

Date/Dyddiad: 28 May 2008  
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Parsons Brinckerhoff,  
Queen Victoria House,  
Redland Hill,  
Bristol.  
BS6 6US

Dear Sir,

**Town and Country Planning (Environmental Impact Assessment)  
(England and Wales) Regulations 1999 : Schedule 4  
Construction of a gasification facility at Barry Docks**

The Council in accordance with the application and plans registered by the Council on 17 April 2008 is of the opinion that Environmental Impact Assessment submitted should cover the matters referred to in Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as referred to in the information details as submitted with the request but should also include an assessment of the following:

1. That the applicants be advised that, in addition to the scope of the Environmental Statement (ES) identified in the supporting submissions, that the proposed ES cover those matters raised in the officer's report (attached), with particular respect to the comments of the Environment Agency on ground contamination and protected sites (copy of comments provided) and the highway engineers concerning the scope of the required Traffic Statement.

Yours faithfully,

Head of Planning and Transportation

PARSONS BRINCKERHOFF			
CARDIFF			
RECEIVED			
2 JUN 2008 5			
Serial No			
Initials	Date	Action	Info
Reported	Date Replied		
Job No		File No	

Correspondence is welcomed in Welsh or English/Croesawir Gohebiaeth yn y Gymraeg neu yn Saesneg

John Maitland Evans, Chief Executive/Prif Weithredwr

Directors/Cyfarwyddwyr: Sian Davies, Finance, ICT & Property Services/Cyllid, TGC ac Eiddo; Peter Evans, Legal, Public Protection and Housing Services / Gwasanaethau Cyfreithiol Amddiffyn y Cyhoedd a Thai; Bryan Jeffreys, Learning & Development/Dysgu a Datblygu; Rob Quick, Environmental & Economic Regeneration/Adnewyddu Amgylcheddol ac Economaidd; Philip Evans, Social Services/Gwasanaethau Cymdeithasol



0474

Mr Rob Thomas - Head of Planning and  
Transportation  
Vale of Glamorgan Council  
Docks Office Subway Road  
Barry  
South Glamorgan  
CF63 4RT

**Ein cyf/Our ref:** SE/2008/106237/01-L01  
**Eich cyf/Your ref:**

P/DC/SJB/2008/00483/SC2

**Dyddiad/Date:** 14 May 2008

Annwyl Mr Thomas / Dear Mr Thomas

**EIA SCOPING OPINION REQUEST FOR CONSTRUCTION OF A GASIFICATION  
FACILITY FOR BIOGEN POWER LTD AT BARRY DOCKS, BARRY, VALE OF  
GLAMORGAN.**

Thank you for your letter of 22 April 2008 with regard to a request for a scoping opinion from Parsons Brinckerhoff. The Environment Agency would request the following matters are addressed in an Environmental Statement (ES):-

- Flood Risk Matters
- Groundwater and Contaminated Land Matters
- Waste / Pollution Prevention Measures
- Biodiversity Aspects

Flood Risk Matters

The site lies entirely within zone C2, as defined by the development advice map (dam) referred to under TAN 15 Development and Flood Risk (July 2004). We would therefore request the risk of flooding be considered as part of the Environmental Impact Assessment (EIA) and request that a flood consequence assessment be submitted to demonstrate in accordance with Technical Advice Note (TAN15) that the consequences of flooding can be acceptably managed. For further information please contact Mr Gary Purnell, Technical Specialist, Development Control on 02920 245022.

We acknowledge within the letter from Parsons Brinckerhoff dated 16th April 2008, Reference FSE97027A within Section 3.9 that a flood consequence assessment (FCA) is recommended for this site.

Asiantaeth yr Amgylchedd Cymru/Environment Agency Wales  
Rivers House (St. Mellons Business Park) Fortran Road, St. Mellons, Cardiff, CF3 0EY.  
Llinell gwasanaethau cwsmeriaid/Customer services line: 08708 506 506  
E-bost/Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)  
Cont/d..



there is an existing discharge consent the applicant should ensure that any increase in volume is permitted under the present conditions. Please contact Lisa Kirby on 02920 245221 for further details or visit the Environment Agency website on [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

There are 5 licensed abstraction within 5 km of the National Grid Reference. It is the responsibility of the applicant to ensure that the development will not affect any water features (ie. wells, boreholes, springs, streams or ponds) in the area, including licensed and unlicensed abstractions.

There is no mention that water will be required for the works or for the process at the plant. If water is required for any of these purposes then we recommend that you refer to the CAMS document for the Thaw and Cadoxton and contact us as soon as possible with the details.

If during construction of the plant dewatering will be required a licence may now be required. An abstraction licence can take up to 4 months to issue once a valid application has been received. Under the terms of the Water Resources Act 1991, an Abstraction Licence may be required from the Environment Agency for the abstraction of water from any inland water or underground strata. This is dependent on water resource availability and may not be granted.

#### Waste / Pollution Prevention Issues

The site must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water. The local sewerage undertaken should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows generated as a result of the development, without causing pollution.

Carriers transporting waste from the site must be registered waste carriers. If controlled wastes are to be utilised for construction purposes the developer must register the activity with the Environment Agency Wales. The Duty of Care Regulations apply to all movements of controlled waste.

The developers should adopt all appropriate pollution control measures, both underground and on the surface, to ensure that the integrity of the aquatic environment, both groundwater and surface water is assured. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters. The Environment Agency's Pollution Prevention Guidelines (PPGs) can be found on the internet at [www.environment-agency.gov.uk/ppg](http://www.environment-agency.gov.uk/ppg) and should be followed.

Prior to being discharged into any watercourse it is recommended that all surface water drainage from parking areas and hard standings be passed through an oil interceptor designed and constructed to have capacity and details compatible with the site drained. Roof water should not pass through the interceptor. The interceptor shall be retained thereafter. The applicant should ensure that any land proposed for soakaways has adequate permeability in accordance with BS 6297:2007.

The proposed development will require a permit under the Environmental Permitting (England & Wales) Regulations 2007, including demonstration of compliance with



BioGen Power Ltd., C/o Agent.

Parsons Brinckerhoff, Queen Victoria House, Redland Hill, Bristol., BS6 6US

**Barry Docks**

Construction of a gasification facility

**INTRODUCTION**

A request has been made under Regulation 10 of the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 (as amended by Town and Country Planning (Environmental Impact Assessment) (Amendment) (Wales) Regulations 2006) for a Scoping Opinion prior to the preparation of an Environmental Statement to accompany an application for the construction of a "gasification facility" in Barry Docks.

The submission has formed the basis of the Council's consultations with statutory and non-statutory bodies, with comments received informing the scoping report, and such responses to be provided to the applicants. Formal consultations will, of course, also be undertaken at application stage.

This scoping opinion will inform the applicants as to the content of the Environmental Statement (ES) as part of the Environmental Impact Assessment (EIA) process. It will consider the applicants submissions and identify aspects of the proposal which require attention during the preparation of the ES. The Council reserve the right to request and further information which, as part of the EIA process, may be subsequently required to inform consideration of the scheme at application stage.

**SITE DESCRIPTION**

The site is 1.6 hectares in size, sited approximately 100m southeast of Eastern Dock Wharf. The site is currently disused, forming part of the Atlantic Trading Estate employment allocation.

**DESCRIPTION OF DEVELOPMENT**

This relates to a small to medium scale gasification project, with the focus of the organisation being to provide local waste management solutions that process locally generated wastes, in accordance with the Government's proximity principle.

The proposed scheme will process approximately 80,000 tpa of waste including municipal solid waste, commercial, industrial and construction and demolition wastes. It will utilise proven gasification technology operational in Europe for ten years. The process will generate approximately 7MW<sub>e</sub> (gross) electricity for distribution to the local grid network. It will also generate steam and heat available for export to local users and opportunities are being sought for its use within existing or new facilities locally.



The development will comprise a number of buildings with a maximum height of 20m. The process will require an emissions stack, the height of which will be determined through detailed atmospheric dispersion modelling, although it is stated that it is likely to be 40m in height.

Full details of the proposal are provided in the submissions.

The applicants accept that an ES is required since the proposal would, in their submissions, fall within Schedule 1 Part 10 of the EIA Regulations as “*waste disposal installations for the incineration or chemical treatment (as defined in Annex IIA to Council Directive 75/442/EEC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day*”.

## PLANNING HISTORY

The site has no specific planning history but forms part of a wider employment area with a detailed planning history.

## CONSULTATIONS

A number of statutory and non-statutory consultations have been undertaken on this request for a formal scoping opinion, with responses received from the following bodies (and their representations summarised and discussed below in the main issues of the report): -

- Environment Agency Wales
- Highway Development
- Economic Development
- Countryside Council for Wales
- Ecology
- Environmental Health
- Glamorgan Gwent Archaeological Trust
- Civil Aviation Authority

In addition, Barry Town Council was notified for their information, although no response has been received.

## REPRESENTATIONS

No neighbour consultations have been requested or are required to be undertaken as part of a request for a Scoping Opinion.

## REPORT

### Issues

In reaching a scoping opinion, the Council must have regard to the matters listed in Paragraph 10 (6) of the Regulations, which requires that the following matters are taken into account::

- (a) the specific characteristics of the particular development;
- (b) the specific characteristics of development of the type concerned; and



- (c) the environmental features likely to be affected by the development.

In assessing the environmental impact of the development, the main issues required to be addressed in the Environmental Statement – in addition to those raised in the applicants' submissions are as follows:

#### Traffic and Transport

The submissions advise that the number of traffic movements associated with the development is relatively small and would have relatively small traffic implications. Therefore, they propose to undertake a qualitative transport assessment based on information regarding typical vehicle types, quantity of waste transported and the number of staff and contractors accessing the site. It will also consider the potential impact associated with the construction phase of the development.

The highway engineers advise, after discussions with the Traffic Engineer, that a qualitative Transport Statement (TS) as outlined in the EIA would be acceptable in this instance. If, however, any transport issues arise through the Transport Statement which are not provided for within the EIA, then the Highway Authority reserve the right to require these issues and any related ones be provided for in the TS. In this respect, they recommend that prior to the full submission, the Developer/Consultant meets with the Highway/Traffic Engineers to discuss and agree the scoping and the suitability of the existing highways and access arrangements.

#### Ecological Assessment

In addition to the baseline study proposed by the applicants, to review current habitats and species, assess any impacts upon them arising from the proposal, and propose avoidance, mitigation and compensatory measures to overcome any ecological impacts, consideration of the following are required: -

- Designated sites

The Environmental Statement (ES) should automatically include assessment of relevant direct and secondary impacts on statutory and non-statutory designated sites located within or outside the application site (including candidate Sites of Importance for Nature Conservation)

Although the applicants submissions state that following a brief assessment of protected sites, no Sites of Special Scientific Interest (SSSIs) were found to be present within 2km of the proposed application site, it is noted that the Hayes point to Bendrick Rock and Barry Island SSSIs occur within 2 km of the proposed application site.

The Environment Agency advises that impacts on these sites should be determined, along with relevant impacts to the Severn estuary cSAC and SPA.



- Habitats and Species

To enable the impacts on biodiversity to be fully assessed, the ES should include baseline surveys, assessment of impacts (including both direct and secondary), mitigation measures where appropriate, and statement of significance, to include the following:

#### Habitats

Identification and mapping of all habitats present on site using a Phase 1 approach. This should include identification of habitats which have potential to support any protected species or Wales / UK / local Priority species.

Phase II / detailed survey of any UK / Wales / local Priority habitats present on site, including hedgerows, which should be assessed to ascertain whether or not they qualify as Important under the Hedgerow Regs. 1997.

- Birds: whole site baseline survey to include breeding bird survey.
- Any protected species which have potential to be affected, and in particular:
  - (1) All bat species (including surveys of trees / buildings / foraging surveys as necessary).
  - (2) Barn Owl (Wildlife and Countryside Act Schedule 1 species).
  - (3) Great Crested Newt: Water bodies are present within 500m radius of site boundary (which is the recognised foraging range for great crested newt) these could potentially support great crested newt.
  - (4) Badger.
  - (5) Reptiles.
- Any Wales / UK / Local Priority species which have potential to be affected.
- Arboricultural matters

The scope of the ES should include identification of and assessment of the impacts on any hedgerows, mature or veteran trees on site, and all trees and woodlands protected by Tree Preservation Orders. The assessment should be conducted by qualified arboriculturalists.

#### Flood Risk

The site lies entirely within zone C2 as defined by the development advice map (dam) referred to under TAN 15. The Environment Agency requests that the risk of flooding be considered as part of the EIA and that a Flood Consequence Assessment (FCA) should be undertaken and submitted to demonstrate that the



consequence of flooding can be acceptably managed. They acknowledge that parsons Brinckerhoff recommend that a FCA is undertaken.

Accordingly, it is emphasised that a FCA must be undertaken as part of the preparation of the Environmental statement.

#### Groundwater and Contamination

The Environment Agency concur with the proposed preliminary desk study risk assessment that will identify if intrusive investigation of ground conditions is necessary, but outline their expectation that this would lead to a detailed site investigation, which should include assessment of the risk that piled foundations might create additional migration pathways for contaminants.

They also refer to the need for a method statement to be agreed to include all measures taken to prevent detriment to the environment and any contingency plans, with reference in particular to the minimisation of risk of pollution of hazardous materials stored on site. It should also take account the protection of groundwater.

They also refer to investigating the possibility of gas migration, and make detailed comments in respect of water resources, and abstraction.

These requirements are supported by the Council's Environmental Health Officer.

Accordingly, the Council's expectation is that the ES will incorporate full details of detailed site investigations, together with mitigation proposals, as well as an assessment of the gas migration issues raised by the EA, unless it is otherwise agreed following preliminary studies that such surveys are not required.

#### Waste / Pollution Prevention Issues

The Environment Agency have provided detailed advice regarding treatment of foul and surface water drainage, and require that it be demonstrated that the sewerage and disposal systems have sufficient capacity to accommodate the additional flows generated as result of the development, without causing pollution. They also require that the integrity of the aquatic environment, both groundwater and surface water, is assured.

#### Noise

The submissions are generally accepted. However, in addition to the existing residential and business communities, the impact of the proposal upon *prospective* residential communities/development at East Quay and South Quay on the Waterfront 2 development (approximately 320m and 750m distance respectively) will also need to be considered.

Given that the nearest (potential) residential receptor will be significantly less than the 600m stated in the submissions, it is therefore considered likely that additional noise monitoring will be required to assess such potential impacts.



The Environmental Health Officer also advises that the installation as described will need a permit under the Environmental Permitting Regulations, and that the scope of the permit application process and any granting of this permit must include the impacts offsite. This will include an assessment of off site impacts noise / air and be subject to detailed scrutiny – the development could not operate legally without such a permit.

In this respect, it is requested that, where possible, the submissions provide evidence from existing similar facilities, for example from emissions, in order that appropriate comparisons can be drawn.

#### Air Quality Dust

The Environmental Health Officer advises that the impact upon ambient air quality from the proposed source will need to be modelled and accepted. The EIA should also include details of a scheme to control dust during remediation and construction phases.

#### Cultural Heritage - Archaeology

The Council's advisors, Glamorgan Gwent Archaeological Trust, advise as follows:

The impact on the archaeological resource could become a factor in the determination of any planning application for the proposed development. They recommend that the survey of the existing historic information be conducted in accordance with the Standards and Guidance for Desk-Based Archaeological assessment issued by the Institute of Field Archaeology. Further investigation including archaeological evaluation may also be required prior to determination of any application if significant archaeological features are identified during the compilation of the desk study.

#### Other Matters / Responses

The Council's Waste Development Manager is satisfied that the proposal is comprehensive and aligns with current legislative requirements.

The Civil Aviation Authority/ Cardiff Airport are satisfied that there are no safeguarding objections to the proposal.

The Head of Economic Development has raised comments in respect of the potential impact on local businesses, together with issues regarding the potential significant increase in vehicular traffic and its resultant impact on business and highway safety.



## RECOMMENDATION – OFFICER DELEGATED

That the applicants be advised that, in addition to the scope of the Environmental Statement (ES) identified in the supporting submissions, that the proposed ES cover those matters raised in the report above, with particular respect to the comments of the Environment Agency on ground contamination and protected sites (copy of comments provided) and the highway engineers concerning the scope of the required Traffic Statement.

Environmental Impact Assessment submitted should cover the matters referred to in Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as referred to in the information details as submitted with the request but should also include an assessment of the following:

1. That the applicants be advised that, in addition to the scope of the Environmental Statement (ES) identified in the supporting submissions, that the proposed ES cover those matters raised in the officer's report, with particular respect to the comments of the Environment Agency on ground contamination and protected sites (copy of comments provided) and the highway engineers concerning the scope of the required Traffic Statement.