

7th January 2011



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Planning and Countryside

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Dear Mr Korsky,

Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended.

Scoping opinion for a Proposed Energy from Waste Facility at Old Kiln Quarry, Chieveley, West Berkshire.

A scoping opinion has been requested to be undertaken by this Council on the above proposal to facilitate the preparation of an Environmental Statement. In order to facilitate the completion of this scoping opinion a number of consultees have been contacted and the submitted scoping request report has been fully considered by West Berkshire Council. Those parties that were contacted are as follows:

- The Environment Agency
- Natural England
- Thames Water
- Highways Agency
- DEFRA
- West Berkshire Council's Ecologist
- West Berkshire Council's Highways department
- West Berkshire Council's Environmental Health department

I have received a number of responses from the above parties on the scoping request report for the above site, unfortunately a number of the consultees contacted have not yet responded. It is acknowledged that the formal period that we have agreed for West Berkshire Council to formulate a scoping opinion for the above proposal expires at the end of this week and I have therefore collated all the responses received to date in this letter and will forward you any further representations as and when they arrive.

At this stage I am still awaiting a response from West Berkshire Council's Highways Department and West Berkshire Council's Environmental Health Officers. DEFRA have also not responded at this stage, however it is my understanding that the issues that DEFRA would have previously made comments upon through the EIA Scoping Process are now managed by Natural England.

I can confirm that the Local Parish Council also requested a copy of the Scoping request document during December and this was provided to them. The Parish Council have made comments upon the submitted report and I have included their comments in this response.

You have already received copies of the majority of the responses that have been received to date but for completeness I have collated, and summarised the comments that have been received below.

Natural England

1. Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation (SAC), Special Protection Areas and Ramsar sites).

The development site is within 6 km to the following designated nature conservation sites:

- Snelsmore Common SSSI, Coldash Quarry SSSI, Kennet and Lambourn Floodplain SSSI and SAC, River Lambourn SSSI and SAC, River Kennet SSSI, Kennet Valley Alderwoods SSSI and SAC, Thatcham Reedbeds SSSI, Briff Lane Meadows SSSI and Coombe Wood Frilsham SSSI.

And within 10km of the following designated nature conservation sites:

- Ashridge Wood SSSI, Irish Hill Copse SSSI, Enborne Copse SSSI, Greenham and Crookham Commons SSSI and Kings Copse SSSI.

Further information on the SSSIs and SACs can be found at www.natureonthemap.org.uk. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

European sites (e.g. designated SACs) fall within the scope of the Conservation of Habitats and Species Regulations 2010. Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site. In this case the proposal is not directly connected with, or necessary to, the management of a European site and in our view it is likely that it will have a significant effect on internationally designated sites and therefore will require assessment under the Habitats Regulations. We recommend that there should be a separate section of the Environmental Statement to address impacts upon European sites entitled 'Information for Habitats Regulations Assessment'. Specifically, this should cover the effects of changing Air Quality on Kennet and Lambourn Floodplain SAC, River Lambourn SAC and Kennet Valley Alderwoods SAC.

2. Landscape Character and Designated Areas

To ensure that the proposed scheme does not adversely affect the character of the surrounding countryside, we recommend that consideration should be given to the following aspects in the environmental impact assessment:

- The potential impact of the scheme on the landscape character and visual amenity of the surrounding area.
- The detailed design of the proposed improvements should seek to respect and enhance local character and distinctiveness, and use appropriate materials and designs in all new built features.
- The development site is within/adjacent to the following designated area:

North Wessex Downs Area of Outstanding Natural Beauty (AONB)

Any development taking place within a nationally designated landscape is expected to be of the highest quality, which should respect, maintain, or enhance, local landscape character or distinctiveness.

Natural England is concerned over the potential effect of this development on the natural beauty, local character and distinctiveness of the AONB and the Environmental Statement should include a full assessment of these effects. Full regard should be paid to the North Wessex Downs AONB Management Plan for detailed guidance on ways in which landscape character and local distinctiveness can be preserved and how this development can be improved so that it is 'good enough to approve'. We suggest that you also consult the AONB Unit, if you have not done so already, in order to ensure that planning issues regarding this proposal take into account the various issues that arise as a result of the AONB designation.

Heritage Landscapes

You should consider whether there is land in your area qualifying for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. These are considered to be designated landscapes of national importance and the impact of your plan on these should be assessed where appropriate. An up to date list for the SE Region may be obtained at www.hmrc.gov.uk/heritage/lbsearch.htm and further information can be found on Natural England's landscape pages at www.naturalengland.org.uk.

Landscape and visual impacts

Natural England would wish to see details regarding local landscape character areas mapped at a scale appropriate to the development site and any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects on the development, such as changes in topography.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We strongly advocate the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2002. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed. Guidance on LCA, published by the Countryside Agency and Scottish Natural Heritage, is available at:

<http://www.snh.org.uk/www/sharinggoodpractice/cci/cci/guidance/Downloads/LCAfull.pdf>

Natural England supports the publication Guidelines for Landscape and Visual Impact Assessment, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2002 (2nd edition). The methodology set out in this book

(which was sponsored by the Countryside Agency, amongst others) is almost universally used in the procedures of landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England would encourage all new development to consider the character and distinctiveness of the area, with the design and outlay of all elements of a proposed development reflecting local design characteristics and wherever possible using local materials. The Environment Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

3. Access and Recreation

Natural England would encourage any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks or urban fringe areas should also be explored to help promote the creation of a wider green infrastructure. To this end, relevant green infrastructure strategies put in place by local authorities should be incorporated where appropriate.

4. Local Wildlife Sites

Our records indicate that the development site is adjacent to a Wildlife Heritage Site (WHS), with other WHS's in the vicinity. Local Wildlife Sites are identified by the County ecologist/local wildlife trust and are of county importance for wildlife. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife interests of the site[s] identified above. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the County ecologist/local wildlife trust for further information.

5. Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010.

We strongly recommend that surveys for protected species (including, for example, great crested newts, reptiles, water voles, badgers and bats) should be carried out within the area affected by the development.

If any protected species are found the Environmental Statement should include details of:

- The species concerned;
- The population level at the site affected by the proposal;
- The direct and indirect effects of the development upon that species;
- Full details of any mitigation or compensation that might be required;
- Whether the impact is acceptable and/or licensable.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out by suitably qualified and where necessary, licensed, consultants.

The great crested newt, dormouse and all species of bats are European protected species such that it is illegal to intentionally kill, injure or otherwise disturb them. If any of these species are found to be present you should also consult Natural England's Wildlife Management and

Licensing Unit in Bristol (Tel. 0845 6014523) about licensing implications before any work can proceed.

6. Other features of nature conservation interest, e.g. habitats and species identified within the UK and County Biodiversity Action Plans.

Natural England advises that a habitat survey (analogous to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether BAP priority habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should avoid adversely impacting the most important wildlife areas within the site, and should if possible provide opportunities for overall wildlife gain.

7. Cumulative and in-combination effects.

The EIA should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. To carry out the assessment of cumulative and in-combination effects, the following types of projects should be included. (Subject to the availability of information):

- a. Existing completed projects
- b. Approved but uncompleted projects
- c. Ongoing activities
- d. Plans or projects for which an application has been made and which are under consideration by the consenting authorities
- e. Plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Environment Agency

The Environment Agency agree that the likely significant effects have been identified for further assessment in the EIA. We have the following comments and advice on the significant effects.

Environmental Permitting

An Environmental Permit will be required under Schedule 5.1 Part A(1) of the Environmental Permitting Regulations 2010. Any permit will contain conditions that will require that the facility is designed, built and operated to best available techniques, in line with the IPPC Directive, and emission limits to ensure that as a minimum the emission standards set out in the Waste Incineration Directive are met.

Waste Heat

The Environmental Permitting process will require that the energy efficiency of the facility is maximised. The requirement to use the best available technique will require the developer to consider the utilisation of waste heat, and the availability of nearby receptors who can use that waste heat. This could include opportunities for district heating, or supplying neighbouring industrial users. This can increase thermal efficiency of the plant from approximately 20% to 75%.

PPS1 Climate Change Supplement page 16, Para 27 states that planning authorities should pay particular attention to fostering the development of new opportunities to supply proposed and existing development with low carbon and decentralized energy. This sets out the government's intention that planning authorities should be seeking opportunities such as this energy from waste scheme, to supply heat as well as electricity to existing and proposed development.

The current project proposal does not appear to include the use of waste heat. We therefore recommend that the applicant needs to consider the suitability of this site and the availability of nearby potential heat users, before finalising the development proposal, and before carrying out the EIA. If a waste heat facility is included in the development, the environmental impacts and benefits of this will need to be assessed as part of the Environmental Statement.

Water Resources

The future storage of waste on site, prior to incineration has the potential to impact on groundwater, (and on the public water supply). Measures will be required to minimise the infiltration of contaminated run-off, into the ground.

This might be achieved by separating contaminative drainage from clean such, as roof run off; minimising contaminative drainage by having as much waste as possible stored under cover; and where contaminative drainage does occur it should be in bunded areas with a sealed drainage systems so that run-off can be tankered away.

If contaminative discharges to ground are unavoidable, then we may require a quantitative risk assessment using such models as the Environment Agency's Remedial Targets Methodology or ConSim.

Flood Risk

We are pleased to see that the FRA will be prepared in accordance with PPS25, with a focus on surface water.

The surface water strategy should try to utilise sustainable drainage techniques for clean run off, in accordance with the SUDS management train (Ciria C609). Preference should be given to infiltration, over discharge to a watercourse, which in turn is preferable to discharge to surface water sewer.

Management of contaminated run-off should be designed separately, in line with the advice on contaminative drainage we have given above.

Other Sources of Flooding

Any FRA should assess all sources of flooding and demonstrate that there will be no increase in flood risk arising as a result of the development. Though not exhaustive, we would suggest that in particular attention is given to groundwater flooding and overland flow routes in relation

to the development.

There should also be a full consideration of any historical flooding which may have occurred on the site or in the vicinity.

Sources of Information

The Local Planning Authority have produced a Strategic Flood Risk Assessment (SFRA) which provides local information and advice or guidance on flooding. We recommend that the applicants consult this document.

Land Contamination

Although land contamination issues have been scoped out of the ES, there may be minor contamination from any fuel storage, or other activities connected with the current operation of the site. This possibility should be assessed at the Planning Application stage, and we may recommend a condition when consulted.

Air Quality

As part of an application for an Environmental Permit, a full assessment of risks to the environment and human health will be required. It is likely that air emissions and the impacts on receptors including areas of human population will be significant.

There may be advantages to be gained from expanding the ES section on Air Quality to also address those matters needed for the Environmental Permit, in order to avoid duplicated effort.

Paragraph 7.35 of the report says the ES will focus on emissions of oxides of nitrogen and sulphur. If the ES were to be expanded to fulfil the needs of the permit application, it would need to include dioxins, furans metals, oxides of carbon and VOCs.

We do not advise on Air Quality issues for Planning Applications, and are not suggesting the Air Quality section must be expanded for the purposes of the Planning Application. These comments are intended simply to highlight that the ES could be used to address the needs of both permitting systems and avoid duplicated effort on the developer's part.

Twin Tracking permit applications

The comments above highlights the potential advantages of applying for both planning permission and the Environmental Permit in parallel. This can avoid any inconsistent requirements between the two licensing regimes, and can save time and money. For pre-application discussions about the Environmental Permit, please contact our national permitting service on 08708 506 506.

Highway Agency

The Highways Agency requires that care should be taken so that there will be no accidental spillage of construction materials onto the Motorway or Motorway Service Area. The Highways Agency would also require that the applicant ensures that negotiation of the M4 and A34 junctions by any machinery or vehicles accessing the sites is achievable without detriment to safety.

Health and Safety

The Highways Agency have the following concerns:

1. The 85m flue should not be installed or require maintenance from the M4. In fact to reduce impact the flue should be built at least the minimum half of its own height from the M4 Motorway
2. Any floodlighting must not be directed towards the M4 carriageway to avoid causing a hazard to motorists.
3. During the construction and operational phases measures must be in place to ensure that materials are not blown across the Motorway or Motorway Services Area.

Thames Water

While Thames Water accepts there is a section that looks at water resources and flood risk we would make the following observations:

It is unclear at this stage what the net increase in demand on our infrastructure will be as a result of the proposed development. Thames Water is concerned that the network in this area may be unable to support the demand anticipated from this development. The developer needs to consider the net increase in water and waste water demand to serve the development and also any impact the development may have off site further down the network, if no/low water pressure and internal/external sewage flooding of property is to be avoided

We would therefore recommend that any EIA report should be expanded to consider the following.

- The developments demand for water supply and network infrastructure both on and off site and can it be met
- The developments demand for Sewage Treatment and network infrastructure both on and off site and can it be met
- The surface water drainage requirements and flood risk of the development both on and off site and can it be met

West Berkshire Council's Ecologist

Mention is made of putting aside some land for ecological enhancement. Between the two applications it needs to be made clear where and what this is proposed to be and how it will be managed in the long term. Sand Martins currently nest in this quarry and it would be good to secure a long term site for these birds.

I would be wary of seeing the ability of this plant to be a CHP unit as an advantage as it is unclear to me where this excess heat could be used as there are no large heat users nearby. Indeed that might be an argument for it being located nearer to a heat user. I note that the Colnbrook plant is not currently connected to any heat uses and therefore cannot be considered a combined heat and power unit at this time.

It is assumed that the waste coming in is already sorted and suitable for burning, can this please be clarified.

Section 7.27 mentions visual receptors. The list seems to be missing the M4/A34 and Motorway Service Area as potential visual receptors, this needs to be amended.

I welcome the commitment to discuss the long term future of the Local Geological Site with the Local Geoconservation Group.

Chieveley Parish Council

Assessment Baseline

In order for the significance of the environmental effects to be assessed the effects of the operation of the proposed facility must be assessed against an appropriate set of baseline conditions. That baseline is the existing quarry site which is due to be restored to agricultural land and woodland in the short term. The fact that restoration of the site is not complete is already in breach of the conditions on the existing planning permission. West Berkshire Council has assured the Parish Council on a number of occasions within the last two years that full restoration would be sought in accordance with the planning permission and that enforcement action to achieve compliance with the relevant conditions will be considered as necessary.

The report to accompany the request for the Scoping Opinion makes a number of references to the ES being based on 'existing conditions' (7.6) and/or 'fully cognisant of the quarry extension and regularisation application and vice versa' (1.9 & 7.2).

The Parish Council might accept that it would be appropriate for an ES to consider the cumulative effects of an EfW with these other proposed developments, particularly during any construction phase. However, as far as baseline for the assessment of environmental effects is concerned, it can only be appropriate for the assessment baseline to reflect the fact that the prevailing condition is that all existing operations are due to be restored to pre-existing (i.e. agricultural) conditions imminently. We consider the assertion in the Scoping Report at 6.15 that the ES baseline situation should be what's there at the moment to be flawed; it is appropriate practice for the assessment baseline to reflect expected changes and the change expected in the prevailing conditions is full restoration.

This is a requirement in the EIA Regulations which state that ES should contain a description of the likely effects of the development which are (inter alia) *short, medium and long-term*. To assess effects with regard to the existing condition of the quarry would at best¹ be short term. The medium and long-term effects of the proposal must have regard to the requirement for the existing quarry to be restored. Even if an application were submitted and approved to regularise the existing situation or even to extend the quarry then that would only be a short term or medium term condition and the long term environmental effect of the EfW would still need to be assessed against the restored condition.

Grid Connection

¹ For the record, the Parish Council would not even accept that proposition as the assessment baseline should reflect the conditions when the plant is built and/or operational. As that is unlikely to take place for a couple of years, we would expect the baseline to include restoration of the site even in the short term.

The ES should set out what means and/or infrastructure will be required to connect the plant to the National Grid because the grid connection will be part of the project which itself might have significant environmental effects.

Combined Heat and Power (CHP)

The Scoping Report makes reference to the Lakeside plant being developed to provide CHP. If the suggestion is that the proposed plant will be CHP-enabled then the ES should assess the environmental effects of the CHP infrastructure. CHP pipelines (i.e. steam pipes) are extremely intrusive and industrial features that are also likely to have significant environmental effects.

Description of the characteristics of the development/processes

The ES should describe the waste management processes that will take place on the site. For example, in order to understand the effects on the environment it will be necessary to understand where the waste is coming from and whether combustible materials will be recovered from municipal and other waste on the site and non-combustible and/or recyclable materials re-exported or whether only pre-sorted fuel will be delivered from material recovery facilities and/or waste transfer stations located elsewhere.

The ES should set out the hours of operation and the hours during which fuel will be delivered to the site (e.g. at night).

Transport

For the reasons given above, 'existing conditions' (at 7.6 & 7.15) is not the appropriate baseline for an assessment of the likely environmental effects. Future year baseline (7.15) should include the existing quarry restored in accordance with the current planning permission.

Source of the waste – should include the environment effects at points of collection. If required, 24hr transport movements to an EfW may be markedly different to transport movements to recycling and other waste management facilities which might give rise to significant environmental effects, particularly at night. Night time traffic flows will be required as part of the night time noise assessment identified at 7.17.

7.12 the IEMA guidance requires assessment where the number of HGV's increases by more than 30%, not all traffic flows as suggested in the Scoping Report.

Landscape

The visual impact assessment and assessment of landscape character must take into account the industrialisation of the landscape including the effects of plumes and emissions from the stacks.

We have not had sufficient time or information to comment on the proposed assessment viewpoints at this stage.

Lighting

The ES should consider the effects of lighting at night. The lighting at the Chieveley Services is of very old design and might be improved in the future; all of the lighting associated with the A34/M4 junction was designed to a high standard and does not emanate laterally. The proposed EfW might require high level lighting and warning lights on the stacks that might be likely to have significant environmental effects in this sensitive location.

Formal scoping opinion

Following the consideration of the submitted scoping report, coupled with the responses from the above consultees it is considered by West Berkshire Council that the key areas to be addressed in the ES are as follows:

- Impacts of the traffic movements to be generated by the proposal upon the highway network.
- The amenity impacts (principally noise, vibration, odour, lighting, dust, litter and health impacts) on local residents and local receiving environment (e.g. waterbodies) and other receptors, such as residential areas, the MSA and showground, amongst others).
- Visual impacts of the proposed development (in particular impacts of the proposed stack and any emissions plume generated by the operation of the plant).
- Landscape character impacts of the proposed development (with a particular emphasis upon the fact that the application site is in an area designated as having the highest status of protection in relation to landscape and scenic beauty).
- Air emissions, particularly the potential impacts of acid gases, heavy metals, carbon dioxide, particulates and dioxins/diobenzofurans.
- Ecological impacts, particularly any impacts upon protected species and identified nature conservation sites.
- Hydrological and hydrogeological impacts of the development including impacts on the demand for water infrastructure, surface water drainage and sewerage.
- Geological and Soil impacts of the proposal, including the impact associated with the loss of grade 2 agricultural land.
- Impacts upon the local public rights of way network (linked to amenity, air quality and visual impacts as set out above).
- Impacts which could be generated by potential accidents (e.g. fires / failure of environmental protection / pollution control systems) and natural disasters (e.g. floods) the potential impacts of such accidents on human health and the environment and a prediction of the likelihood of such accidents such as the failure of the emissions mitigation system resulting in a release of dioxins / pollutants impacts of fuel/oil spill/ chemicals used in the process or potential management failures.
- A comprehensive alternatives assessment that considers all potential alternative sites and technological options for managing the waste stream that the proposed facility is envisaged to manage. This will need to cover the issues raised in respect of utilising the waste heat produced by the operation of the proposed facility and address the commitment that has been given by the current government to deliver additional waste recovery capacity, where required, through the use of Anaerobic Digestion plants.
- Details and consideration of any supporting infrastructure which may be required alongside the development, such as any infrastructure required to connect the proposed EFW to the National Grid or water infrastructure.
- Socio-Economic effects.
- Whilst being linked to other sections of the ES it is considered that a section on waste will be required. The details of the sources of the waste and the mix of feedstock to be imported to the site for incineration needs to be provided and taken into consideration in the transport section of the ES as well as the Planning Policy section (given one of the key objectives set out in PPS10 is to manage waste at the nearest appropriate

installation (to this end details of other existing and permitted EFW's in the area that the proposed facility is envisaged to serve will also be required)).

Details will need to be provided in respect of how the waste generated by the operation of the facility will be managed, in this respect details of how the bottom ash and fly ash are to be managed will need to be detailed in full as part of the ES (not just construction waste as indicated in paragraph 7.72 of the scoping report).

Details such as the volumes of these wastes to be produced will be required along with details of where the generated wastes will be exported to and any further treatment that will be needed must be set out in the ES. In addition the details of waste produced at the decommissioning / demolition stage (and any particular issues dealing with hazardous wastes generated) will be required. Obviously the impacts of exporting all this waste throughout the operational and decommissioning phases of the development will need to be considered in other relevant sections of the ES.

One key aspect that needs to be established throughout the submitted Environmental Statement is the baseline environment. The baseline that will need to be assumed in the majority of the sections of the Environmental Statement is that of a restored mineral site, i.e. a greenfield agricultural site. You will appreciate that mineral extraction operations are only temporary in nature and indeed the proposed development site should have already been restored back to an agricultural after use, assessing the proposal against "existing conditions" will not always be appropriate.

It is acknowledged that your client intends to submit an application to extend the period of time to restore the current mineral void (and extend the current mineral extraction to the south). However such operations, if granted (and there is no guarantee that permission will be granted), would only be temporary in nature such that the proposed development site will, always revert back to an agricultural use in due course.

Linked to this point, and a matter that is of importance for both this proposal and the proposal to regularise and extend the mineral site, is the predicted timeframe of the proposed development. A timeline including the length of construction period, the projected life of the plant and the length of the decommissioning phase that also covers the permitted and proposed developments at the mineral site would assist in this respect. Clearly it will have to be acknowledged that there is no guarantee that the proposed extension to the mineral site will obtain permission so any cumulative impacts associated with this separate development are "worst case".

Whilst on this topic I can confirm, for the sake of clarity, that the proposed development site is considered by the Planning Authority to be a Greenfield site such an approach is consistent with the description given in PPS3. The geology and soils section of the ES will need to recognise that prior to the extraction of minerals from the application site the site was predominantly grade 2 agricultural land. With the use of appropriate modern restoration techniques there is no reason to doubt that the site could be restored back to this standard. This section of the ES will obviously have to consider the policy position set out in PPS7 of this matter.

All sections of the ES, when considering impacts, will need to consider all stages of the development: the construction stage, operational stage and decommissioning / dismantling

stage together with covering the indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development.

Clearly, as you have identified, the ES will need to cover the proposed mitigation measures that are put forward to assist in avoiding, reduce and if possible remedy the identified adverse impacts, however it is important that the main alternatives considered when establishing the proposed measures are detailed together with the reasoning behind the approach that has been adopted. As you have confirmed the details of residual impacts will need to be detailed together with the secondary impacts that may be generated by the mitigation measures proposed.

The proposed methodologies to monitor the success of the mitigation measures will also need to be set out in the ES along with potential contingency measures, if applicable, that could be explored or employed if the monitoring regime reveals that the mitigation measures employed are not functioning as envisaged.

Planning Policy Matters

On a general note you will be aware that the South East Plan is once again part of the development plan and will need to be taken into account in the planning application to support the development proposal. The scoping report gives minimal mention of the Waste Local Plan for Berkshire and the planning policies that this documents contains, this is a key planning policy document that needs to be given full consideration.

I also considered it prudent to make you aware of two key planning policy issues that the application will need to comprehensively consider and address.

Need for the proposed development

One of the fundamental planning issues to be addressed is the need for the proposed facility. The need for a waste facility is a key planning consideration enshrined in policy documents at all levels and I am pleased to note that you have recognised the need for a section of the ES to justify the proposal.

It is noted that paragraph 1.1 of the scoping report indicates that it is intended that the proposed development is needed to fulfil the waste management needs of West Berkshire. However it is my understanding that there is not a need for a facility delivering this level of waste recovery capacity to manage waste originating from with West Berkshire.

It is my understanding that the MSW stream in West Berkshire is currently around 80,000tpa of which only around 30% (24,000tpa) is presently recovered through the process of incineration. In addition the MSW arisings in West Berkshire is already contracted to be managed by another waste management company so this waste steam is not currently available to your client. The total volume of C&I waste generated in the whole of Berkshire is estimated to be circa 900,000 tpa therefore, crudely speaking, the volume generated in West Berkshire would be in the region of 150,000 tpa. Much of these arisings will be recycled or composted such that again only a percentage would be classed as residual waste for recovery in a facility such as that proposed. If a nominal figure of 30% of C&I waste arisings is suitable for "recovery" then this waste, coupled with the waste to be recovered from the MSW stream would be

somewhere in the region of 70,000 tpa. This figure, of waste arising in West Berkshire, that would be potentially available for recovery is recognised to be an estimate and based on current arisings but even with future waste growth this figure is well below the proposed capacity of 350,000tpa.

Therefore the planning submissions will need to detail where it is envisaged that the 350,000 tonnes of MSW and C&I waste will be imported from, as it is abundantly clear from the above and the South East Plan (and the waste capacity models that supported the formulation of the South East Plan and its policies) that there is no need for a recovery facility of this magnitude to serve the requirements of Berkshire, let alone the requirements of West Berkshire.

When considering the latest run (2009) of the Waste Capacity model that informed the South East Plan it is apparent that there is a significant excess of MSW and C&I recovery capacity (which includes EFW/Incineration) in Berkshire at present and there remains a excess of capacity needed to achieve the targets in the South East Plan up to and beyond 2025. That excess is predicted to stand at over 600,000 tonnes per annum of capacity by 2025.

Across the whole of the South East of England up to 2025 and beyond there remains a surplus of MSW and C&I recovery and by 2025 the estimated surplus of recovery capacity across the South East extends to an excess of almost 2.5million tonnes per year of capacity above that required to achieve the prescribed targets.

It is acknowledge that a case could be made that there are benefits to exceeding targets for waste management facilities but the existing provision of such a significant excess of recovery capacity has the very real potential to divert potentially recyclable or compostable waste into facilities such as EFW's for use in "energy recovery".

You will appreciate that that waste incineration is commonly classed as "disposal" and an EFW facility, which is classed as "recovery" (depending on whether it achieves an energy efficiency rating of 65% or grater) is only one step above disposal in the waste hierarchy. As detailed above, there is already a situation in Berkshire where there is a significant excess of waste recovery capacity which has the potential to drive waste down the waste hierarchy as it draws in potentially recyclable materials for recovery. The proposed development could easily exacerbate this situation resulting in less waste being recycled or composted, this would clearly be contrary to the Waste Framework Directive and planning policies.

It is noted that you refer at paragraph 5.15 of the scoping report to targets to recover certain percentages of the municipal waste stream in 2010, 2015 and 2020. However this fails to recognise that the targets for recovering waste relate to recovering residual waste, i.e. waste that is not capable of recycling or composting.

These issues are referred to in paragraphs 5.17 and 5.19 of the scoping report, however the impact of providing a greater volume of waste recovery capacity in an area where there is already a surplus will have to be assessed and consideration given to the impact of this over provision on those wastes that are capable of being recycled and composted as part of the planning submissions to demonstrate whether the proposed development would undermine the waste hierarchy.

North Wessex Downs Area of Outstanding Natural Beauty

Linked to the issue of need is the location of the proposed development within the North Wessex Downs AONB. You will appreciate that PPS7, PPS10, and the South East Plan, together with the local planning framework all adopt a similar approach in respect of development in the AONB.

PPS7 confirms that Areas of Outstanding Natural Beauty (AONB), have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas.

Major developments should not take place in these designated areas, except in exceptional circumstances. This policy includes major development proposals that raise issues of national significance. Because of the serious impact that major developments may have on these areas of natural beauty, and taking account of the recreational opportunities that they provide, applications for all such developments should be subject to the most rigorous examination. Major development proposals should be demonstrated to be in the public interest before being allowed to proceed. Consideration of such applications should therefore include an assessment of:

- (i) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- (ii) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- (iii) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

As stated above it is considered, at this stage, that there is no demonstrable "need" for a EFW in West Berkshire, Berkshire, or indeed the South East to manage the waste generated in these areas. This need issue will need to be comprehensively addressed together with the policy tests, such as those set out above.

There are clearly a raft of other planning policy matters that will need to be addressed in full within the submission documents but the above two issues are significant planning policy objections to the proposed development that will need to be addressed in a comprehensive manner as part of the planning submissions.

Other Matters

I have a number of other points that I would appreciate clarification upon and some additional comments that it is considered prudent to raise at this stage. It is appreciated that these comments are, in some cases, general points and not related to the scope of the EIA process. However I considered it prudent to raise these issues at an early stage so that these comments can be incorporated into the design of the proposed development.

Paragraph 1.7 of the scoping report refers to an extension of the existing mineral extraction area by 38ha, I accept that this is likely to be a typographical error as I understood that the total area for the application to regularise, and extend, the mineral site was a 38ha. Please can you confirm the situation in respect of this matter.

For the sake of clarity can you please clarify why at paragraph 2.6 it is indicated that 34mw of electricity is sufficient to power 50,000 homes where as paragraph 2.9 confirms that the same number of homes can be powered by 29 mw of electricity. It is accepted that this is not a major point but such contradictions obviously raise questions over the accuracy of the submission.

Please can you confirm whether any lighting will be required on the proposed flue / stack. Standing at 85m (279ft) will it require aircraft warning lights? Any lighting proposed, will need to be considered as part of the landscape and visual impact assessment sections of the ES.

I would appreciate clarification on the minimum volume of waste that would be required to enable the facility to operate. I am aware of recent instances whereby operators of EFW's have had to request extensions to their catchments / hinterlands to obtain sufficient materials to fuel the facilities in question.

Please can you confirm whether you will be submitting the pollution control application at the same time as Planning Application, as detailed above as being best practise by the EA and as recommended by PPS10 (paragraph 28).

Paragraph 4.5 of the scoping report makes reference to the facility managing construction and demolition waste. Please can you elaborate on what this entails as generally speaking the element of the construction and demolition waste stream that cannot be recycled is not suitable for incineration.

The Environment Agency have raised the fact that providing combined heat and power plants is a requirement of EC Waste Incineration Directive (art 4 (2) (b))and Article 6(6)). It will, therefore, be necessary for the Planning Application and ES to demonstrate that this condition has been met or explain why it is not possible to recover energy.

It would appear that the only potential users of heat local to the proposed site would be residential properties and the motorway services. Unfortunately the sporadic supply of heat coupled with sporadic demand would make the supply of heat from the proposed plant unsuitable for such parties. Indeed it would appear that the proposed site location prohibits the possibility of efficiently capturing the heat produced by the incineration of waste. This would be contrary to article 6 (6) of the Waste Incineration Directive (2006/76/EC) which confirms that "any heat generated by the incineration or co-incineration process shall be recovered as far as reasonably practicable" and contrary to planning policies.

I am aware that your clients EFW at Colnbrook, whilst being located in an industrial estate and within 500m of urban areas, does not utilise the waste heat from the operation of the plant. Given the difficulties involved with delivering CHP plants how will this be delivered in a rural location is a clear issue that will need to be explored in full.

The primary purpose of the proposed plant is clearly for the disposal of waste and, at this stage, it is considered unlikely that the plant will be able to developed as a CHP plant due to its location. I cannot see how this matter can be overcome given that this constraint is likened to the proposed location. It is therefore recommend that you reconsider the suitability of this site and the availability of nearby potential heat users, before finalising the development proposal, and before carrying out the EIA.

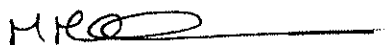
You will appreciate that the provision of this Scoping Opinion is based upon the details received on the proposal to date and does not preclude West Berkshire Council from subsequently requiring the submission of further information if it is considered that it is necessary.

If you require any further information please do not hesitate to contact me.

A copy of this scoping opinion will be placed on the Planning Register.

Yours sincerely

PP

A handwritten signature in black ink, appearing to read 'M R O', followed by a horizontal line extending to the right.

Gary Rayner
Development Control Manager

