

1 Introduction

1.1 Purpose

- 1.1.1 This Environmental Statement ('ES') has been prepared by Quod and a team of technical specialists on behalf of Biomass UK No. 2 Limited (the 'Appellant'). The ES is submitted pursuant to a planning enforcement appeal ('Appeal') relating to Land at Barry Biomass, Woodham Road, Barry, Vale of Glamorgan, CF63 4JE (referred to herein as the 'Site'). The development to which the ES relates is a waste wood-fired renewable energy plant. The constructed energy plant and associated infrastructure, as shown in Figure 1.1, is subsequently referred to as the 'Development'. The term 'Facility' is also used interchangeably in the ES with Development, more specifically when referring to the operational energy plant.
- 1.1.2 The location of the Site is shown in Figure 1.2 and further information is provided in Chapter 2: Site and Context.
- 1.1.3 The ES has been prepared in line with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017¹ (as amended^{2,3}) ('EIA Regulations'). Further information on the approach to the Environmental Impact Assessment ('EIA') and the assessment methodology is provided in Chapter 3: EIA Methodology.
- 1.1.4 EIA is a systematic assessment process used to assess the likely significant effects of a project or development proposal. The EIA process is legally required in Wales for certain types of development projects and is reported in an ES. The purpose of this ES is to provide information to the relevant decision maker, in this case Planning and Environment Decisions Wales ('PEDW') and the Welsh Ministers, on the likely significant environmental effects of the alleged unauthorised development which is the subject of the Appeal.

1.2 Background

Enforcement Appeal

- 1.2.1 On 17 September 2021, Vale of Glamorgan Council ('VoGC') issued an Enforcement Notice Ref. No: ENF/2020/0230/M (the 'Enforcement Notice') under section 172(1)(a) of the Town and Country Planning Act 1990 ('TCPA 1990'). The Enforcement Notice is included at Appendix 1.1.
- 1.2.2 The land to which the Enforcement Notice relates is shown on a plan appended to the Enforcement Notice.
- 1.2.3 The Enforcement Notice alleged two breaches of planning control, namely:
- (a) without planning permission, the carrying out of operational development comprising the construction of a wood fired renewable energy plant together with associated structures on that part of the Site edged green on the plan; and

(b) without planning permission, the material change of use of that part of the Site edged blue on the plan from unused land having nil use to the storage of containers and as a vehicle turning space in association with the use of the wood fired renewable energy plant on the part of the Site edged green on the plan.

- 1.2.4 The Enforcement Notice required specified steps to be taken. These can be summarised as ceasing all operations at the renewable energy plant and ceasing the use of the blue edged part of the Site; permanently removing the renewable energy plant and all buildings, plant, associated equipment containers and vehicles; and restoring the Site to its former condition prior to the commencement of development.
- 1.2.5 The Enforcement Notice stated it would take effect on 17 October 2021.
- 1.2.6 On 14 October 2021, prior to the effective date, the Appellant served notice of its appeal against the Enforcement Notice on the Welsh Ministers under section 174 of the TCPA 1990 (Ref: CAS-01341-N2Q5B8).

EIA Screening Direction from Welsh Ministers

- 1.2.7 On 13 January 2022, PEDW, on behalf of the Welsh Ministers:
- (a) issued a Screening Direction to VoGC (Appendix 1.3) which directed that for EIA purposes the alleged unauthorised development subject of the Enforcement Notice is EIA Development falling within is Schedule 1 development (para 10) of the EIA Regulations;
 - (b) served notice on the Appellant under regulation 49 of the EIA Regulations requiring the Appeal to be accompanied by an ES.
- 1.2.8 In a subsequent exchange of correspondence, the Appellant confirmed that it would prepare an ES for the Appeal and PEDW agreed to extend the deadline for submission of the ES to 29 July 2022.
- 1.2.9 This ES has been prepared by Quod and a team of technical specialists on behalf of the Appellant in response to the January 2022 Screening Direction and is submitted in support of the Appeal.

The Development

- 1.2.10 Outline planning permission (Ref. No: 2015/00031/OUT) was granted by VoGC on 31 July 2015 for a wood fired renewable energy plant at the Site (with landscaping being the only reserved matter and approved in 2016). This outline permission is subsequently referred to as the '2015 Permission'. Pre-commencement conditions attached to the 2015 Permission were discharged under Ref. No: 2015/00031/5/CD and development of the Biomass Facility subsequently began lawfully in 2016. The Development was substantially constructed between 2016 and 2018.
- 1.2.11 The Development comprises three main buildings with a single freestanding flue or chimney. It has been designed and constructed to deliver a high efficiency energy generation plant that uses Advanced Thermal Treatment ('ATT') technology through

gasification, as a means of processing waste wood to generate renewable energy. Once operational, the annual average export capacity of the Development is 10MWe. This supply of renewable electricity equates to the annual energy usage of approximately 25,100 households based on an average UK household consumption of 3,100 kilowatt hour (kWh)/year⁴.

- 1.2.12 An Environmental Permit was issued by Natural Resources Wales ('NRW') on 7th February 2018 which was subsequently varied in March 2019 (the 'Permit') (Ref. No: EPR/AB3790ZB) (Appendix 1.2). The NRW decision documents that accompanied the Permit in 2018 and the variation in 2019 are also provided in Appendix 1.2 (the 'NRW Permit Decision Document').
- 1.2.13 Although the Development has been constructed, at the time of writing (July 2022) it was not operational.
- 1.2.14 A full description of the Development and the associated operational processes is provided in Chapter 5: Description of the Development.
- 1.2.15 The Development has a long planning history and has previously been subject to EIA and other environmental studies undertaken as part of planning and permit applications. This history is detailed in the Appellant's Statement of Case which relates to the Appeal and is not repeated in the ES. However, relevant aspects and terms associated with this history which are subsequently referred to in this ES are as follows:
- **2010 Permission** - Planning permission for a biomass gasification plant at the Site was granted on appeal in July 2010 (the '2010 Permission') (Ref. No: APP/Z6950/A/2114605). The 2010 Permission was not implemented.
 - **2015 Permission** – Planning permission granted for a wood-fired renewable energy plant at the Site in 2015 by VoGC (Ref. No: 2015/00031/OUT).
 - **2010 VES** - A voluntary environmental statement which was prepared during the appeal process that led to the 2010 Permission.
 - **2019 VES** - A voluntary environmental statement which was prepared at the request of Welsh Government in September 2019.
 - **2021 VES** - A voluntary environmental statement which was prepared at the request of Welsh Government in and subject to public consultation led by Welsh Government in 2021/2022.
 - **Permit** – The Environmental Permit granted for the Development by NRW (Ref. No: EPR/AB3790ZB). The Development must comply with the requirements of the Permit under the Environmental Permitting (England and Wales) Regulations 2016.

1.3 EIA Approach and Scope

- 1.3.1 The ES contains such information referred to in Regulation 17(3) and (4) and Schedule 4 of the EIA Regulations as is reasonably required to assess the likely significant environmental effects of the Development. Chapter 3: EIA Methodology and Appendix 3.5 provide details of how this ES is compliant with the EIA Regulations and sets out the location of the information specified in the EIA Regulations. Chapter 3: EIA Methodology also explains the scope of the EIA and how it was defined.

- 1.3.2 This ES reports on the pre-construction, existing and future baseline conditions and provides an assessment of the environmental effects of the Development and their significance. In accordance with the EIA Regulations, the ES considers the effects of all stages of the Development including construction (albeit this is considered retrospectively), operation and any future decommissioning of the Development. Where significant effects on the environment are identified, the ES proposes ways to prevent, reduce and, where possible, offset these effects ('mitigation measures').
- 1.3.3 Assessments are reported in topic-based chapters (Chapters 7 to 10, and Volume II) which also consider the potential for cumulative effects which may arise from the Development when considered alongside other relevant development projects. The ES also includes an assessment of the combined effects of individual effects resultant from the Development upon a single receptor ('effect interactions') in Chapter 11: Effect Interactions.

1.4 ES Structure and Project Team

- 1.4.1 The project team, authors and structure of the ES are set out in Table 1.1.

Table 1.1: Project Team

Role/Input	Organisation
Appellant	Biomass UK No. 2 Limited
Planning Consultants Environmental Planning and EIA Co-ordinator	Quod
<i>ES Volume I (ES Chapters)</i>	
Chapters 1 – 6: Introduction; Site and Context; EIA Methodology; Alternatives; Description of the Development; Construction and Decommissioning	Quod
Chapter 7: Climate Change and Greenhouse Gas Emissions	Ecolyse
Chapter 8: Noise and Vibration	Sol Acoustics
Chapter 9: Air Quality	Entran
Chapter 10: Population and Human Health	Savills
Chapter 11: Effect Interactions	Quod
Chapter 12: Summary of Mitigation, Monitoring and Residual Effects	Quod
<i>ES Volume II – Landscape and Visual Impact Assessment</i>	Leyton Place
<i>ES Volume III – Appendices</i>	Various authors
ES Non-Technical Summary	All EIA Topic Leads

- 1.4.2 Quod is the lead editor of this ES and author of certain chapters as identified in Table 1.1. Quod is a member of the Institute of Environmental Management and Assessment (IEMA) EIA Quality Mark Scheme, an accreditation scheme which sets high standards for EIA practice and demonstrates a commitment to excellence in EIA activities.

- 1.4.3 Each member of the project team is a suitably qualified professional and details of the professional competency of the technical author is provided in each technical ES chapter. The Appellant has provided the following statement confirming that it considers the experts to be competent in line with paragraph 17(4)(b) of the EIA Regulations.

“In accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (as amended), Biomass UK No. 2 Limited (the Appellant) can hereby confirm that the technical consultants appointed to contribute and author this Environmental Statement are competent experts and have demonstrated evidence of sufficient expertise to carry out robust assessment and reporting. A description of this expertise provided in the technical chapters of this Environmental Statement.”

1.5 Environmental Statement Availability

- 1.5.1 Regulation 50 of the EIA Regulations requires that the Welsh Ministers must send a copy of this ES to VoGC and advise them that it will be taken into consideration when determining the Appeal and inform that VoGC may make representations. A hard copy of the ES was issued to both PEDW and VoGC before 29th July 2022.
- 1.5.2 When VoGC receives the ES from the Welsh Ministers, it is required by Regulation 51 of the EIA Regulations to publish a notice. The notice will explain where a copy of the ES can be inspected both physically and electronically together with details of how representations may be made to the Welsh Ministers.
- 1.5.3 In addition, it is anticipated that after the Appeal has started, the ES may also be published online at PEDW’s website: <https://planningcasework.service.gov.wales/>
- 1.5.4 Additional copies of the ES can be provided on request (at a reasonable fee). Alternatively, a USB is available for a fee of £15. The Non-Technical Summary can be obtained free of charge upon request in hard copy or electronic copy. All ES documents are available by calling Quod at 020 3597 1000 quoting Reference No. Q220002 or emailing reception@quod.com.

Figure 1.1: Photograph of the Development, taken from the south eastern footpath on Dock View Road (February 2021)



Figure 1.2: Site Location Plan



References

¹ HMSO, (2017). The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. The Stationary Office.

² HMSO, (2019). The Town and Country Planning and Infrastructure Planning (Environmental Impact Assessment) (Wales) (Amendment) Regulations 2019. The Stationary Office.

³ HMSO, 2020. The Planning Applications (Temporary Modifications and Disapplication) (Wales) (Coronavirus) Order 2020. The Stationary Office.

⁴ Department for Business, Energy & Industrial Strategy (2021). Energy Follow Up Survey: Household Energy Consumption & Affordability. Available online at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1018725/efus-Household-Energy-Consumption-Affordability.pdf