

## Chapter Six

# SCOPING AND CONSULTATION

### INTRODUCTION

6.1 Chapter six of the 2008 ES explains how EWL submitted a Scoping Report to RCT and BBNPA to establish the coverage of the environmental impact assessment. Having considered EWL's Scoping Report, the authorities issued a formal scoping opinion that was reflected in the 2008 ES.

6.2 Scoping provides an opportunity for developers and their consultants to identify and assess the likely main environmental effects and issues of concern, assisted by feedback from, among others, planners, relevant government agencies and other consultees. Scoping is not mandatory but is regarded as best practice.

6.3 This chapter supplements chapter six of EWL's 2008 ES. It explains the scope of the current ES addendum and outlines the consultations that were undertaken prior to the submission of the current ES addendum.

### THE SCOPE OF THE ES ADDENDUM

6.4 To be effective, environmental impact assessment is a process initiated at an early stage in project development and which then continues through the planning and decision-making stage to the implementation and monitoring of a development project. From a combination of -

- the scoping opinion and the knowledge gained during the completion of the 2008 ES;
- the further environmental information prepared in 2009;
- the discharge of planning conditions and obligations prior to the implementation of the project, including conditions and obligations requiring environmental monitoring;
- the practical experience and further enhancement in knowledge of the site gained during the implementation of phase I, including an application made to NRW for an Environmental Permit for the phase I operation;
- dialogue with bodies including RCT (planning, highways, ecology and landscape), BBNPA, Dwr Cymru Welsh Water and NRW

- EWL's team has developed a close understanding of potential interactions between the Enviroparks development and the local environment.

6.5 A second scoping exercise for the revised development proposals was thus considered to be unnecessary. The scope of this ES update has been determined instead with reference to the following considerations.

- i). ***The scope of the original ES*** – having regard to the benefits of continuity of assessment and the accumulation of environmental knowledge, it was decided to present the revised and updated environmental information in the form of an ES addendum that builds upon the established information base, as opposed to preparing a new stand-alone ES. This approach helps to explain how the project has reached its current status in environmental terms.
- ii). ***The nature of the revised development proposals*** – no new waste categories or materials recovery processes are proposed that were not anticipated and assessed in the original ES. Without diminishing the scale or value of the revised proposals, all that the revised design effectively does is to consolidate the consented gasification yard, pyrolysis building and engine house into a single enclosed entity comprising a three-line gasification plant and an integral turbine hall for energy generation. The consented but unbuilt anaerobic digestion plant is dropped from the current proposals. As noted in earlier chapters of this document, this consolidation enables superior containment of odour, noise and light pollution, at the cost of introducing larger buildings onto the southern central area of the site, the landscape and visual effects of which need to be assessed.
- iii). ***Changes in the locality*** – chapter two of this ES addendum identifies a series of new and consented developments on Hirwaun Industrial Estate and beyond. Any significant cumulative environmental interactions between these developments and the revised Enviroparks proposals should be assessed.
- iv). ***Changes in law and policy*** – as chapter five of this ES addendum demonstrates, the legal and policy landscape has changed extensively since the 2008 ES was completed. However, the main underlying themes – the waste hierarchy, the need for renewable and low carbon energy, environmental protection and the need to regenerate the Valleys economy – all remain in place. As chapter five also explains, the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 consolidate and update the Town and Country Planning (Environmental Impact Assessment) Regulations 1999, as amended. The Regulations transpose, amongst other things, the European Directive 2011/92/EU, on the assessment of the effects of certain public and private projects on the environment, (see above) into the Welsh planning system. The current ES addendum has been prepared in accordance with these Regulations.

6.6 To assist cross-referencing, this addendum follows the same structure as the original ES as follows:

- 1. Introduction
- 2. Site description
- 3. Proposed development and land uses
- 4. Site selection, alternatives and scheme evolution
- 5. Planning policy context
- 6. Scoping and consultation
- 7. Community effects

8. Transport and access
9. Air quality
10. Noise and vibration
11. Ground conditions, drainage and flood risk
12. Landscape and visual effects
13. Ecology
14. Archaeology and cultural heritage
15. Conclusion

6.7 Where appropriate, the technical assessment chapters of this ES addendum provide a further explanation of how the detailed scope of individual studies was established.

## CONSULTATIONS

6.8 In accordance with the Planning (Wales) Act 2015 the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 introduced requirements for pre-application consultations. The 2016 Order inserted Part 1A: *Pre-application consultation* into the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

6.9 The amended 2012 Order requires all applicants for major development to undertake pre-application consultation through making available a final draft version of the application at least 28 days before the submission of the formal planning application. The draft application should be made available to community consultees, specialist consultees and members of the public through the sending of letters, erection of site notices and displaying a copy of the draft application at a public location.

6.10 The amended 2012 Order defines 'major development' as residential development of more than 10 units or on a site of over 0.5 hectares, the provision of buildings where the floor space to be created by the development is 1,000 square metres or more, or development on a site with an area over one hectare, or the winning and working of minerals.

6.11 EWL is seeking planning permission on a site over one hectare in area and for buildings with a floorspace of over 1,000 square metres. Accordingly, the proposals represent major development for which pre-application consultation must be undertaken.

6.12 Feedback from the pre-application consultation is set out in the Pre-Application Consultation Report that accompanies EWL's planning applications to RCT and BBNPA. The feedback was reviewed to establish whether it has implications for the scope and content of this ES addendum. The conclusions of this review were that:

- In general, the ES addendum incorporates the range of environmental information that consultees expected to see and which will be relevant to the determination of the current planning applications.
- Although a Habitat Regulations Assessment (HRA) was undertaken by the local planning authorities for the Enviroparks applications approved in 2010 in accordance with the Habitats Regulations, variations in the atmospheric emissions identified and assessed in chapter 9: *Air*

*Quality* of this ES addendum have led NRW to recommend that a further HRA should be undertaken for the current proposals. EWL will thus submit a Habitat Regulations Assessment Report to inform the planning authorities' assessment.

- In respect of environmental mitigation and its enforcement, the consultation responses contained various inferences that planning conditions and s.106 planning obligations similar to those applicable to the Enviroparks development approved in 2010 would be appropriate. As explained elsewhere in this ES addendum, EWL would support the use of planning conditions and obligations similar to those applying to the 2010 consents, having regard to the fact that the development is partly implemented and that established environmental mitigation and monitoring arrangements are in place and operative.