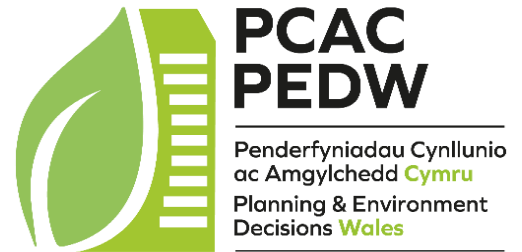




Appendix 3.4

PEDW Letter to Appellant (28th January 2022)

Adeilad y Goron,
Parc Cathays, Caerdydd,
CF10 3NQ



Crown Buildings,
Cathays Park,
Cardiff, CF10 3NQ

Eich Cyf / Your Ref: 30010765.1000-062-625

Ein Cyf / Our Ref: CAS-01341-N2Q5B8

Ffôn / tel: 0300 060 4400

Dyddiad / Date: 28/01/2022

Ebost / email: PEDW.casework@gov.wales

To: Biomass UK No. 2 Ltd., c/o Ashurst LLP

Dear Mr Reid

Town and Country Planning Act 1990
Town and Country Planning (Environmental Impact Assessment) (Wales)
Regulations 2017

Appeal by: Biomass UK No.2 Limited

Site Address: Land at Barry Biomass, Woodham Road, Vale of Glamorgan, CF63 4JE

Alleged Unauthorised Development: 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 Land edged green on the Plan; and

Without planning permission, the material change of use of that part of the Land edged blue on the Plan from unused land having a 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 that part of the Land edged green on the Plan.

Thank you for your letter of 21 January 2022 in which you confirmed that you intend to submit a formal Environmental Statement (ES) in relation to this enforcement appeal.

As you indicate in your letter, there is no formal provision for Scoping in relation to an Enforcement appeal under Part 10 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (as amended) [the EIA Regulations]. I consider that it would be in the interests of the effective operation of the planning system and the EIA regime to set the Scope of the ES. Were the development subject of the Enforcement notice to be the subject of a fresh planning application, it would proceed under the Developments of National Significance regime. It therefore seems appropriate to deal with the Scoping of the current appeal under the procedures set out by Regulation 33 of the EIA Regulations.

PEDW will consult the parties specified Schedule 5 of the Developments of National Significance (Procedure) (Wales) Order 2016 (as amended) prior to confirming the Scope of the ES.

If this approach is acceptable to the appellants, please submit a Scoping Report which includes the information specified in Regulation 33(2) of the EIA Regulations. In preparing the Scoping Report, please bear the following in mind:

- The ES will need to address the entirety of the development as specified in the notice, as built.
- The baseline should be taken as the point before any unauthorised development commenced. Any deviation from this should be supported by a robust rationale.
- The Scoping Report should be prepared considering all relevant matters specified in Regulation 17 and Schedule 4 of the EIA Regulations, in relation to all aspects of the environment likely to have been significantly impacted by the construction and operation of the plant as built.
- The Scoping Report should not assume that any aspect of the environment can be excluded on the basis of any previous Scoping correspondence. Where an aspect of the environment is proposed to be scoped out, a clear rationale and sufficient evidence should be provided in the Scoping request.
- Consideration should be given to any inter-relationships between aspects of the environment affected by the development subject of the notice.
- PEDW is aware that NRW have adopted the stance that their 'Flood Map for Planning' may be used by them as the data which provides the 'best available information' on flood risk to inform their consultation responses

<https://naturalresources.wales/flooding/flood-map-for-planning-development-advice-map/?lang=en>

In accordance with Regulation 33(3), please ensure a copy of your Scoping Report is submitted to the Local Planning Authority.

I am copying this letter to the Vale of Glamorgan Council.

Yours sincerely



Mr Robert Sparey MPlan
Planning and Environment Manager

Rydym yn croesawu gohebiaeth Gymraeg. Cewch ateb Cymraeg i bob gohebiaeth Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome correspondence in Welsh. Correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not involve any delay.