

FAO – Phil Short

Wheelabrator Technologies
15th Floor, Portland House
Victoria
London
SW1E 5BH

Your Ref/
Eich Cyf

Our Ref/
Ein Cyf

Date/Dyddiad

Ask for/
Gofynner am

Direct Dial/
Rhif Union

052029

30/05/2014

Miss H Parish

01352 703253

Dear Sir,

Town & Country Planning (Environmental Impact Assessment)
(England & Wales) Regulation 1999 – Regulation 10: Scoping Opinion
Proposal: Deeside Energy Recovery Facility
Location: Deeside Industrial Park, Weighbridge Road, Sealand, Flintshire

Thank you for your correspondence of 16 April 2014 requesting the Council's Scoping Opinion for the above proposal. Please find enclosed the Council's Scoping Opinion for the proposal described by the report dated April 2014 reference version 1 Rev: 'ISSUE' received by the Local Planning Authority on 16 April 2014 and Drawing 1 received by the Local Planning Authority on 23 May 2014.

In adopting this Scoping Opinion the County Council has taken into account its consultation responses and considered the specific characteristics of the proposal, the type of development and the environmental features likely to be affected by the development. All the "development" proposed in the application should be assessed and referred to within the environmental statement when the planning application is submitted.

This Scoping Opinion seeks to ensure that any environmental statement submitted with respect to a planning application for the development proposals described in the scoping request includes information that is reasonably required to assess the environmental effects, and allow a determination to take place. Please note that further information may still be required once the statement has been submitted.

Any environmental statement submitted must contain at least the information referred to in Regulation 2(1) of Schedule 4 of the above Regulations. You are reminded that the statement must address the baseline conditions, likely significant impacts, the probability of effects and the proposed mitigation measures. The information provided should be that which is necessary to demonstrate the risks,

Carl Longland
Director of Environment
Cyfarwyddwr yr Amgylchedd

Environment Directorate
Cyfarwyddiaeth yr Amgylchedd

County Hall, Mold. CH7 6NF
www.flintshire.gov.uk
Neuadd y Sir, Yr Wyddgrug. CH7 6NF
www.siryfflint.gov.uk



likelihood of occurrence and likelihood of any significant impact. This should include an outline of the main alternatives studied by the applicant.

Whilst it is important that all the issues contained in Schedule 4 of the Regulations and in the scoping matrix are assessed, I would draw your attention to a particular aspect that should be addressed: In evaluating the potential impact on the adjoining *Site Of Community Interest*, the competent authority may be required to undertake an appropriate assessment (Regulations 61 and 62) should it be considered that there is likely to be a significant environmental effects within the definition of the Conservation of Habitats and Species Regulations 2010. To inform this process, an assessment of the main alternatives and locations to the development and alternatives to the proposed technology should be prepared outlining the alternative options that have been considered by the applicant.

We are in general agreement with the scope as set out within your Scoping Report. A basic scoping matrix is attached with this letter to describe the main areas of concern to the County Council and should be read in conjunction with the opinion set out below. Copies of the responses from consultees are enclosed, and should be referenced to expand upon the matters that the environmental statement should cover.

Introduction

The site subject to the Scoping Opinion is located on a brownfield site which has been previously developed land and formed part of the former British Steel complex and is within the Deeside Industrial Park bounded by the Wrexham to Birkenhead railway line to the west, the A548 to the north, Weighbridge Road to the west and the Gaz de France power station to the south which is in the process of decommissioning which is due to be completed by 30 June 2015. The location is characterised by major industry and power generation, and conventional mixed employment and manufacturing uses. The site lies within approximately 260m of the following protected sites:

- Dee Estuary / Aber Afon Dyfrdwy Site of Special Scientific Interest (SSSI)
- Dee Estuary / Aber Afon Dyfrdwy Special Area of Conservation (SAC)
- The Dee Estuary Special Protection Area (SPA)
- The Dee Estuary Ramsar site

Description of Site, Surroundings and Proposed Development

The Scoping Opinion is based on the proposed Energy Recovery Facility (ERF) which would recover value from 200,000tpa of residual waste. The majority of the imported waste would be municipal solid waste (MSW) collected by the five local authorities which make up the North Wales Residual Waste Treatment Project Partnership. The remaining balance would comprise residual commercial and industrial waste sourced from third parties.

Scoping Opinion

The Council broadly agrees with the scope as set out in the submitted Scoping Report and accompanying documentation and thus forms part of the Scoping Opinion. The following outlines the matters which require modification, augmentation or clarification as part of any subsequent planning application and environmental statement.

The environmental statement should include a description of the development, the site, in terms of location, physical features, landuse and should identify sensitive receptors within the locality. It should also include a description of surroundings and proposed development together with likely hours of operation of the construction phase of the development and the IBA processing facility, should this to be different to the proposed hours of operation of the main ERF. Furthermore, consideration should be taken of the proposed decommissioning and subsequent site restoration once the facility is no longer required. This should also include proposed hours of operation of decommissioning and inclusion of a restoration scheme to ensure that the site does not become derelict once the facility is no longer required.

The format of the environmental statement should be presented using the same headings as presented within section 5 of the submitted Scoping Report with the inclusion of subject areas of the potential for 'Nuisance' (litter, lighting, birds, flies and vermin) as a result of the proposal, 'Cumulative Effect' from the development and also the consideration of 'Alternatives'.

The forthcoming planning application and within the environmental statement should include commentary of how the decision has been derived for the site selection when considering alternatives in terms of both the site and the chosen technology for the ERF. The key areas in which the environmental statement should cover include: -

- Planning and Sustainability Statement
- Design and Access Statement
- Air Quality including Human Health Impact Assessment
- Cultural Heritage
- Ecological Impact Assessment
- Hydrology to include Drainage and Flood Risk
- Landscape Character and Visual Impact Assessment
- Land Quality and Contaminated Land
- Noise and Vibration
- Socio-Economic Impacts
- Traffic and Transportation
- Nuisance (litter, lighting, birds, flies and vermin)
- Cumulative Effects
- Consideration of Alternatives.

Planning and Sustainability Statement

Volume one of your ES should include an assessment of policy which also includes waste and energy policy. Any environmental statement should take account of revisions and new guidance, policy or legislation which may be published. For example, TAN 21 has been recently published and the application shall also include a Waste Planning Assessment required by the new TAN 21. This should also include evidence of compliance with the R1 Formula. Refer to Annex B of TAN 21 for more details. I note that within the scoping report that it is acknowledged that the site is located within the Deeside Development Zone (Policy EM3) and also within the General Employment Lane Allocation. The site is also listed within Policy EWP6 of the Flintshire UDP 'Areas of Search for New Waste Management Development' as 'Land to the East of Shotton Paper, Deeside Industrial Park.

In relation to sustainable and renewable energy, as discussed previously, the application will need to address the requirements of TAN 22 in relation to BREEAM. Whilst there are no local planning policies with regards to BREEAM standards, the requirements set out in Planning Policy Wales would apply for the proposed building. Planning Policy Wales requires that for non-residential development which will either have a floorspace of 1,000 m² or more, or will be carried out on a site having an area of one hectare or more, to meet the BREEAM 'Very Good' standard and achieve the mandatory credits for 'Excellent' under issue '*Ene1 - Reduction of CO₂ Emissions*'. Any application meeting this criteria will need to demonstrate compliance with TAN 22 and provide a clear statement on carbon reduction in the planning and sustainability statement. This should explain how the minimum carbon standard is going to be achieved and provide examples of how the sustainable design solutions will be incorporated into the design to achieve the minimum standards. Therefore, in accordance with Policy, the planning and sustainability statement should include your approach to reducing emissions via the energy hierarchy, include details and an explanation of how emissions would be reduced, evidence for any low and zero carbon energy technologies and a statement on the BREEAM standard that is expected to be reached. In accordance with PPW, due to the size and scale of the proposal the above criteria would apply and conditions would be imposed on any permission granted to ensure that these standards are met. I would advise following the guidance set out in TAN 22 and PPW.

Policy EWP3 of the Flintshire UDP requires all major new residential and non-residential developments to incorporate renewable energy production equipment on site to reduce predicted carbon emissions by a minimum of 10% (there are exceptions). The Statement should include information in the predicted carbon emissions and any offset proposed by renewable energy production.

Work on the Flintshire Local Development Plan has only just commenced and therefore, depending on the timescales of the submission of any subsequent planning application, it is likely that the Unitary Development Plan (UDP) will still be the adopted plan. Regard will need to be made to the key policies within the Flintshire UDP which should include EWP1, EWP2, EWP3, EWP5, EWP6, EWP7, EWP8, EWP12, EWP13, EWP14, EWP 15, EWP16 and EWP17.

Air Quality including Human Health Impact Assessment

A suitable air quality assessment, including a baseline air quality review, construction dust assessment, operational dust and odour assessment should be included as part of the environmental statement. An assessment of dust and emissions from the site to the atmosphere shall be considered at all stages of the development; construction, operation and decommissioning/restoration. Reference should be made to the air quality standards, and atmospheric prediction and dispersion modelling should be undertaken for dusts and emissions, where relevant, in cumulation with other existing and proposed development in the area. Monitoring data should be provided relevant to locations, equipment type, and quality control provisions, and analysis with reference to air quality standards for NO_x, SO_x, PM_{2.5} and PM₁₀ fine particulates.

With specific reference to health, TAN 21 advocates the undertaking of health impact assessment at an early stage to ensure that human health issues are not overlooked with making development management decisions and a health impact assessment should be undertaken as part of the environmental statement.

The potential for odour impacts is often underestimated, and there are a significant number of industrial, employment, business and potential residential developments (Northern Gateway Projects) in the vicinity of the proposed facility.

Cultural Heritage

Due to the historical uses of the site, it is unlikely that the site would have potential for archaeological interest. The Council has consulted Clwyd-Powys Archaeological Trust and they have confirmed that direct archaeological impacts can be scoped out of the environmental statement and that indirect impacts only should be assessed via a desk based assessment as suggested in the Scoping Report. This should include a 1km study area. It is unlikely that there will be any significant visual impacts. There are no scheduled monuments, battlefields, registered parks and gardens or listed buildings within a 2km radius of the development. There are 23 non designated archaeological sites within the same radius, but it is considered that none of these would be directly impacted.

Ecological Impact Assessment

The site lies within approximately 260m of the following protected sites:

- Dee Estuary / Aber Afon Dyfrdwy Site of Special Scientific Interest (SSSI)
- Dee Estuary / Aber Afon Dyfrdwy Special Area of Conservation (SAC)
- The Dee Estuary Special Protection Area (SPA)
- The Dee Estuary Ramsar site

Therefore, the proposal may have implications for the SAC, SPA or Ramsar sites listed above and that, as part of any planning application submitted, we, as the local authority will need to carry out a test of likely significant effects under regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). This will

be done in consultation with NRW. If that assessment concludes there is likely to be a significant effect, the Local authority will need to carry out an appropriate assessment required under the Regulations.

As a competent authority for the purposes of the 2010 Regulations, the local planning authority must not normally agree to any plan or project unless we are sure beyond reasonable scientific doubt that it would not adversely affect the integrity of a SAC, SPA or Ramsar site. Therefore, the information contained within the environmental statement will need to be of a sufficient detail to enable this assessment to be carried out. With regard to the planning regime, permission can only be granted if it can be demonstrated that there is no likely significant effect on the designated features. Under the precautionary principle if there is an element of doubt then permission cannot be granted.

While an assessment may conclude that there would be no direct effect on the SAC/SPA/Ramsar site, there may be potential for indirect effects for example through surface water pollution during construction and aerial emissions during operation of the plant. The key issue with regards to the designated sites will be for the environmental statement to provide enough information in order to demonstrate that there will be no effect.

Table 4-1 in the Scoping Report notes emissions from the stack and the potential impacts on protected sites will be considered as part of the environmental statement and application. Any planning application and environmental assessment should provide information regarding the emissions from the proposed unit and the impacts of deposition of emissions on sensitive nature conservation sites. Please do not hesitate to contact us if you require further advice on the assessments that would be expected with regard to air quality and protected sites.

Any disturbance to breeding birds (particularly those which are features of the above named protected sites), along with possible mitigation (including screening of the site) should be considered in the environmental statement. The environmental statement should provide full details and assessments to demonstrate whether the proposal will have adverse effects on the above named protected sites.

Protected Species

Water voles are protected under the Wildlife and Countryside Act 1981 (as amended) and populations of water vole have been recorded approximately 690m from the site. It is possible that water vole populations are using the drain which runs parallel to the proposed site. Any planning application will need to demonstrate that the proposal will not impact on the Favourable Conservation Status of protected species. Should surveys conclude the presence of protected species. Should protected species be found on site, the environmental statement shall propose to deliver appropriate mitigation and/or compensation schemes, along with Reasonable Avoidance Measures, to ensure the favourable conservation status of the species is maintained.

The Scoping Report covers the essential ecological issues with regard to the proximity of the designated sites, standard data searches, and ground truthing of the Phase 1 habitat survey and review of baseline data.

With regard to the review of the 2012 AMEC Baseline Ecological Surveys our Ecologist's original comments have been provided and should be regarded in your submission.

Much of the detail can be addressed by the development of a mitigation schedule which can be conditioned, should any planning permission be granted. A mitigation schedule could include issues associated with compliance with the Habitat Regulation as well as include mitigation for other species recorded in the area such as Common Lizard, Dingy Skipper butterflies. The mitigation schedule has the potential to address the ecological issues raised within the comments from the Council's Ecologist which are attached.

It is also important to cross reference separate but related plans which are part of the environmental statement but enclosed within other sections. For example if separate landscape and ecological plans are produced they should be cross referenced and linked. The landscape design concept produced could be updated as part of the mitigation strategy.

Hydrology to include Drainage and Flood Risk

The site is underlain by made ground and fluvial/estuarine sands which offers potential pathways from source to receptor; the sensitive receptors being the nearby water habitat based national and internationally designated sites of wildlife conservation interest as detailed above.

The hydrological assessment should include surface water management at all stages of the development, interaction with the hydrology of the area, and a hydro-geological risk assessment at a level of detail that is commensurate with the risk of migration of any unintended spillages from the site. The appraisal should take account of any water or effluent discharge management, taking in to account chemical, biological and heat which might have an adverse impact on the environment if not controlled.

You are advised to carry out a preliminary site assessment to include a water feature survey within 500 metres of the boundary of the proposed development, detailing any use made of these features, the flow regime and accessibility to the feature.

The source of any water requirements, i.e., for steam, cooling, process treatment, should be addressed, i.e., industrial mains or abstraction. You should detail any known groundwater abstraction within influencing distance from the proposed development. The assessment should cover the risks of water related impacts of the development on the designated sites. Assessment should include surface water run-off, sustainable drainage management, and any ground/surface water recharge mitigation systems.

Surface water

Surface water drainage from new developments can, if not properly controlled, significantly increase the frequency and size of floods in drainage systems that receive the surface water drainage. Section 8 of TAN 15 (paragraph 8.4) promotes the use of sustainable drainage systems (SuDS). It states that if sustainable drainage systems cannot be implemented, a conventional drainage system will need to improve on the status quo. The provision of attenuation measures and their long term maintenance need to be secured.

Flood Risk

The intention to produce a flood consequences assessment (FCA) for the development proposal, in line with TAN 15 Development & Flood Risk (2004) is welcomed. Although the majority of the site is currently in Zone A as defined in TAN 15 and shown on the Welsh Government's Development Advice Map, flood risks to the site are likely to increase with climate change and the FCA should consider the potential flood risks for the lifetime of the development.

When addressing the requirements of TAN 15 (A1.14) an allowance for climate change must be included. This applies to all vulnerability classes and is applied to both Fluvial and Tidal sources. The lifetime of development for this type of development is recommended at a minimum of 75 years.

Compliance with A1.14 is only acceptable if a development is shown to be designed to be flood free for the 1%, 0.5% or 0.1% AEP event (dependent on vulnerability type). Welsh Government guidance 'Adapting to Climate Change: Guidance for Flood and Coastal Erosion Risk Management Authorities in Wales' (December 2011) advises that developers should continue to use the allowances in the Welsh Government FCDPAG3 Economic Appraisal Supplementary Note, July 2007, as directed within TAN 15.

Breach of defences should always be considered where appropriate and can be significantly influenced by defence type, location, condition and predicted loading. Breach of defences should always be considered if the design flood event level is exceeded and any freeboard allowance is compromised (i.e. design flood level is within the freeboard allowance of the scheme).

NRW have advised that an earth bank a 50m breach width over three tide cycles should be considered. Breach assessment should take into account climate change for the 1% fluvial or 0.5% tidal events.

Landscape Character and Visual Impact Assessment

The site is well screened from the main public viewpoints. A steep and well wooded embankment of mixed deciduous and evergreen trees separates the site from the east along its entire length. This is sufficiently high to block any view of the

proposed complex from passenger trains on the adjacent Wrexham to Birkenhead railway line. The view from the A548 dual carriageway which wraps around the Deeside industrial area to the north is also largely blocked by young deciduous trees on the embankment on which it sits, although glimpsed views may become more pronounced during the winter months.

Apart from views from the access road itself, close range public views from the west are likely to be screened by other large industrial complexes, in particular the paper factory located to the west of the site, whilst those from the south will be screened by the electricity converter station under construction to the south.

From a longer range, the ERF complex might be visible from the rear of one or two properties in the elevated south side of Puddington and Burton and from the road which runs between them. The site will also be clearly visible from the RSPB Reserve which is located south of Burton on the fringes of the marshy ground at the head of the Dee Estuary. However, from these perspectives there is already considerable industrial development to the sides and rear of the site and it is questionable to what extent the additional development will make a material difference to the quality of the open view. From this northerly perspective the view appears broken into four horizontal strips, namely pastoral fields in the raised foreground; a flat pale green marshy strip backed by a continuous layer of industrial complexes in the middle ground, and the backdrop of the Clwydian Hills on the skyline. The ERF complex would sit within the industrial strip and would not impinge on any of the other landscape strips. Depending on the colour palette selection, it is considered that the complex should not stand out in the established industrial landscape zone: its incremental visual impact in terms of adding to the urbanised content of the area would probably be very slight.

The following impacts should be assessed:

- The visual impact of the plume arising from the stack;
- The cumulative assessment of stacks in the area; and
- The incremental visual impact of 24 hour lighting, including navigation lights on the stack.

The visual impacts should be considered from the perspectives of the nearest residential areas at Connah's Quay, Garden City, Burton, the RSPB Reserve located to the south of Burton, Shotwick and Puddington and from the recreational areas at the reservoir/ boating lake grid ref: 315 725 and from various points travelling south on the cycle path between Connah's Quay and Neston. The planned residential area known as the Northern Gateway site should also be taken into account. This is not mentioned in the scoping report but my officers have discussed this project with you previously. These projects comprise of two outline planning permissions have been granted for large scale redevelopment of a brownfield site to the south east of the application site comprising of mixed use employment, residential and retail development (references 049320 and 050125). The implications of all aspects of the project should be considered in relation to these projects.

Comments previously received in relation to the design of the building from the Conservation and Design Officer dated 30 October 2013 should also be taken into account when the design of the buildings are finalised.

Land Quality and Contaminated Land

The development site has the potential to be contaminated therefore a suitable contaminated land assessment should be submitted as part of the environmental statement. An assessment should address the former contaminative uses, history of the site, together with basic site investigations to confirm indicative ground conditions. Assessment should include methodology for the management and handling/containment of construction excavations or other disturbances to the ground. Risk should be evaluated on a source, pathway, and receptor basis.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with the Local Authority and Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes. All pollution prevention guidelines must be adhered to.

Table 4-1, "Significant Environmental Topics", does not include historic potentially contaminative uses and potential impacts arising from these. For example, it includes 'Effects on Water' and considers the potential impacts on water from site operations and siting of fuels. However, it does not include potential impacts on controlled waters from disturbance of potentially contaminated soils.

Section 5.2.6 discusses Land Quality. The relationship between land quality and hydrogeology is not clear from the report. In developing a conceptual understanding of the site it will be important to consider the groundwater as both a receptor in its own right as well as a pathway for contamination. Further investigation and/or assessment at the site should be carried out in line with the following documents:

1. The risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination
2. 'Wales Developers Guide'
3. Groundwater protection: Principles and practice (GP3).
4. BS10175 – Investigation of Potentially Contaminated Sites. Code of Practice

Noise and Vibration

A suitable noise and vibration assessment should be submitted as part of the environmental statement which, including a construction phase assessment in accordance with BS 5228 (code of practice for noise and vibration control on construction and open sites). A suitable noise assessment for the operational phase

of the proposal in accordance with BS 4142 (method for rating industrial noise affecting mixed residential and industrial areas). Hours of operation should be included in the planning application for all stages of the development, including the construction phase, operational and if there are any differences between hours of operation for the IBA facility and also for the decommissioning and restoration phase. The potential noise pollution which may arise from wind vibrating through exposed areas of the structure should also be included within the assessment.

Traffic and Transportation

The scope of the suggested transport assessment adequately covers our needs. It shall be carried out in accordance with TAN 18 and the Environmental Assessment of Road Traffic published by the Institute of Environmental Assessment.

Consideration should also be given to potential for road closures of the Flintshire Bridge and the affect, if any that would have on deliveries of waste and of the local surrounding highway network.

Nuisance (litter, lighting, birds, flies and vermin)

Assessments of debris, litter, pests (birds, rats, flies) and lighting, including that associated with vehicular traffic and the immediate local access to the site should be undertaken. These matters would be regulated under the Environmental Permitting regime, nevertheless, are material considerations for the planning regime. These have not been included within the scoping document. Ideally, the development should not be releasing dust or litter, however, failures and human error must be factored in, as a number of surrounding industrial processes are highly reliant on high volume air intakes for cooling and air conditioning, and are at risk of choking and blockages, therefore proactive design and control features and means of mitigating dust and litter beyond the site should be built into the assessment. Bird control is vital to avoid gulls and corvids being attracted to the site which could interact with natural bird movements to and from the wildlife designated areas and have a detrimental effect on the Artic Tern population in the nearby lagoons, and to avoid potential adverse impact with the Aerodrome safeguarding area.

The issue of flyblown waste has also been discussed with you previously since you will not have control of the waste being delivered to the site and have no control on the length of time this waste will have been stored in bulking stations by the partner authorities. Controls and measures to mitigate against this shall also be included in the assessment.

Cumulative Effects

Cumulative impact with other major development in the local area, such as Tata Steel, UPM Kymmene paper mill, Toyota, Deeside Titanium, Orchid and the other Power stations in the area should be considered. Interactions between emissions and land take on species, habitats, and the amenity will need to be considered and addressed, i.e. does the area have the capacity to accommodate the development. This will assist the planning authority in carrying out an appropriate assessment under Regulations 61 and 62 of the Habitats Regulations 2010.

The Council broadly agrees with the scope as set out in the submitted Scoping Report and accompanying documentation and thus forms part of the Scoping Opinion. The above outlines the matters which require modification, augmentation or clarification as part of any subsequent planning application and environmental statement.

Consultees have also offered comments in relation to other matters that fall outside of the scope of the environmental statement, which should be considered in the submission which I hope are of use to you when preparing the planning application.

Exporting energy and heat

Details of the infrastructure which would be required to export energy to grid and surplus heat to potential end users should also be included as part of the application.

Environmental Permitting

It is understood that you propose to 'twin track' the planning application and the permitting application. As advised previously, it would be beneficial to the planning process if the permitting application has been considered prior to the application being determined at planning committee. It would also be useful if a plan was included within the planning application which shows the boundary of the permit application so that, should planning permission be granted endeavours can be made to ensure that there is no duplication of regulatory controls in accordance with paragraph 2.12 of TAN 21.

Site Restoration

As mentioned previously, restoration of site will need to be considered as part of the application to ensure that the plant is decommissioned and site restored to an appropriate standard when the facility no longer is operational to ensure that the site does not become derelict.

Emergency planning

Due to recent fires in the area at waste establishments, it may be beneficial to include information with regards to fire and evacuation plans within the planning application.

Community engagement

As you are aware, the Town council objected to the scoping opinion request. You have been provided with a copy of the response. The issues which have been raised are in relation to concerns of air quality, waste, highways issues, fire hazards, contaminated land, visual impact and contingency plans in the case of road delays or transportation issues. I assume the concerns with regards to road closures relate to the occasions when the flint bridge closes in high winds as outlined in the transportation section.

Aerodrome safeguarding

Given the proposed height of the boiler area of 42m and the proposed height of the stack, Airbus recommend that you follow the recommendations from the CAA to light fixed obstacles as per CAP 168 "licensing of aerodromes, chapter 4, marking and lighting of obstacles and unserviceable surface areas.

Network Rail

Network Rail has no comments to make over all on the scoping opinion. However, please note there is a level crossing in the area, Shotwick at WDB3 12m, 0769yds, but it is understood that this has been closed for some time.

In regards to the proposal itself, you are very strongly recommended to contact Network Rail's Asset Protection team with details of the proposal (drainage, excavation plans etc) prior to the submission of the planning application to ensure that the works on site and as a permanent arrangement do not impact upon the safety, operation, integrity or performance of the railway.

Utilities

Consultation responses from National Grid have been forwarded with contact information and guidance. Manweb have also responded and have provided drawings of Manweb equipment in proximity of the site. The cable shown on the plans are approximate and positions of cables may have been altered since being recorded. A line on a plan may represent more than one cable, and services to houses, street lamps, etc. may be omitted or included only as a schematic representation. Cables shown as, "Out of use", should not be assumed to be dead or abandoned.

Regulation 12

For the purposes of the requirements of Regulation 12 of the above regulations, as requested and agreed, the following bodies/individuals were consulted as part of this Scoping Request consultation and therefore they are aware that you are intending to submit a planning application which is to be accompanied by an environmental statement. Responses to the consultation have already been provided by the case officer however I attach for ease of reference along with contact details.

Flintshire County Council Internal Consultees:-

Ecologist; Amanda Davies:- Amanda.a.davies@flintshire.gov.uk

Head of Assets and Transportation:- County Hall, Mold, CH7 6NF

Environmental Protection; email:- pollution.control@flintshire.gov.uk

Conservation and Design Jerry Spencer: conservation.consultation@flintshire.gov.uk

Regional Emergency Planning Manager:- Philip.harrison@flintshire.gov.uk

External Consultees

Network Rail – Asset Protection Team:- AssetProtectionWales@networkrail.co.uk

Network Rail:- TownPlanningLNW@networkrail.co.uk
Aerodrome Safeguarding; Airbus - catalina.peters@airbus.com
National Grid UK Transmission: - plantprotection@uk.ngrid.com
SP Energy Networks:- requestforplansmanweb@sppowersystems.com
British Pipelines Agency:- lands@bpa.co.uk
Connah's Quay Town Council: - cqtcclerk@connahs-quay.co.uk
Natural Resources Wales:- planning@naturalresourceswales.gov.uk
Clwyd and Powys Archeological Trust; 41 Broad Steet, Welshpool, Powys, SY21 7RR

The following were consulted but the Council has not yet received a response to our consultation. Should responses be received following the receipt of this report they shall be forwarded to you separately for your consideration. We are expecting to receive an addendum to NRW's response which I will forward in due course. Any further comments from NRW are expected to be more detailed advice on protected sites and air quality.

Flintshire County Council Drainage; Alan Davies:- alan.davies@flintshire.gov.uk
Cadw; Plas Carew, Unit 5/7 Cefn Coed, Parc Nantgarw, Cardiff, CF15 7QQ
Dŵr Cymru: - developer.services@dwrcymru.com
North East Wales Wildlife Trust – info@newwildlife.org.uk
Dee Wildflower and Wetlands Management club; 36 Rock Farm Close, Little Neston, Cheshire, CH64 4DX
Design Commission for Wales; 4th Floor, Building 2, Caspian Point, Caspian Way, Cardiff, CF10 4DQ
Wales and West Utilities; plantprotectionenquiries@wwutilities.co.uk
Betsi Cadwaladr University Health Board:- Andrew.jones10@wales.nhs.uk

I trust the above information has satisfied the requirements of Regulation 12 of the above regulations and that the attached Scoping Opinion is of use to you for the preparation of your planning application and supporting Environmental Statement. Should you wish to discuss the methodology, rational and scope of any future Environmental Statement please do not hesitate to contact my officer Miss H Parish.

Yours faithfully



Head of Planning

Planning • Cynllunio
Form 1 EIA Scoping Opinion
Deeside Energy Recovery Facility
at Deeside Industrial Park, Weighbridge Road, Sealand, Flintshire

Section 1	Information describing the project	Yes	No	Comments
1.1	Purpose and physical characteristics of the project, including details of proposed access and transport arrangements, and of numbers to be employed and where they will come from.	✓		The environmental statement should include a description of the development, the site, in terms of location, physical features, landuse and should identify sensitive receptors within the locality. It should also include a description of surroundings and proposed development.
1.2	Land use requirement and other physical features of the project: a) during construction; b) when operational; c) after use has ceased (Where appropriate)	✓		Provision for Rail options should also be included. Details of all energy and heat exported off site should be included in the application and ES Likely hours of operation of the construction phase of the development and the IBA processing facility and also proposed hours of operation of decommissioning. Provision for decommissioning and restoration of the site should be included.
1.3	Production processes and operational features of the project: a) type and quantities of raw materials, energy and other resources consumed; b) residues and emissions by type, quality, composition and strength including: Discharges of water; Emissions of air; Noise; Vibration; light; heat; radiation; deposits/residues to land and soil; others.	✓		Throughput / capacity of the development and energy; heat/electricity output Describe the nature of emissions from the development including any impact of operations on receptors and designated sites. Odour also needs to be considered along with any other nuisance associated with the proposal. Information on lighting should be included to minimise light pollution and aerodrome safety lighting also needs to be considered and contamination.
1.4	Main alternative sites and processes considered, where appropriate, and reasons for final choice	✓		The environmental statement must consider the possible alternatives in terms of sites and also technology and a rational as to what has led to the final choice of site and technology presented in the application.

Section 2	Information describing the site and its environment			
	Physical features			
2.1	Population – proximity and numbers	✓		How many people/properties & businesses are in the vicinity of the development? Assumed to be predominantly heavy industrial, power generation and general employment uses. Consideration of the Northern Gateway Project needs to be considered and also decommissioning of Gaz de France power station
2.2	Flora and fauna (including both habitats and species) – in particular, protected species and their habitat	✓		Proximity to River Dee Estuary designations and protected species. Information required to enable LPA to undertake a test of likely significance as detailed within Scoping Opinion Letter.
2.3	Soil: agricultural quality, geology and geomorphology	✓		Describe the site's physical characteristics. Implications for contaminated land and possible source receptors and potential impact on designated sites.
2.4	Water: aquifers, water courses, shoreline	✓		Describe the site's hydrological features and connectivity to designated sites and flood risk
2.5	Air: climate factors, air quality, etc.	✓		Consider impacts on air quality and local indicators and any indirect impacts on designated sites. PM2.5, PM10, SO ₂ and NO _x vehicle emissions, potential odours from waste and implications for climate change on flood risk
2.6	Architectural and historic heritage, archaeological sites and features, and other material assets.	✓		Indirect impacts only should be assessed via a desk based assessment to a 1km study area.
2.7	Landscape and topography	✓		Describe the site and how the proposal would impact on landscape and topography. Landscape and visual impact assessment/photomontages of the site including stack and pluming in relation to surrounding area (from 5km radius) and Dee Estuary; cumulative impact of existing stacks. No statutory Landscape designations on/around the site

2.8	Recreational uses		✓	Despite adhoc unauthorised previous use of the site for off road vehicles, this site is not a formal recreational site
2.9	Any other relevant environmental features	✓		As the site is a brownfield site and has a history of industrial uses there is potential for contamination
Section 3	Assessment of effects - Including direct and indirect, secondary, cumulative, short medium and long-term, permanent and temporary, positive and negative effects of the project			
3.1 Effects of human beings, buildings and man-made features				
3.1.1	Change in population arising from the development, and consequential environment effects		✓	No significant population movements are expected as a result of the development.
3.1.2	Visual effects of the development on the surrounding area and landscape	✓		Visual impact, photomontages from 5 km radius of the site. Include impact of mass of buildings, stack and plume and lighting. Closer views are limited to users of the industrial park and intermittent views from vehicles passing by on the A548.
3.1.3	Levels and effects of emissions from the development during normal operation	✓		PM2.5, PM10 and SO ₂ and NO _x from the stack and traffic likely significant effects on the statutory designations of the adjacent Dee Estuary and health. For example, gaseous emissions and very fine particulate prediction and dispersion modeling. Proactive odour, dust and litter emissions require assessment in the event of systems or control failure. Treatment, monitoring and control mechanisms to avoid/reduce release of emissions.
3.1.4	Levels and affects of noise from the development	✓		Noise and vibration from the construction and also operation of the equipment, consideration of proximity of other industrial users and also Northern Gateway. Hours of construction operation and decommissioning to be include. Also likely significant effects on the statutory designations of the adjacent Dee Estuary from noise i.e. disturbance of wintering birds
3.1.5	Effects of the development on local roads and transport	✓		Approximate number, size and route(s) of vehicle movements, rail option to also be included should it be implemented. Traffic Implementation Strategy, construction management plan and Transport Statement.
3.1.6	Effects of the development on buildings, the architectural and heritage, archaeological features, and other human artifacts, e.g. through pollutants, visual intrusion, vibration		✓	Previously developed land, existing industrial park. No significant impact expected, and few, if any features of heritage.

3.2 Effects of flora fauna and geology				
3.2.1	Loss of, and damage to, habitats and plant and animal species	✓		Likely significant effects of the proposal from emissions of PM's, SO ₂ and NO _x or noise on the Dee Estuary Designations. The development site is not expected to have a high ecological value due to recent soils storage & processing activities and unauthorised motorcycling, and is mainly ruderal species. Surveys are necessary to confirm on-site site interests and potential off site interactions.
3.2.2	Loss of, and damage to, geological, palaeontological and physiographic features		✓	The site is previously developed land and has been elevated between 5-10metres and therefore is 'made ground'
3.2.3	Other ecological consequences	✓		Likely significant effects of the proposal from emissions on the Dee Estuary Designations
3.3 Effects on land				
3.3.1	Physical effects of the development, e.g. change in local topography, effect of earth-moving on stability, soil erosion, etc		✓	Some site clearance required but levels unlikely to be significantly altered. Likely that material would remain on site for landscaping.
3.3.2	Effects of chemical emissions and deposits on soil both within and around the site	✓		Potential for disturbance of contaminated land in the construction of the new building – source receptors and indirect impacts on Dee Estuary designations, PM2.5, PM10, SO ₂ and NO _x
3.3.3	Land use/resource affects a) quality and quantity of agricultural land to be taken; b) sterilization of mineral resources; c) other alternative uses of the site, including the 'do nothing' option; d) effects on surrounding land uses of the site, including agriculture e) waste disposal	✓ ✓ ✓ ✓	✓ ✓ ✓ ✓	a) not relevant b) mineral resource is marginal c) assess the impact of doing nothing d) potential localised effects on industry and their employees limited to lighting, odour, dust, litter, pests (if not controlled) and in particular impact on air intakes of power stations (cooling systems) and heavy industrial processes and air conditioning. e) This is the proposed development.
3.4 Effects on water				
3.4.1	Effects of development on drainage patterns	✓		The development is unlikely to affect drainage patterns but details of drainage need to be provided. Localised drainage controls, especially surface water run off onto public highways and into the Dee Estuary. Considerations of SuDS

3.4.2	Changes to other hydrographic characteristics, e.g. groundwater level, water courses, flow of underground water	✓		Water abstraction if required for process, steam and cooling water.
3.4.3	Effects on coastal or estuarine hydrology		✓	Unlikely to have an impact
3.4.4	Effects of pollutants, waste etc. on water quality	✓		The control of potential surface water run-off of surface and discharge of potential pollutants into the estuary drainage design, emissions from the stack, indirect impact on Dee Estuary and local drainage lagoons,
3.5 Effects on air and climate				
3.5.1	Level and concentration of chemical emissions and their environmental effects	✓		Emissions to air from waste incineration directive processes. Waste water emissions. Emissions from the stack and details of PMs, SO ₂ and NO _x and any likely significant effect on the Dee Estuary designations and the habitats/species
3.5.2	Particulate matter	✓		PM10s, PM2.5s
3.5.3	Offensive odours	✓		Is feedstock odourous? Will localised odours be generated and how will they be controlled
3.5.4	Any other climatic effects	✓		Condensate plume. Effects of climate change on flood risk
3.6 Other indicative and secondary effects associated with the project				
3.6.1	Effects from traffic (road, rail, air, water) related to the development	✓		Comment on the capacity of local routes and the development's potential impact. Noise, dust and debris along local feeder roads. Are the routes of a high standard and ease of access avoiding residential areas? Frequency, duration, numbers, types of HGV, turning pattern, hours of deliveries including any likely significant effect on the Dee Estuary designations and the habitats/species Aerodrome safeguarding needs to be considered in relation to the stack height/boiler hall height and lighting on the buildings/stack
3.6.2	Effects arising from the extraction and consumption of materials, water, energy or other resources by the development	✓		Positive displacement of primary fossil fuels by the use of residual waste/biomass fuels to reduce consumption of primary resources and reduced carbon footprint. Information with regards to the energy proposed to be produced and amount of waste used to create energy, reduced dependence on fossil fuel. BREEAM assessment

