of Operation – There are concerns regarding the proposed times for feedstock deliveries, due to the noise/movement/activity from the HGV movement specifically early morning and weekend. The permitted HGV movements should be adjusted to 0800 – 1800 Monday to Friday; 0800 – 1300 Saturdays and No deliveries on Sundays/Bank Holidays. However, if the noise reports show limited or no impact to residents and other business users then, these hours can be reviewed.

- (x) As part of the Construction Phase Noise Impact Assessment attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this no audible noise is expected outside the site boundary adjacent to the curtilage of residential property by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. Approval for any proposed piling operations should also be sought.
- (xi) Fuller details are expected in the Environmental Statement regarding the proposal for the construction phase with reference too: *Code of Practice for noise and vibration control of construction and open sites BS5228 (latest edition)*.
- (xii) Specific regard is recommended to the sensitive nature of operations at the adjacent site at Pinewood studios when planning the construction phase and any impact from noise and vibration.
- (xiii) Any artificial lighting associated with the development and operations should be considered within the Environment Statement to protect the residential receptors above.

### Ecological Assessment

- 1 The Council's Ecologist has made the following comments:
- 2 In relation to assessing the air quality impacts of the proposed scheme, Section 7.3.4 states that the location of sensitive ecological receptors has yet to be determined. However, looking at 'Table 3: Ecological Receptors', the Severn Estuary Ramsar site is listed, but not the SA
- 3 or SPA. The listing of the Ramsar site is welcomed, as well as all the nearby SSSIs and SINCS, but any air quality impact assessment should include the Severn Estuary SAC and SPA as well. This assessment should be sufficiently robust to inform a Habitats Regulations Assessment of the impacts of the proposed scheme upon the Severn Estuary site.
- 4 The proposed methodology in Section 9 'Ecological Assessment' is agreed. The zone of influence of the proposed development in terms of aerial emissions from any chimney and from traffic movements during construction and operation should be taken into consideration in the ecological assessment.
- 5 There are concerns over Section 9.3.2 which states that "...the findings of the original EclA remain valid and the recommended mitigation measures should be implemented as agreed in the extant planning consent via planning conditions" The original EclA is based upon surveys which took place in 2008, together with an updated walkover survey from 2014 which found that "...there has been little change

to the nature of the site...". It is not agreed that an ecological assessment made 11 years ago, even if refreshed 5 years ago, represents a robust and up-to-date view of the ecology of the site and the likely impacts of the proposed scheme. Habitat can change quickly over 5 years due to natural succession and this may allow certain species to colonise whilst becoming unsuitable for other species. Species such as bats may also colonise or abandon roosts, even if there are no substantial changes to the habitat. It is for reasons such as these that the Chartered Institute for Ecology and Environmental Management (CIEEM) has issued guidelines on the lifespan of ecological reports and surveys. This note advises that where data is more than 3 years old, the report is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated (subject to an assessment by a professional ecologist).

- 6 However, he advises that the 18 months or 3 years shelf-life thresholds should not be imposed rigidly, and he is always willing to entertain discussions as to which surveys need to be repeated, but given the relatively long time, in ecological terms, since the last surveys, he is minded to ask that most should be repeated. An exception to this would be for example an amphibian survey, as it is very unlikely that GCN will have colonised the reens on or near the site, and the presence of common amphibians such as Common Frog and Smooth Newt can be assumed. Similarly, the bird assemblage need not necessarily be repeated, but if there are breeding Schedule 1 Birds species such as Cetti's Warbler on site then this should be established. Surveys for reptiles, bats (flightlines and potential roosts in adjacent trees), Otters, Water Vole should be repeated.
- 7 Regarding habitats, the species list attached to the previous EciA revealed that the site supported a number of plant species which are indicator species listed in the Guidelines for the Selection of Wildlife Sites in South Wales. Therefore according to these criteria, the site would qualify as a SINC as follows:-

Habitat type	Number of Species Recorded	SINC Qualifying Threshold	Qualifies ?
Neutral grassland	9	8	Yes
Calcareous grassland	7	8	No
Marshy grassland	15	12	Yes
Woodland	2	12	No
Brownfield	37	20	Yes
'B'-list plants	3	5	No

- 8 Given that the site would in theory qualify as a SINC for three different habitat types, after 11 years it is worth repeating the botanical survey to see whether this interest has been lost, improved, or stayed roughly the same.
- 9 Dormouse – There appears to be trees and scrub on and around this site, so the

applicant's ecologist should consider whether there is the need for a dormouse survey. He is aware that this species has recently been detected in similar habitat near Hendre Lake, about 1.5 Km to the east, but these records may not yet have been supplied to SEWBReC so may not appear on any records search. If it is considered that a dormouse survey is not needed, then the reasons for this should be set out.

- 10 SSSI – In the original EclA, guidance from CCW dated 1991 and 1998 is quoted in relation to the SSSI, to support the case that development in the Gwent Levels can proceed, subject to mitigation measures, without harming the features of special interest. However, the more recent view of NRW that some of the guidance set out in the 1991 policy document is no longer appropriate. Therefore any assessment of impact of the proposed scheme upon the SSSI, and any proposals for mitigation measures, should be informed by discussion with NRW.
- 11 Consideration of Ecosystems – The 2016 CIEEM EclA Guidelines make it clear that an EclA should consider the impacts upon ecosystems, as well as habitats and species. Statements to this effect are found throughout the document, for example at sections 1.3, 1.9, 2.3, 4.1 and 4.8 etc. All EclA's submitted to Cardiff Council should demonstrate how the impacts upon ecosystems have been assessed, in accordance with the 2016 EclA Guidelines. This will allow Cardiff Council to demonstrate compliance with the ecosystem approach as required by its duties under Section 6 of the Environment (Wales) Act.

#### Landscape and Visual Impact Assessment

- 12 The proposed viewpoint locations are considered to provide a good number of close and long range views to enable the visual impacts of the development to be understood.
- 13 The Council's Tree Officer advises that a Soil Resource Survey and Plan should be undertaken in accordance with the Council's Soils and Development TGN to characterise and quantify the soil resource and inform specifications for its re-use as appropriate, as part of soft landscaping. Landscaping details should comprise scaled planting plan, plant schedule, topsoil and subsoil specification, tree pit section, planting methodology, aftercare methodology and implementation programme.
- 14 The Arboricultural Assessment should be carried out in accordance with the Trees and Development TGN and used to inform design as appropriate.
- 15 It is noted that the AIA has been scoped out of the Environmental Impact Assessment. This approach is accepted. A Soil Resource Survey should also be provided and need not form part of the EIA.

#### Transport/Traffic Assessment

- 16 The documentation indicates that the waste material would be sourced locally, within 30 miles of Cardiff, although no potential routes (beyond using the strategic highway

network) or sources have been identified at this stage.

- 17 Despite the site operating 7 days a week it appears that the residual waste would be delivered Monday to Friday for 50 weeks a year (250 days). All deliveries would be undertaken between 6am and 6pm. The site will operate a three shift system to maintain a 24 hour operation (with a maximum of 12 staff on-site at any one time).
- 18 It is both assumed and stated that deliveries would be undertaken using 20 tonne payload tipper vehicles. Over a 5 day operation 39 deliveries, or 78 vehicle movements, (40 deliveries stated in the documentation) per day would be expected. This would equate to 7 HGV movements an hour (between 6am and 6pm), or a HGV movement every 9 minutes. The site would be expected to have capacity to store a minimum of 1,000 tonnes of waste on-site to cover the weekend, when deliveries do not take place.
- 19 In addition to the waste material HGV movements the site will require waste (ash) to be removed. It is estimated that some 52,000 tonnes would be generated per annum. The ash would be collected in a mixture of specialist 20 tonne & 10 tonne (payload) vehicles. This would equate to some 20 additional collections (or 40 HGV movements) per day to remove the ash.
- 20 Therefore excluding staff movements and less frequent deliveries (such as chemicals) it is anticipated that the site would generate some 120 HGV vehicles movements a day (6am to 6pm). There would typically be 10 HGV movements per hour, or one every 6 minutes.
- 21 The transport assessment would need to address a number of issues (as a minimum), including;
  - ) Accessibility – how would the use of alternative modes be encouraged / supported. Indicate the bus services operating within the vicinity of the site, and whether relevant.
  - ) Parking provision – parking provision for all vehicles, including cycles, in accordance with the council's requirements (Managing Transportation Impacts SPG) would need to be detailed in the TA.
  - ) Trip generation – The TA will need to detail the anticipated traffic flows to / from the proposed incinerator facility. The flows will need to take full account of all HGV movements delivering fuel and those removing waste materials, any supplementary fuel delivery, chemical delivery, cleaning operations etc. All staff movements must be taken into account.
  - ) Traffic counts/surveys would be expected at a number of locations enroute to the facility to confirm the assertion within the documentation that traffic will not represent an issue. The council would expect these issues to be detailed and confirmed. Whilst accepted that the impact upon the major junctions, such as Lamby Way gyratory may not be required surveys and analysis (see Managing Transportation Impacts SPG) of the following junctions would also be expected:
    - a. Newlands Road/Wentloog Ave
    - b. Parkway/Wentloog Ave
    - c. Wentloog Avenue/Mardy Road
    - d. Lamby Way/Mardy Road

e. Mardy Road/New Road

- ) These assume that the waste material would be arriving / departing via Lamby Way, Southern Way / A48 / M4. Should it be anticipated that material will be delivered / removed to the west then the junction on Rover Way and toward the M4 westbound would need to be considered to confirm that the additional vehicles would not impact upon the existing transport network.
- ) Proposed Access – The access junction would need to be designed to the requisite standard in terms of width, radii and visibility.

Cultural Heritage Assessment

- 22 No comments are provided in respect of Heritage. The views of Glamorgan Gwent Archaeological Trust and CADW should be sought.

Flood Consequences Assessment

- 23 The Council's Drainage Division has been consulted and no comments were received.
- 24 The views of Natural Resources Wales should be sought.

Ground Conditions

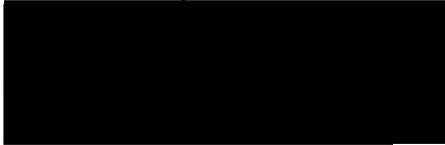
- 25 It is noted that ground conditions have also been scoped out of the EIA based on previous contamination surveys identifying low concentrations of potential contaminants.
- 26 The Council's Contaminated Land Team advises that the risk to human health and the environment from potential contamination and ground gases at/ in the vicinity of the site needs to be established prior to commencement of the development. Any areas of concern either not considered, or identified by those assessments submitted at the application stage can be dealt with by the inclusion of geo-environmental conditions as part of any consent. Relevant standard conditions are likely to be recommended at the appropriate time.

**4. Scoping Opinion**

- 1 In preparing the Environmental Statement, the applicant's attention should be drawn to the requirements for Environmental Statements set out in Regulation 17 and Schedule 4 to the 2017 EIA Regulations.
- 2 The information required for inclusion in Environmental Statements set out in Schedule 4 should be provided.

- 3 The Council considers that, subject to the comments above, the issues identified in the submitted scoping report should be included in the Environmental Impact Assessment to enable the Planning Inspector and the Welsh Ministers to consider the likely environmental effects of the development and whether these are likely to be significant.
  
- 4 Please note that this advice on the scope of the EIA is provided without prejudice to the determination of the forthcoming 'Development of National Significance' application.

Yours faithfully



**James Clemence**  
**HEAD OF PLANNING**

**PLEASE REPLY TO:** Development Management, Strategic Planning, Highways and Traffic & Transportation, County Hall, Cardiff, CF10 4UW (e-mail: [developmentcontrol@cardiff.gov.uk](mailto:developmentcontrol@cardiff.gov.uk))  
(internet: [www.cardiff.gov.uk/dc](http://www.cardiff.gov.uk/dc))

**Miss Kym Scott**

The Planning and Environment Team  
The Planning Inspectorate  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

08 October 2019

Annwyl / Dear Miss Scott,

**TOWN AND COUNTRY PLANNING ACT 1990  
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (PROCEDURE) (WALES)  
ORDER 2016  
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT  
(WALES) REGULATIONS 2017**

**Site Address: Land off Newlands Road, Cardiff**

**Proposed Development: Construction and operation of a 15MW Energy Recovery Facility (ERF)**

Thank you for your email dated 3 September 2019, consulting us in relation to the above proposal and specifically on the applicant's request to the Welsh Ministers for a scoping direction under Regulation 33e of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017.

We have reviewed the information provided in the Scoping Report, titled 'Proposed Môr Hafren Energy Recovery Facility, Land Off Newlands Road, Cardiff', dated August 2019. Our advice is given below. For ease of reference, our comments refer to the relevant sections of the Scoping Report. Further advice which is relevant to the proposal but may fall outside the Scoping Direction is detailed in the Annex to this letter.

## **Section 7 - Air Quality**

The Scoping Report confirms that an Air Quality Assessment will be undertaken, and it will consider the potential impact of the full range of air emissions. For a combustion process of this size (15MW) a screening distance of 10km from the emission source is recommended for all sites designated as Special Areas of Conservation (SAC), Special Protection Areas (SPA), and Ramsar sites. A screening distance of 2km from the emission source is recommended for all sites designated as Sites of Special Scientific Interest (SSSI).

We note that 22 ecological receptors have been identified (Section 7.4.7); although not all of these sites are sensitive to aerial emissions. We advise that only those containing features which are sensitive to aerial emissions should be included within the Air Quality Assessment.

The report states that the EPUK/IAQM guidance will be followed for determining the impact descriptor for increases in annual average nitrogen dioxide (NO<sub>2</sub>) and PM<sub>10</sub> concentrations at sensitive receptors in the vicinity of the development site. We agree with this approach.

All the sites identified as sensitive to aerial emissions within the 10km radius should be assessed against the relevant nitrogen oxide critical level (annual and daily), sulphur dioxide critical level and nitrogen critical loads for their habitats.

Critical Levels are to be found on the APIS website:

[http://www.apis.ac.uk/overview/issues/overview\\_Cloadslevels.htm#\\_Toc279788054](http://www.apis.ac.uk/overview/issues/overview_Cloadslevels.htm#_Toc279788054)

### **Section 7.11 - Stack Height Calculation**

We note that in Section 7.11 of the Scoping Report, 'Stack Height Calculation' the report states that the methodology defined in Her Majesty's Inspectorate of Pollution (HMIP, now the Environment Agency) guidance note D1 will be used to calculate the appropriate height of the stack proposed for the Energy Recovery Facility (ERF). We advise that as well as optimising the proposed stack height for the dispersion of residual pollutants, consideration should also be given to the effect on efflux velocity. The design should ensure that efflux velocity is sufficiently high to minimise plume knock-down during high wind speed events, as this may not be predicted reliably by the standard air dispersion models used for air quality impact assessment.

### **Section 7.12 Detailed Modelling**

We note that in Section 7.12.6 of the Scoping Report that the UK Government guidance for screening the significance of air quality impacts will be applied in the assessment. We support this approach.

## **Section 8 - Noise and Vibration Assessment**

We note an Environmental Noise and Vibration Impact Assessment will be carried out to assess potential noise implications of the ERF and associated HGV movements.

We advise that as part of this Assessment, potential effects on any noise sensitive features of Gwent levels - Rumney and Peterstone Site of Special Scientific Interest (SSSI) and the Severn Estuary Special Protection Area (SPA), Special Area of

Conservation (SAC) and Ramsar site should be considered, with appropriate mitigation proposed as may be necessary.

### **Section 9 - Ecological Assessment**

The scoping report confirms that an Ecological Impact Assessment (EIA) will be carried out to consider impacts of the proposed ERF.

This Assessment should include sufficient information to enable the determining authority to properly consider the extent of any environmental impacts arising from the proposed scheme on legally protected species, including those which may also comprise notified features of designated sites affected by the proposals.

Evaluation of the impacts of the scheme should include: direct and indirect; secondary; cumulative; short medium and long term; permanent and temporary; positive and negative, and construction (including impacts of construction site access) operation and decommissioning phase impacts on the nature conservation resource.

#### Key Habitats

We note, as per Section 9.5.1 of the Scoping Report that a Phase I survey of the site has been undertaken in March 2019. This is outside of the optimum period to undertake a Phase I survey. We usually advise that a survey of this type is undertaken during the summer, to ensure the best chance of identifying habitats present. However, provided the survey report sufficiently describes and maps the key habitats of the site and plant species of particular importance, we do not have significant concerns in this regard. The survey should accord with the NCC Phase 1 survey guidelines (NCC (1990) Handbook for Phase 1 habitat survey. NCC, Peterborough).

#### Protected Species

The site should be comprehensively assessed for its potential to support protected species. The scoping report makes reference to ecological data dating back to 2009 and 2014, both of which we consider to be out of date now. We note that an extended Preliminary Ecological Assessment has been undertaken to update the previous survey information, and that the results of this will be reported in the ES. We would expect this to include consideration (with a supporting justification) of the need (or otherwise) for more specific protected species surveys. If further protected species surveys are undertaken, the results of these should be reported in the ES, along with a detailed assessment of impacts and details of all the mitigation proposed to offset the anticipated impacts.

#### Local Biodiversity Interests

We recommend consultation with Cardiff's local authority Ecologist on the scope of the EIA, to ensure that local biodiversity issues are adequately considered, particularly those habitats and species listed in the relevant Local Biodiversity Action Plan and that are considered important for the conservation of biological diversity in Wales.

In addition, we would expect the developer to contact relevant groups/organisations for biological information/records relevant to the site and its surrounds. These include the relevant Local Records Centre and any local ecological interest groups (e.g. bat groups, mammal groups).

### **Section 13 - Flood Consequences Assessment**

The Scoping Report confirms that a Flood Consequences Assessment (FCA) will be undertaken along with a drainage strategy that is appropriate for the site's location. We agree with the approach identified for the FCA.

However, with regards to drainage, we advise that the scope of the Assessment should be expanded to properly cover SSSI and Internal Drainage District (IDD) interests, as explained below. As such, we also suggest it would be appropriate to rename this topic area 'Water Resources', so that it is broad enough to cover consideration of the FCA, water quality and water quantity matters.

#### Gwent levels - Rumney and Peterstone Site of Special Scientific Interest (SSSI).

As you are aware, the development site is within the Gwent levels - Rumney and Peterstone Site of Special Scientific Interest (SSSI). The SSSI is notified for its range of aquatic plants and invertebrates associated with the reens and ditches of the drainage system. In summary, the special interests of the SSSI are dependent on the water quality, water quantity, the existence of the drainage system and its continued management. Any development which has an adverse impact on any of these factors will have an adverse impact on the wildlife for which the area was notified.

We note that field ditches lie within and adjacent to the site, as a result, the development has the potential to adversely affect the special interest within the SSSI, for example, by altering the quality and quantity of water entering the drainage system of the SSSI.

The Scoping Report does not acknowledge potential impacts of the proposal on the SSSI. These impacts will need to be fully assessed. In particular, any assessment should address the potential for adverse effects upon water quality and quantity of the watercourses of the SSSI to arise from the proposed development during both construction and operation.

We request that the EIA acknowledges the potential to adversely impact the SSSI through changes in water quality and water quantity during and post construction. The assessment may conclude that water quality testing and monitoring is undertaken. If so, this should be carried out before, during and for a period after construction, to demonstrate there are no negative effects on the water quality of the ditches and reens.

We would expect to see reference to the production of a Construction Environmental Management Plan (CEMP) to address all relevant environmental issues. Details should include strategies relating to the management of soil, silt and materials and full details of pollution prevention, a pollution incident response plan and a waste management plan. The CEMP would need to specify the proposed methodology to prevent any material / contaminated water leaving the boundary of the site, in order to prevent any adverse impact on features of the SSSI.

For further guidance on pollution prevention, the developer should refer to GPP 5 and PPG 6 at the following link: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

### Caldicot and Wentlooge Levels Internal Drainage District (IDD)

The site also lies within the Caldicot and Wentlooge Levels Internal Drainage District (IDD). The management of water levels through the IDD (undertaken by NRW) is an important part of the on-going management of the SSSI in the area. The IDD area itself is sensitive in terms of water level management (i.e. flood risk from the reens), increased surface water run-off, silt deposition, watercourse and soil erosion and soil compaction.

Therefore, we would wish the following matters to be included in the scope of the EIA:

- Evidence/calculations to demonstrate that greenfield run-off rates would be complied with (3.5l/sec/ha).
  
- An assessment of the potential impacts of the development on the drainage ditch on site. This should include confirmation that the Gwent Levels IDD water level management activities would not be impeded during or after construction activities. It should also consider whether a site management plan is required for construction, operation and de-commission stages, which includes details of who would be responsible for undertaking maintenance of the ditch during the lifetime of the development (the ditch in question is not managed by NRW).

Finally, we note the submitted Layout suggestion plan, GSDA Edit 11/12/2018, dated 30.10.2018 has included a 7m buffer next to the drainage ditch on site. We support the inclusion of this buffer, which would provide sufficient access for maintenance and management in the future.

### **Section 14 - Topics to be Scoped out of the EIA**

#### **Ground Conditions**

We note that Ground Conditions (Section 14.3) is a topic area that has been scoped out because site investigations undertaken in the late 1990's and more recently in 2008, identified low concentrations of potential contaminants at levels below the risk to the environment. The risk of groundwater contamination is referred to as being very low given the low permeability of deposits underlying the site.

We note the Scoping Report states that the recorded ground conditions will be set out in the Planning Statement. We are satisfied with this approach provided that the Applicant is able to submit a comprehensive technical note / statement supporting the 2008 Site Investigation Report and confirming that there have been no changes since that time which would have had the potential to cause ground contamination. If this is not possible, we would request this topic is scoped back into the Environment Statement.

#### **Foul Drainage**

Section 13.4.6 of the Scoping Report states that the site does not currently have a requirement for foul drainage. There is no mention of the proposed foul drainage arrangements. Due to the sensitivity of the local environment, we would expect any future DNS application to confirm the site would be connected to mains sewerage and evidence should be provided of consultation with DCWW regarding capacity and approval of connection. On this basis, we are satisfied that foul drainage matters can be scoped out of the EIA.

## Other Matters

Information which is relevant to environmental permitting matters, but which may fall outside the scoping direction are detailed in the Annex to this letter.

Please note that our comments are without prejudice to any comments we may wish to make if and when consulted further in respect of this proposed development or on the submission of a more detailed scoping report or the full Environmental Statement, as there may be new information available which we will need to take into account in making a formal response.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

I trust the above advice is clear and is helpful to you in producing a Scoping Direction. However, please do not hesitate to contact us, if you require further information or clarification of any of the above.

Yn gywir / Yours sincerely,

**Alice Jewer**

Development Planning Advisor  
Development Planning Advice Service

## Annex

### Environmental Permitting Regulations

The proposed plant falls under Section 5.1 (incinerator/co-incinerator installation) of the Environmental Permitting (England and Wales) Regulations 2010 (EPR) and will require an environmental permit before it can commence operation.

We would encourage the operator to contact NRW for pre-application discussions as soon as is practical. Details of the application processes are available in the guidance below and up to 2 hours of pre-application advice is available without charge, to answer specific queries relating to the application process. Further detailed pre-application discussions, such as technical meetings, can be arranged subject to agreement of resource requirements and at a cost of £125 per person-hour.

Further guidance is available on our website at :

<https://naturalresources.wales/permits-and-permissions/environmental-permits/?lang=en>.

We strongly recommend parallel tracking of any planning (DNS) application and permit application. This should reduce uncertainty as to whether the permit can appropriately regulate pollution control issues. In preparation for an environmental permit application, we provide the below advice;

### Proposed Technology

Detailed justification will be required for the environmental permit application for the technology proposed, and the proposed approach to emissions prevention and control, as well as energy recovery efficiency. We advise that this needs to be in line with the latest waste incineration Best Available Techniques (BAT) reference document (Waste Incineration BREF) as adopted under the IPPC Directive (2008/1/EC) and the Industrial Emissions Directive (IED, 2010/75/EU).

We advise that particular attention is given to ensuring recovery of residual recyclable materials from the waste feed stream, resilience of emission control and abatement to variable waste feedstocks and maximisation of energy recovery through the use of optimum steam conditions; combined heat and power and secondary heat recovery techniques such as organic Rankine cycle generation; and recovery of solid residues as raw materials for other industries.

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Llywodraeth Cymru  
Welsh Government

Plas Carew, Uned 5/7 Cefn Coed  
Parc Nantgarw, Caerdydd CF15 7QQ  
Ffôn 0300 025 6000  
E-bost [cadw@llyw.cymru](mailto:cadw@llyw.cymru)  
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Plas Carew, Uned 5/7 Cefn Coed  
Parc Nantgarw, Caerdydd CF15 7QQ  
Ffôn 0300 025 6000  
E-bost [cadw@llyw.cymru](mailto:cadw@llyw.cymru)  
[cadw.gov.wales](http://cadw.gov.wales)

The Planning Inspectorate  
Crown Buildings  
Cathays Park  
Cardiff  
Cf10 3NQ

Eich cyfeirnod Your reference	3236340
Ein cyfeirnod Our reference	DH
Dyddiad Date	7 October 2019
Llinell uniongyrchol Direct line	0300 0256004
E-bost Email:	<a href="mailto:cadwplanning@gov.wales">cadwplanning@gov.wales</a>

Dear Sir/madam,

## **Proposed construction and operation of a 15MW Energy recovery Facility (ERF), land off Newlands Road, Cardiff, CF3 2EU**

Thank you for your letter of 3 September 2019 requesting a scoping opinion for the above proposed development of national significance (DNS).

### Advice

Having carefully considered the information provided, we consider that further information is required before the Cultural Heritage Section of the EIA can be completed. Our assessment of the application is given below.

### Our role

Details about our role in the DNS process are available [online](#).

### National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Conservation Principles for the Sustainable Management of the Historic Environment in Wales, Technical Advice Notes and related guidance.

PPW ([Part 6 – The Historic Environment](#)) explains that it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

### Assessment

#### **Scheduled Monuments**

GM474 Relict Seawall on Rumney Great Wharf  
GM216 Caer Castell Camp

Mae Gwasanaeth Amgylchedd Hanesyddol Llywodraeth Cymru (Cadw) yn hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

The Welsh Government Historic Environment Service (Cadw) promotes the conservation and appreciation of Wales's historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.  
We welcome correspondence in both English and Welsh.



BUDDSODDWR MEWN POBL  
INVESTOR IN PEOPLE



MM121 St Mellons Churchyard Cross

### **Historic Landscapes**

HLW (GT) 2 Gwent Levels

### **Listed Buildings**

13822 Ty-du and adjoining byre and stable II  
13823 Longcross Farm II  
13833 Bethania Evangelical Church II  
13864 Base of churchyard cross in St Mellons churchyard II  
13865 Church of St Mellon I  
13905 Pill du Farm II  
13923 Kingdom Hall of Jehovah's Witnesses II  
13940 Bluebell Inn PH II  
13942 White Hart PH II  
14087 Quarry Hill House II  
23959 War Memorial II

This advice is given in response to a request for a scoping opinion for the contents of an environmental impact assessment (EIA) that will accompany an application for the Mor Hafren Energy Recovery Facility, Newlands Road, Cardiff, CF3 2EU to the Welsh Ministers under the Development of National Significance procedures.

The above designated heritage assets are located inside 2km of the proposed development.

The baseline study for the cultural heritage section of the EIA should be a historic environment desk-based assessment carried out by a competent and qualified expert to the standards and guidance set by the Chartered Institute for Archaeologists. A search area of 1km around the proposed application area should be used for non-designated heritage assets and 2km for designated heritage assets (see list above). This work should identify all known heritage assets (both designated and undesignated) that will be affected by the proposed development and in most cases allow the impact of the proposed development on them to be determined. It is recommended that the impact of the proposed development on the setting of the designated heritage assets should be carried out in accordance with the Welsh Government guidance given in the document [The Setting of Historic Assets in Wales](#). We would expect a stage 1 assessment to be carried out for all of the above designated heritage assets, which will determine the need, if necessary, for stages 2 to 4 to be carried out for specific heritage assets.

The historic environment desk-based assessment is likely to identify that unidentified archaeological sites, potentially of National importance, could be located in the application area and therefore an archaeological evaluation of the area will also need to be carried out before the Cultural Heritage Section of the EIA can be completed.

Finally, there may be undesignated historic assets that could be affected by the proposed development and, if you have not already done so, we would advise that you consult the Historic Environment Record held by the Glamorgan-Gwent Archaeological Trust [www.ggat.org.uk](http://www.ggat.org.uk)

Yours sincerely,

Denise Harris  
Casework Manager