



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

DNS: EIA Scoping Direction

3201953: Buttington Quarry, Proposed Energy Recovery Facility

Contents

1.	Introduction	2
2.	Site Description	3
3.	Site History	3
4.	Proposed Development	3
5.	Consultation	3
6.	Environmental Impact Assessment Approach.....	4
6.1	Environmental Statement Structure.....	4
6.2	Baseline	4
6.3	Reasonable Alternatives	5
6.4	Currency of Environmental Information.....	5
6.5	Cumulative Effects.....	5
6.6	Mitigation	6
6.7	Transboundary Effects	6
7.	Environmental Impact Assessment Topics	7
7.5	Ecology.....	9
7.6	Water Environment	9
7.7	Historic Environment (including Archaeology)	10
7.8	Site Condition / Contaminated Land.....	11
7.9	Socio-Economic.....	11
7.10	Noise	11
7.11	Geotechnical and Materials Management	11
8.	Other Matters	12
8.1	Habitats Regulation Assessment.....	12
	Appendix 1: Consultation Responses.....	13
	Appendix 2: Powys County Council 2017 Air Quality Progress Report.....	30

Prepared by:

Kym Scott BSc, MSc
 Robert Sparey MPlan
 Chris Sweet MPlan

‘Scoping’ is the process of determining what information must be included in the Environmental Statement for a particular project.

This Scoping Direction is provided on the basis of the information submitted to the Planning Inspectorate on 03 August 2018, in addition to consultation responses received. The advice does not prejudice any recommendation made by an Inspector or any decision made by the Welsh Ministers in relation to the development, and does not preclude the Inspector from subsequently requiring further information to be submitted with the subsequent Development of National Significance (DNS) application under Regulation 24 of [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#) (“The 2017 Regulations”).

1. Introduction

The Planning Inspectorate received a request by Broad Energy (Wales) Limited under [regulation 33](#) of the 2017 Regulations for a Scoping Direction in relation to a proposed development for:

- An Energy Recovery Facility (ERF) generating approx. 13MW of electricity through treatment of 150,000 tonnes / annum of residential, commercial & industrial wastes.

The request was accompanied by a Scoping Report (SR) [[Scoping Direction Request - Buttington Quarry, ERF - ECL.001.01.02RFS](#)] that outlines the proposed scope of the Environmental Statement (ES) for the proposed development. The Inspectorate is satisfied that the request meets the requirements of regulation 33(2) of the 2017 Regulations.

The North Wales Minerals and Waste Planning Service on behalf of Powys County Council (PCC) provided pre-application advice on a previous version of the proposal on [27 October 2015](#). At that time the capacity was quoted as “up to 100,000 tonnes per annum of residual municipal solid wastes and commercial and industrial wastes”.

Appendix 2 of the SR is a Scoping Opinion, dated 7 April 2017, which was previously prepared in connection to this proposal by the North Wales Minerals and Waste Planning Service on behalf of PCC. At that time the scale was still in the order of when the pre-application advice was given (“generating around 9MW of low carbon and renewable energy through the thermal treatment of up to 100,000 tonnes per annum of residual wastes”), so PCC would have been the determining authority. In some instances, consultees have opted to rely on the content of their previous consultation responses to PCC **when responding to the Inspectorate’s consultation in relation to this Screening Direction**. The Scoping Opinion Request that was sent to PCC in 2017 and the consultation responses received were all submitted to the Planning Inspectorate for information in [September 2018](#).

This Direction has taken into account the requirements of the 2017 Regulations, [Welsh Office Circular 11/99: Environmental Impact Assessment](#), as well as current best practice towards preparation of an ES. In accordance with the 2017 Regulations the Inspectorate has consulted on the SR and the responses received from the consultation bodies have been taken into account in adopting this Direction (see Section 5 below).

The Inspectorate is authorised to issue this Scoping Direction on behalf of the Welsh Ministers.

2. Site Description

The site is shown on Drawing BUT-RCA-00-ZZ-DR-0203-Overall_Arrangement_Plan in Appendix 1 of the SR. A site description is given in section 4.3 of the SR.

3. Site History

The site history is detailed in section 4.3 of the SR, which details previous and extant quarrying operation on site, and confirms that part of the quarry is allocated in the Local Development Plan for the area for B1, B2 and B8 employment uses.

4. Proposed Development

The proposed development is described in section 4.1 and section 4.6 (Development Layout) of the SR.

Section 4.5 of the SR describes the construction phase and the extent of the land that **would be used as a temporary 'lay down' area** during construction.

The scope of the ES should include all elements of the development as identified in the SR, both permanent and temporary, and this Scoping Direction is written on that basis.

5. Consultation

In line with [Regulation 33\(7\)](#) of the 2017 Regulations and Schedule 5 of the Developments of National Significance (Procedure) (Wales) Order 2016, before making this Scoping Direction, the Planning Inspectorate consulted the following bodies:

- Relevant Local Authority: Powys County Council (PCC)
- Natural Resources Wales (NRW)
- Cadw
- Clwyd & Powys Archaeological Trust (CPAT)
- Welsh Government: Department for Economy and Infrastructure (Transport)

Responses received are appended to this Direction. The SR states that the applicant intends to continue consultation with statutory and non-statutory consultees for the duration of the EIA process.

Consultee	Role	PDF Page Number
Powys County Council	Statutory Consultee: Relevant Local Planning Authority	14 – 18
Natural Resources Wales	Statutory Consultee	19 – 23
The Welsh Ministers (Cadw)	Statutory Consultee: Historic Environment	24 – 27
The Welsh Ministers (Welsh government: Department for Economy and Infrastructure [Transport])	Statutory Consultee: Development likely to affect a trunk road.	28
Clwyd & Powys Archaeological Trust	Non-Statutory Consultee	29

The legislative requirements for publicity in relation to the ES are set out by [Part 5](#) of The 2017 Regulations. Specific examples of where the applicant may benefit by liaising over

details of methodology may be cited under the relevant topics later in the Screening Direction.

The ES submitted by the applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES. Similarly, the ES should demonstrate how it has taken into account this Scoping Direction.

6. Environmental Impact Assessment Approach

The Inspectorate is generally supportive of the approach outlined in the SR.

The ES should include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters. Where professional judgement has been applied this should be clearly stated. The ES topic chapters should report on any data limitations, key assumptions and difficulties encountered in establishing the baseline environment and undertaking the assessment of environmental effects.

6.1 Environmental Statement Structure

The Applicants should satisfy themselves that the ES includes all the information outlined in Schedule 4 of the 2017 Regulations. In addition, the Applicant should ensure that the Non-Technical Summary includes a summary of all the information included in Schedule 4. Consider a structure that allows the author of the ES and the appointed Inspector and Decision Maker to readily satisfy themselves that the ES contains all the information specified [Regulation 17](#) and [Schedule 4](#) of the 2017 Regulations. Cross refer to the requirements in the relevant sections of the ES, and include a summary after the Contents page that lays out all the requirements from the Regulations and what sections of the ES they are fulfilled by.

As the assessments are made, consideration should be given to whether standalone topic chapters would be necessary for topics that are currently proposed to be considered as part of other chapters, particularly if it is apparent that there are significant effects and a large amount of information for a particular topic.

6.2 Baseline

Schedule 4 of the 2017 Regulations states that the 'baseline scenario' is "A description of the relevant aspects of the *current state of the environment*" (my emphasis). Therefore the Planning Inspectorate disagrees with the suggestion in section 13.4.2 that the baseline for the ES should be taken as a level, fully prepared site, unless that is the actual state of the site at the time of submission of the application. The baseline should reflect actual current conditions at that time. The same principle applies to the access to the site; although this is consented through an extant planning permission, it has not yet been implemented, and if that remains the case at the time the application is submitted, it should therefore be reflected in the ES. The ES should describe what works and impacts would be involved in preparing the site, even if that is covered under a separate, extant planning permission. The applicant may wish to clarify which aspects are covered by that other consent, but the impacts should be covered in the ES.

6.3 Reasonable Alternatives

Section 3 of the SR deals with alternatives considered in relation to the Proposed Development. In line with the requirements of [Regulation 17](#) and [Schedule 4](#) to the 2017 Regulations, any reasonable alternatives studied by the applicant should be presented in the ES. The reasons behind the selection of the chosen option should also be provided in the ES, including where environmental effects have informed the choices made.

It is worth bearing in mind that under the [Conservation of Habitats and Species Regulations 2017](#) ("the Habitats Regulations") **unless it can be clearly shown to the Welsh Ministers that the project would have no adverse effect on the integrity of any designated sites, it would have to be shown that there is no feasible alternative solution** (see advice note from [IEMA](#)). Further advice regarding the Habitats Regulations is provided in the final chapter of this Screening Direction.

The SR identifies that the applicant intends to address the need for the development in the accompanying Waste Planning Statement. The Planning Inspectorate is supportive of this approach; if necessary this can be cross referenced in the ES.

6.4 Currency of Environmental Information

For all environmental aspects, the Applicant should ensure that any survey data is as up to date as possible and clearly set out in the ES the timing and nature of the data on which the assessment has been based. Any study area applied to the assessments should be clearly defined. The impacts of construction, operation and decommissioning activities should be considered as part of the assessment where these could give rise to significant environmental effects. Consideration should be given to relevant legislation, planning policies, and applicable best practice guidance documents throughout the ES.

The ES should include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters. Where professional judgement has been applied this should be clearly stated.

The ES topic chapters should report on any data limitations, key assumptions and difficulties encountered in establishing the baseline environment and undertaking the assessment of environmental effects.

6.5 Cumulative Effects

Based on the information set out in the SR, the approach to the assessment of cumulative impacts is considered largely appropriate. The intention to carry out assessment in line with relevant professional guidance is acknowledged and recommended.

The criteria for inclusion set out at paragraph 17.2.2 of the SR may be appropriate in relation to certain topic areas within the ES, but when seeking to exclude other development from further assessment, the Applicant should adopt a nuanced approach to exclusion and inclusion criteria. Effects deemed individually not significant from the assessment, could cumulatively be significant, so inclusion criteria based on the most likely significant effects from this type of development may prove helpful when identifying what other developments should be accounted for. The criteria may vary from topic to topic.

All of the other development considered should be documented and the reasons for inclusion or exclusion should be clearly stated. Professional judgement should be used to avoid excluding other development that is close to threshold limits but has characteristics likely to give rise to a significant effect; or could give rise to a cumulative effect by virtue of its proximity to the proposed development. Similarly, professional judgement should be applied to other development that exceeds thresholds but may not give rise to discernible effects. The process of refinement should be undertaken in consultation with the relevant LPA and other consultees, where appropriate.

As the proposed development would be located on an operational quarry site with other businesses, **the applicant will need to establish a 'worst case scenario' for assessment** which takes account of existing and consented development at the site. Given that the site is allocated in the Powys LDP for further employment uses, best practice suggests that an allowance should be made for 'reasonably foreseeable' traffic movements arising from future development. However, this is only likely to be possible where some degree of certainty exists and it is acknowledged that the applicant will need to apply professional judgement when establishing criteria for assessment.

As noted above, the baseline conditions for the EIA should not exclude site preparation works that are necessary to facilitate the proposed development.

Although intended for larger schemes, the Planning Inspectorate's [NSIP Advice Note 17: Cumulative Effects Assessment](#) sets out a staged process for assessing cumulative impacts that may prove useful to the Applicant.

6.6 Mitigation

Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should provide reference to how the delivery of measures proposed to prevent / minimise adverse effects is to be secured (through legal requirements or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.

6.7 Transboundary Effects

[Schedule 4 Part 5](#) of the 2017 Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The SR has not indicated whether the Proposed Development is likely to have significant impacts on another European Economic Area (EEA) State. The ES should address this matter as appropriate.

7. Environmental Impact Assessment Topics

This section contains the Inspectorate's specific comments on the scope and level of detail of information to be provided in the applicant's ES. Environmental topics or features are not scoped out unless specifically addressed and justified by the applicant, and confirmed as being scoped out by the Inspectorate. In accordance with [Regulation 17\(4\)\(c\)](#) of the 2017 Regulations the ES should be based on this Scoping Direction in so far as the Proposed Development remains materially the same as the Proposed Development described in the applicant's SR.

The Inspectorate has set out in this Direction where it has / has not agreed to scope out matters on the basis of the information available at this time. The Inspectorate is content that the receipt of a Scoping Direction should not prevent the applicant from subsequently agreeing with the relevant consultees to scope such matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.

The Inspectorate is supportive of the clear structure set out in Table 2 of the SR for the Topic / Key Environmental Aspects chapters of the ES.

7.1 Air Quality

The Applicant should ensure that a thorough assessment of both construction and operational impacts on air quality is included in the ES. Subject to the comments below, the approach to air quality assessment set out in the SR is largely considered appropriate; the approach to be taken, basing the assessment on **the 'worst case scenario'** is recommended.

Based on NRW's consultation response the Inspectorate directs that the applicant should include the Moel y Golfa SSSI in the air quality assessment.

To note, the EA H1 Annex F Air Emissions guidance, although still the appropriate guidance, is now contained in [Air Emissions Risk Assessment for your Environmental Permit](#), held on GOV.UK.

Powys CC has provided **the latest Air Quality Progress Report for Powys, for the Applicant's attention** (Appendix 2 to this Screening Direction). **The Council's Environmental Health Officer (EHO)** has pointed out that the local diffusion tube network only covers the Newtown area and recommends that it is therefore used in conjunction with local SLR monitoring data. The Inspectorate directs that this approach be adopted.

The EHO also raises a concern regarding point source emissions of odour, with particular reference waste to be stored prior to combustion. The Applicant should take account of this and ensure that this issue is thoroughly addressed and the potential need for odour impact assessment considered.

7.2 Health Impact Assessment

Having considered the information contained within the SR and the nature of the Proposed Development, it is agreed that a Health Impact Assessment (HIA) should be provided as part of the ES. The Applicant identifies the Wales Indices of Multiple Deprivation (WIMD) and the Wales Health Observatory datasets as sources of health based information in order to inform the HIA. In particular, the toolkit and guidance developed by the [Wales Health Impact Assessment Support Unit](#), which should ensure a holistic approach to assessment. The use of these resources is endorsed by the Inspectorate.

Continued consultation throughout the preparation of the HIA with relevant bodies as set out in the SR is advised. The Applicant also identifies other assessments produced as part of the ES will inform the HIA, such as the Transport Statement and Air Quality Assessment. The Inspectorate is supportive of this approach; the HIA helping to pull together the human health considerations that may arise in other sections of the ES.

The Inspectorate does not have any specific advice on the questions raised at paragraph 7.5.1 of the SR. The applicant is advised to consult with PCC regarding those issues and with a view to establishing whether the Council holds further evidence or can suggest relevant local sources of knowledge that might be used to inform this section of the ES.

Subject to further refinement and recommendations received from consultees, the general approach to HIA is acceptable. The Applicant should ensure that the ES addresses any significant effects on human health, in light of [changes](#) in the 2017 Regulations.

7.3 Transportation, Traffic and Highways

The Planning Inspectorate is in broad agreement with the contents of the SR in relation to transport issues. Consideration of both construction and operational traffic should be included in the Transport Assessment.

The response received from WG Transport advises that site access will require further assessment to assess suitability in line with the [Design Manual for Roads and Bridges \(DMRB\)](#). Their response also advises the study area is extended to the West to review all arms of the A483, and should include any permitted developments along the route to the development site, and adjacent to the A483 Welshpool Bypass. WG Transport also recommends that a junction capacity is required. The Applicant is hereby directed to undertake these steps when preparing the ES.

In addition to comments from WG Transport, the Applicant should note the response for PCC. The **Council's view is** that the local highway network is substandard and it advises that movements to and from the site should be undertaken via trunk roads. The applicant will need to take a view on this and factor anticipated routes into the Transport Assessment. The approach taken should be fully explained and justified in the ES.

7.4 Landscape and Visual Impact

In its scoping consultation response, Cadw suggests additional viewpoints to be included in the LVIA when cross-referencing from the CHA and advises on how the information should be presented in the ES. The Clwyd Powys Archaeological Trust (CPAT) also suggests an additional viewpoint. The Inspectorate directs that the applicant incorporates viewpoints in the LVIA as follows (exact locations to be agreed with the relevant consultee):

- Offa's Dyke (Scheduled Monument MG034)
- Offa's Dyke (Scheduled Monument MG224)
- Strata Marcella Abbey (Scheduled Monument MG120)
- The Breidden Hillfort

The applicant should also heed the advice from Cadw regarding Viewpoints 8 and 11 in Table 8 of the SR.

The SR confirms that the proposed stack height is not yet finalised. If the outcome of the air quality study determines that the stack height should exceed the 70 m currently proposed for the LVIA, and the development proposal is amended to reflect that increase, then the applicant should ensure that the LVIA reflects the amended proposal.

The SR also raises the issue of the proximity of this proposal to the border between England and Wales. The applicant should consider consulting the neighbouring planning authority in England on the proposed approach to the LVIA; if this is not considered to be a necessary step, a reasoned justification should be provided in the ES.

7.5 Ecology

In the SR, the Applicant identifies a number of current ecological assessments that have been carried out that will inform the Ecology section of the ES, and these seem largely appropriate. The Applicant should ensure that the baseline data for the assessments conducted are robust, and provide the data necessary to assess any likely significant effects arising from the Proposed Development.

It is noted that the Applicant intends to submit a Habitats Regulations Report (HRA) in order to address the requirements of the [Conservation of Habitats and Species Regulations 2017](#).

The applicant is advised to continue to liaise with NRW and PCC's ecologist as the ES is being prepared.

7.6 Water Environment

The statutory SuDS regime comes [into force in Wales on 7 January 2019](#). While this is a separate legislative regime from the planning regime, there may be practical considerations for the design of the scheme that should be reflected in the ES. If the applicant has any questions regarding the regime they are advised to contact the [Water Policy](#) section of the Environment and Rural Affairs division of Welsh Government.

As the site is located entirely within Flood Zone A, there is no requirement for a Flood Consequences Assessment.

NRW have provided detailed feedback on this section of the SR, and the applicant is advised to continue to liaise with NRW on this section of the ES as work progresses. NRW advise that no enough information has been provided to screen out the requirement for a Water Framework Directive Assessment at this stage.

The Inspectorate recommends that the applicants liaise closely with NRW and PCC as this section of the ES is progressed.

7.7 Historic Environment (including Archaeology)

The proposed search areas for archaeology and designated historic assets (1km and 5km respectively) are considered appropriate. The approach and methodology for Cultural Heritage Assessment (CHA) are considered largely appropriate, subject to the following points.

At paragraph 12.2.5 the SR refers to guidance published by Historic England. However, the relevant guidance for Wales in this respect is **Welsh Government's best-practice guidance [Setting of Historic Assets in Wales](#)** (2017). This guidance should be followed by the applicant when producing the CHA.

The section of the SR that deals with methodology (12.3) states that guidance contained in the Design Manual for Roads and Bridges, Volume II, Section 3, Part 2 (2007) will be used for the purposes of assessing the sensitivity of heritage assets. However, as indicated by Cadw, that guidance is not appropriate for use in relation to designated historic assets. The applicant should instead follow the guidance contained in **Welsh Government's Setting of Historic Assets in Wales** (2017) when preparing their CHA.

Cadw also draws attention to the fact that, contrary to paragraph 12.4.5 of the SR, there are in fact two Registered Historic Parks and Gardens within 3km of the site, details of which are contained in its response. The applicant should include these assets in their **assessment and should take account of the Welsh Government's Guidance [Managing Change to Registered Historic Parks & Gardens in Wales](#)** (2017) when doing so.

CPAT, in its response, suggests a number of sources for the proposed desk-based assessment and advises that it should be supplemented by walkover survey of the site and associated areas. This advice is endorsed and the applicant is advised to take account of it when preparing their assessment.

The approach to consultation set out at paragraph 12.2.6 of the SR is acknowledged and recommended. The CPAT should be included in consultation, where appropriate.

As referenced above, both Cadw and CPAT suggested additional viewpoints for incorporation into the LVIA. In line with the advice from Cadw, the applicant should ensure that relevant viewpoints are also dealt with in the Historic Environment / Cultural Heritage section of the ES.

7.8 Site Condition / Contaminated Land

PCC has relied on its earlier Scoping response (provided at LPA Scoping Opinion stage in February 2017) regarding the need for the ES to address contaminated land. The Inspectorate agrees with that position, and the topic is Scoped In. However, PCC have not given any comments on the matters set out in the SR submitted in relation to this SR. The applicant is advised to continue to liaise with NRW and PCC over this section of the ES. If it is considered by the relevant consultees that a desk based assessment is appropriate, a justification should be included in the ES.

7.9 Socio-Economic

Based on the information provided in the SR, the approach to the assessment of socio economic impacts is considered appropriate. The applicant should consider consulting PCC with regard to impacts on land use and recreation within the LSA.

7.10 Noise

PCC have confirmed that they will continue to liaise **with the applicant's acoustic consultant** over the approach to this section.

In line with the **SR and PCC's response, the** Inspectorate directs that vibration is Scoped Out of the ES.

7.11 Geotechnical and Materials Management

As mentioned in section 6 of this Direction under 'Baseline', the ES should include the impacts of preparatory works. As the SR identifies, the quarry floor requires stabilisation to create a level and stable plateau for construction. Although it may be the case that these work are permitted via extant planning permissions, they still constitute a part of this project, and as described above, the ES should capture the current baseline of on-site conditions and clearly describe the impacts involved in bringing the site to a level, fully prepared state, and then go on to assess the impacts from that point through construction, operation and decommissioning of this proposal. If the works have actually been carried out before the application is submitted, then the ES should confirm that and reflect that baseline.

Comments regarding geotechnical assessment, land contamination and materials management contained within the previous Scoping Opinion issued by PCC in 2017 should be considered by the Applicant in production of the ES. The Applicants should satisfy themselves that geological and material management issues have been adequately addressed as part of the ES, including the mitigation of any possible effects throughout the lifetime of the project. The Inspectorate advises further consultation and refinement with the relevant consultees is necessary to inform the approach to assessment.

8. Other Matters

This section does not constitute part of the Scoping Direction, but addresses other issues related to the proposal.

8.1 Habitats Regulation Assessment

[The Conservation of Habitats and Species Regulations 2017](#) require competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects). The competent authority in respect of a DNS application is the relevant Welsh Minister who makes the final **decision. It is the Applicant's responsibility to provide sufficient information to the** competent authority to enable them to carry out an AA or determine whether an AA is required.

When considering whether or not significant effects are likely, applicants should ensure that their rationale is consistent with the [CJEU finding](#) that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an AA and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site when **determining whether an AA is required ('screening')**. The screening stage must be undertaken on a precautionary basis without regard to any proposed integrated or additional avoidance or reduction measures. Where the likelihood of significant effects cannot be excluded, on the basis of objective information the competent authority must proceed to carry out an AA to establish whether the plan or project will affect the integrity of the European site, which can include at that stage consideration of the effectiveness of the proposed avoidance or reduction measures.

Where it is effective to cross refer to sections of the ES in the HRA, a clear and consistent approach should be adopted.

The Planning Inspectorate's guidance for Nationally Significant Infrastructure Projects – [Advice Note 10: Habitat Regulations Assessment relevant to Nationally Significant Infrastructure Projects](#) may prove useful when considering what information to provide to allow the Welsh Ministers to undertake AA.

Appendix 1: Consultation Responses

Consultee	Role	PDF Page Number
Powys County Council	Statutory Consultee: Relevant Local Planning Authority	14 – 18
Natural Resources Wales	Statutory Consultee	19 – 23
The Welsh Ministers (Cadw)	Statutory Consultee: Historic Environment	24 – 27
The Welsh Ministers (Welsh government: Department for Economy and Infrastructure [Transport])	Statutory Consultee: Development likely to affect a trunk road.	28
Clwyd & Powys Archaeological Trust	Non-Statutory Consultee	29

Appendix 2: Powys County Council 2017 Air Quality Progress Report

From: Williams Robin Wynne ([REDACTED])
Sent: 11 September 2018 15:32
To: Sparey, Robert

Subject: FW: 3201953 - EIA Scoping Consultation: Urgent Response Required DNS Energy Recovery facility at Buttington Quarry

Hi Rob,

Would also agree with Daniel's response below.

I would add that the proposed highway access that is to be used has been consented but is not operational. Given the response received from Simon Crew (Highways) and concern re the substandard nature of the surrounding Highway Network. I would draw your attention that other businesses are located on the Buttington site, it is also an operational quarry and it is also designated within the Powys LDP as employment land. What would be the cumulative effects of all these + ERF on the substandard Highway Network, Residential Amenity etc? I think that cumulative and worst case will need to be assessed as part of the EIA process.

I have copied in Simon Crew in case he has further comments to make re highway.

I will chase up Ecology on your behalf.

Kind regards,

Robin

Robin Wynne Williams – BA, MA, MPLAN, MRTPI

Uwch Swyddog Cynllunio Mwynau a Gwastraff
Senior Minerals and Waste Planning Officer

Ar ran Gwasanaeth Cynllunio Mwynau a Gwastraff Gogledd Cymru /
On behalf of the North Wales Minerals and Waste Planning Service

Swyddfa Gogledd Orllewin, Neuadd Penrhyn, Bangor, Gwynedd. LL57 1DT



Ysgrifennwch ataf yn Gymraeg neu Saesneg
Please write to me in Welsh or English

From: Daniel Stykuc (CSP - Environmental Health) <[REDACTED]>
Sent: Dydd Mawrth, 11 Medi 2018 14:41

[REDACTED] Planning Services (CSP - Generic)

Cc: Williams Robin Wynne (Rh-CTGC [REDACTED]); Paul Bufton (CSP - Environmental Health) [REDACTED]

Subject: RE: 3201953 - EIA Scoping Consultation: Urgent Response Required DNS Energy Recovery facility at Buttington Quarry

Hi Rob,

As far as the aspects being considered fall within the remit of Environmental Health, I can respond as follows.

Air quality

I am satisfied that the method for assessing construction dust is acceptable.

I am satisfied with the method for assessing air quality by comparison to national air quality standards. The latest Air Quality Progress Report (2017) for Powys is attached. Our diffusion tube network only covers the Newtown area so I would recommend that this is used in conjunction with the local SLR monitoring data from 2015.

However, I am not satisfied with the statement at section 6.1.4 that “there will be no point source emissions of odour associated with the development.” This may be the case but I will require more information to validate the above statement. I would suggest that if any waste is to be stored prior to the combustion process then there is going to be the potential for odour emissions, which will require quantitative odour impact assessment.

Health Impact Assessment

There are no designated air quality management areas (AQMAs) in Powys. I have no further comments to make regarding the Health Impact Assessment.

Noise

Due to the distance to sensitive receptors I am satisfied that vibration can be scoped out of the noise assessment process.

I am in agreement to liaise with the acoustic consultant with regard to the noise impact assessment process.

Cumulative effects

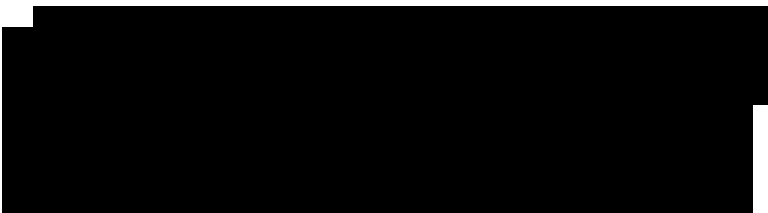
I agree that it would be more appropriate to use the existing site condition as the baseline position, therefore any works involved in site preparation process will fall within the scope of the ES.

The Planning department is best placed to provide a list of other applications in the area that have the potential to contribute to cumulative effects, however I cannot think of any other relevant applications nearby.

Regards,

Dan Stykuc

Swyddog Iechyd yr Amgylchedd (Gwarchod yr Amgylchedd)
Environmental Health Officer (Environmental Protection)



[REDACTED]
Sent: 28 August 2018 16:16

To: dns.wales

Cc: Williams Robin Wynne (Rh-CTGC)

Subject: Potential DNS Application (Ref: 3201953) Buttington Quarry, Buttington, Welshpool, Powys, SY21 8SZ

Dear Sir/Madam,

RE: TOWN AND COUNTRY PLANNING ACT 1990, THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (PROCEDURE) (WALES) ORDER 2016, TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT (WALES) REGULATIONS 2017 Potential DNS Application, Site Address: Buttington Quarry, Buttington, Welshpool, Powys, SY21 8SZ Proposed Development: Energy Recovery Facility (ERF) generating approx. 13MW of electricity through treatment of 150,000 tonnes / annum of residential, commercial & industrial wastes.

Please find attached the advice that was given when we were previously consulted in respect of this proposed development.

Regards

Anthony Bullen

Swyddog Tir Llygredig / Contaminated Land Officer



Cyngor Sir Powys County Council

Iechyd yr Amgylchedd / Environmental Health

Neuadd Maldwyn

Ffordd Hafren / Severn Road

Y Trallwng / Welshpool

Powys

SY21 7AS

[REDACTED]
Cysylltwch â ni yn Gymraeg neu yn Saesneg. Ni fydd cysylltu yn Gymraeg yn arwain at oedi.
Contact us in Welsh or in English. Contacting in Welsh won't lead to a delay.

Mae'r e bost hwn ac unrhyw atodiad iddo yn gyfrinachol ac fe'i bwriedir ar gyfer y sawl a enwir arno yn unig. Gall gynnwys gwybodaeth freintiedig. Os yw wedi eich cyrraedd trwy gamgymeriad ni ellwch ei gopio, ei ddsbarthu na'i ddangos i unrhyw un arall a dylech gysylltu gyda Cyngor Sir Powys ar unwaith. Mae unrhyw gynnwys nad yw'n ymwneud gyda busnes swyddogol Cyngor Sir Powys yn bersonol i'r awdur ac nid yw'n awdurdodedig gan y Cyngor.

This e mail and any attachments are confidential and intended for the named recipient only. The content may contain privileged information. If it has reached you by mistake, you should not copy, distribute or show the content to anyone but should contact Powys County Council at once. Any content that is not pertinent to Powys County Council business is personal to the author, and is not necessarily the view of the Council.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>


Cyngor Sir Powys County Council

Adfywio, Eiddo a Chomisiynu / Regeneration, Property & Commissioning
Gwasanaeth Iechyd yr Amgylchedd / Environmental Health Service

MEMORANDUM

To: Robin Wynne Williams, Minerals and Waste Planning Officer,
North Wales Minerals and Waste Planning Service

From: Anthony Bullen (Contaminated Land Officer), Environmental
Health, Neuadd Maldwyn, Welshpool

Date: 22 February 2017

Ref: WK/201627499

Your ref: SC/2017/0002

Subject: **Buttington Quarry, Buttington, Welshpool, Powys
Scoping Opinion under regulation 13 of the EIA (Wales)
Regulations 2016 for construction and operation of Energy
Recovery Facility (ERF).**

In relation to the request for a Scoping Opinion (ref: SC/2017/0002) the following advice is provided for the consideration of North Wales Minerals and Waste Planning Service.

Advice

The proposed application site is associated with an area of former quarrying furthermore, historic ordnance survey (OS) maps identify the presence of areas of unknown filled ground and former manufacturing (clay bricks and tiles) located adjacent to and within the application site boundary.

The historic land uses located adjacent to and within the proposed application site boundary could be potential sources of land contamination that may be a risk to the proposed development.

Therefore, any Environmental Impact Assessment (EIA) produced in support of an application for planning permission could include information on how potential land contamination issues will be investigated, assessed and mitigated.

.....
Anthony Bullen
Contaminated Land Officer



Adrian Jervis,
Pennaeth Priffyrdd, Trafnidiaeth ac Ailgylchu
(Dros Dro)
Acting Head of Highways, Transport &
Recycling

**Priffyrdd, Trafnidiaeth & Ailgylchu
Highways, Transport & Recycling
Cyngor Sir Powys County Council
Neuadd y Sir/County Hall
Llandrindod Wells, Powys, LD1 5LG**

Planning Inspectorate Wales

**Os yn galw gofynnwch am / If calling
please ask for:**

Enw / Name: Simon Crew

Ffôn / Tel :

Ffacs / Fax :

Llythyru electronig / Email :

Eich cyf / Your Ref :

APP/T6850/A/18/3201953

Ein cyf / Our Ref :

Dyddiad / Date: 02 October 2018

RE: Energy From Waste Facility located at Buttington Quarry, Buttington, Powys

Whilst the Local Highway Authority (County) do not object to the principle of development, we do wish to alert both the applicant and the Planning Inspectorate to the substandard nature of the surrounding County Highway Network. The Highway Authority therefore do not support any HGV movements along the County Highway and advise that all such movements should access to and from the site, from the NMWTRA Trunk Roads.

Yours sincerely,

Simon Crew

For Highways, Transport, and Recycling

Cymunedau cryf yng nghalon werdd Cymru
Strong communities in the green heart of Wales
www.powys.gov.uk

Er sylw / For the attention of: Robert Sparey,
Adeilad y Goron,
Parc Cathays,
Caerdydd,
CF10 3NQ

Annwyl / Dear Robert Sparey,

**TOWN AND COUNTRY PLANNING ACT 1990
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (PROCEDURE) (WALES) ORDER 2016
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT (WALES)
REGULATIONS 2017**

Potential DNS Application

Site Address: Buttington Quarry, Buttington, Welshpool, Powys, SY21 8SZ

Proposed Development: Energy Recovery Facility (ERF) generating approx. 13MW of electricity through treatment of 150,000 tonnes / annum of residential, commercial, & industrial wastes.

Thank you for referring the above proposal for a scoping opinion, which we received on 09/08/2018. NRW has reviewed the information provided in the 'Request for Scoping Direction' document (Broad Energy ECL Ref: ECL.001.01.02/RFS Issue 1, August 2018)

Please note that our comments are without prejudice to any comments we may wish to make when consulted on any subsequent planning applications or on the submission of a more detailed scoping report or the full Environmental Statement. At the time of any planning application there may be new information available which we will need to take into account in making a formal response.

These comments include those matters NRW consider will need to be taken into consideration and applied to the Environment Impact Assessment (EIA) and the resulting Environmental Statement (ES).

Waste Management and Disposal and Environmental Management

1. We note that the submission confirms in section 4.5.8 and 4.5.9 that a Construction Environmental Management Plan (CEMP) is to be prepared as well as a Site Waste Management Plan (SWMP).
2. We will require a comprehensive and site-specific CEMP and SWMP to be produced in support of the ES and address all relevant environmental issues. Details shall include strategies relating to the management of soil, silt and materials and full details of pollution prevention, pollution incident response plan and waste management plan.

3. The submission should refer to and incorporate best practice to ensure environmental safeguards are in place. All waste arising needs to comply with the Environmental Permitting Regulations 2016. NRW require waste arising from the works to be disposed or recycled at a suitably permitted site. Waste movements must show duty of care under Section 34 of EPA '90. All waste carriers must be upper tier registered.

Air Quality (AQ)

4. NRW advise that both construction and operational impacts on protected sites are fully assessed in the ES.
5. We note that section 6 of the 'Request for a Scoping Opinion' document provides details of the assessment that will be undertaken in respect of the potential effect of the development on air quality.
6. NRW will comment on any likely significant effects of the development on protected sites in respect to air quality impacts. Any formal planning submission would need to demonstrate that the proposal will not be likely to result in a significant effect on a European site, either alone or in combination with other plans or projects.
7. Table 4 does not include Moel y Golfa SSSI, which is less than 2km NW from the application site boundary but 2.05 km from the main stack (see section 10.2.1). As a precautionary approach we advise that Moel y Golfa SSSI should be included in the assessment. The sensitive receptor here is broadleaved woodland which might be affected by emissions due to the prevailing wind direction.
8. We have noted that the applicant will be using the EA H1 annex F air emissions guidance to assess the impacts from aerial emissions (to note that this guidance is no longer available but is now under the banner of gov.uk - [Air emissions risk assessment for your environmental permit](#)). This is the most appropriate guidance to use. We acknowledge and agree with the AQ scope outlined in this section.

Landscape

9. NRW note section 9, we advise that you should consult with the Local Authority's internal landscape advisor with regards to the Landscape and Visual Impact Assessment.

Concept Masterplan

10. NRW advise that both construction and operational impacts on protected sites are fully assessed in the ES.
11. Section 9.3.6 Concept master plan and the overall site plan (appendix 1) submitted shows that the Gwaith Brics Buttington Brickworks Site of Special Scientific Interest (SSSI) falls within the proposal boundary. The protected site is acknowledged in this section, and states that the area will remain undeveloped and that interpretation boards and access to the site will be provided. The details of the interpretation boards and access must be submitted as part of the full application.

12. Any planning application should include details of how access to the Buttington Brickworks SSSI, which is located within the existing quarry area, will be maintained as part of the proposed development.
13. The buildings should not be located close to the quarry faces where they could obscure or prevent access to the exposed geological strata. Also, the faces of the geological interest should be protected during the construction phase and not damaged by the construction of screening embankments and new site drainage facilities.
14. We note that the 'Request for Scoping Opinion' document identifies that lay-down areas for the temporary storage of site equipment and materials are to be provided under Permitted Development Rights. The applicant should be aware that should these lay down areas be located within the protected site area the impact needs to be assessed. We request that details for the proposed lay down areas are submitted to NRW at the earliest convenience so that we can provide comment on any likely impact on the protected site.

Ecology

15. NRW advise that the ES should clearly set out any effects on protected species and, where adverse effects are identified, should propose and deliver appropriate mitigation and/or compensation schemes to ensure the Favourable Conservation Status of the affected species is maintained.
16. With regards to section 10.3, NRW are in agreement with the scope of the ecological survey and assessments that have been carried out for the purposes of informing the planning decision making process. The component ecological submission appropriately and proportionately considers protected species.
17. With regards to section 10.3.6, NRW are in agreement with the approach of the ecological impact assessment ("EclA"), and a separate approach to inform an assessment of impacts on the Montgomery Canal and Granllyn SACs (in accordance with the Conservation of Habitats and Species Regulations 2017); a Habitats Regulations Assessment ("HRA") report.

Water Environment

18. We note that Section 11 'Water Environment' of the 'Request for Scoping Opinion' document includes the baseline survey details of geology and drainage. It also details the general guidance for pollution prevention which will be relevant for the development.
19. We note that the ERF will be in the bottom of an existing quarry. The drainage strategy should include details of any dewatering pumping that is required to maintain a water table below the quarry void especially during the winter months or heavy rainfall.
20. Please note that any groundwater abstraction over 20 m³/day will require a Water Resource Licence to abstract the groundwater – contact our Permitting Team for further information.
21. NRW note that within section 11.5. Points of Clarification there are a number of aspects that require our input.

22. In this section, Natural Resource Wales have been asked to provide environmental data. The applicant is advised to contact data distribution <http://naturalresourceswales.gov.uk/evidence-and-data/access-our-data/?lang=en> .
23. NRW have also been asked to provide confirmation that the requirement for a Water Framework Directive (WFD) Assessment can be screened out. The applicant should be aware that consideration must be given as to whether the proposed works could prevent any mitigation measures or actions intended to achieve Good Ecological Status (GES) / Good Ecological Potential (GEP) from being implemented, which could result in the water body failing to meet its objectives. Where a scheme is considered to cause deterioration, or where it could contribute to a failure of the water body to meet GES or GEP, then an Article 4.7 assessment would be required.
24. At present there is insufficient information to assess whether there is a risk that the activity may cause deterioration of the waterbody status classification or prevent it from achieving its objectives in the future. The applicant must provide all relevant information on the proposed activity at all stages, so that each component can be considered in the assessment. Further details on how surface water will be managed at each stage of the activity would need to be provided, particularly in relation to any proposed discharge activity. Confirmation is sought that none of the substances on the Environmental Quality Standards Directive list for WFD would be released.
25. It is likely that a permit to discharge treated surface water would be required. There is currently no permit in place for the discharge from the existing surface water if this is still in use.
26. Consideration must also be given to the management of foul water as the site is not on main drainage. It is unclear as to what the current arrangements are on site with respect to foul drainage. With respect to the discharge of effluent to ground or surface water, the applicant will need to apply for an environmental permit or register an exemption with us. The applicant must obtain any necessary permit or exemption prior to commencement of work on site. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. More information, including a step by step guide to registering and the relevant application forms are available on our [website](#). Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to [Pollution Prevention Guideline 4](#) which provides further information.
27. The site boundary is completely within zone A as per the Development Advice Maps accompanying TAN15, this is considered to be at little or no risk of fluvial flooding and as such a Flood Consequence Assessment is not required for the development. All watercourses within the site boundary are classified as those of 'ordinary' watercourses (rather than main rivers) and as such any culverting/crossings would be subject to a consent from the relevant Lead Local Flood Authority.

Cumulative Impacts

28. NRW does not have any comments to make. We consider that the local authority is best placed to advise on list of relevant projects.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Permitting

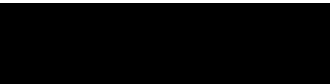
The proposed energy from waste facility falls under Schedule 1, Chapter 5, Section 5.1 (incineration and co-incineration of waste) Part A(1)(b) of the Environmental Permitting (England & Wales) Regulations 2016. It will therefore require an installation permit in order to operate and an application must be submitted to Natural Resources Wales accordingly.

The incineration plant must meet the requirements of Chapter IV and Annex 6 of the Industrial Emissions Directive and also Best Available Techniques (BAT) as defined in the BAT Reference Document (BRef) for Waste Incineration.

NRW has already engaged in permit pre-application discussions with the consultant acting on behalf of the operator.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Yn gywir / Yours sincerely,



Siôn M. Williams
Uwch Gynghorydd Cynllunio Datblygu / Senior Development Planning Advisor
Cyfoeth Naturiol Cymru / Natural Resources Wales



Llywodraeth Cymru
Welsh Government

Plas Carew, Uned 5/7 Cefn Coed
Parc Nantgarw, Caerdydd CF15 7QQ
Ffôn [REDACTED]
ebo [REDACTED]
www.cadw.gov.wales

Plas Carew, Unit 5/7 Cefn Coed
Parc Nantgarw, Cardiff CF15 7QQ
Tel [REDACTED]
ema [REDACTED]
www.cadw.gov.wales

The Planning Inspectorate

dns.wales@pins.gsi.gov.uk

Eich cyfeirnod
Your reference

3201953

Ein cyfeirnod
Our reference

Dyddiad
Date

24 August 2018

Llinell uniongyrchol
Direct line

Ebost
Email:

Dear Mr Sparey,

Potential DNS Application

Site Address: Buttington Quarry, Buttington, Welshpool, Powys, SY21 8SZ
Proposed Development: Energy Recovery Facility (ERF) generating approx. 13MW of electricity through treatment of 150,000 tonnes / annum of residential, commercial & industrial wastes.

Thank you for your letter of 9 August 2018 inviting our comments on the scoping direction in relation to the proposed Energy Recovery Facility (ERF) generating approx. 13MW of electricity through treatment of 150,000 tonnes / annum of residential, commercial & industrial wastes. Located on land at Buttington Quarry, Buttington, Welshpool, Powys, SY21 8SZ.

These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

The application area is c 25 hectares and the maximum height of the proposal is c 70m. Within a 3km buffer and zone of theoretical visibility of the application area and proposal are:

Scheduled monuments:

MG034 Offa's Dyke: Section extending 760m N from centre of Goppas Wood to Hope By-Road
MG120 Strata Marcella Abbey
MG143 Crowther's Coppice Camp
MG224 Offa's Dyke: South of School House

Registered Historic Parks and Gardens:

Mae Gwasanaeth Amgylchedd Hanesyddol Llywodraeth Cymru (Cadw) yn hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

The Welsh Government Historic Environment Service (Cadw) promotes the conservation and appreciation of Wales's historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.
We welcome correspondence in both English and Welsh.



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE



PGW (Po) 39(POW) Trelydan Hall (grade II)
PGW (Po) 53(POW) Maesfron (grade II)

Listed Buildings:

15640	GAZEBO AT MAESFRON, A 458 (T) N SIDE, TREWERN	II
15641	GROTTO AT MAESFRON, A 458 (T) N SIDE, TREWERN	II*
15642	BRYN CAREDIG, GARREG BANK, TREWERN	II
15643	1. OUTBUILDING AT THE OLDE POST OFFICE, GARREG BANK, TREWERN	II
15644	2. OUTBUILDING AT THE OLDE POST OFFICE, GARREG BANK, TREWERN	II
15645	LLWYN MELYN FARMHOUSE, TREWERN	II*
15646	MIDDLE HELDRE FARMHOUSE, HELDRE LANE, TREWERN	II
15647	BUTTINGTON BRIDGE, A 458 (T), BUTTINGTON	II
15648	BUTTINGTON VICARAGE, B 4388 (W SIDE), BUTTINGTON	II
15649	CLETTERWOOD FARMHOUSE, CLETTERWOOD	II
15650	HOPE FARMHOUSE, B 4388 (W SIDE), HOPE	II
16737	Bank Lock	II
16739	Bridge 109 over the Montgomeryshire Canal	II
16740	Barn with Horse Engine House at Bank Farm	II
16752	Bridge 115 over the Montgomeryshire Canal	II
16753	Buttington Limekilns	II
16754	Mount Pleasant	II
16764	Cabin Lock	II
16765	Crowther Hall Lock	II
16766	Lock Cottage at Crowther Hall Lock	II
16767	Bridge 110 over the Montgomeryshire Canal	II
16768	Crowther Hall	II
16769	School House	II
16770	Church of Saint John Evangelist	II
16771	Lock Cottage	II
16772	Top Lock	II
16773	Bridge 111 over the Montgomeryshire Canal	II
16774	Ivy House with outbuildings	II
16779	Severn View	II
7742	Gungrog Farmhouse	II
7882	Manor House	II
7902	CHURCH OF ALL SAINTS (FORMERLY LISTED AS BUTTINGTON PARISH CHURCH),A 458 (T) S SIDE, BUTTINGTON	I
7903	BUTTINGTON OLD HALL FARMHOUSE (FORMERLY LISTED AS BUTTINGTON HALL NORTH FARMHOUSE) A 458 (T) S SIDE	II
7905	GARBETT'S HALL, WELSH HARP HOLLOW, BUTTINGTON	II
7906	UPPER FARM FARMHOUSE (FORMERLY LISTED AS	II

	GARREG FARMHOUSE), GARREG BANK (W SIDE), TREWERN	
7908	THE GREEN DRAGON INN, A 458 (T) N SIDE, BUTTINGTON	II
7911	MAESFRON, A 458 (T) N SIDE) TREWERN	II
7914	OLD HOPE FARMHOUSE, HOPE ROAD (W SIDE), HOPE	II
7915	THE OLDE POST OFFICE, GARREG BANK, TREWERN	II
7916	TREWERN COTTAGE, TREWERN	II
7917	TREWERN HOUSE A 458 (T) N SIDE (ALSO KNOWN AS TREWERN FARMHOUSE) (SOUTH)	II*
7918	BARN TO EAST OF TREWERN HOUSE, A 458 (T) N SIDE	II
7919	TREWERN FARM (NORTH) FARMHOUSE, TREWERN	II
7920	TREWERN HALL, A 458 (NW SIDE), TREWERN	II*
87516	The Malthouse	II

Further details are available on [Cof Cymru](#).

The above scheduled monuments, registered historic parks and gardens and listed buildings are located within a 3km buffer of the application area, are theoretically in view of the proposed development, and therefore the proposed development could have an impact on the settings of these designated historic assets. These impacts will need to be carefully considered in the preparation of an environmental impact assessment.

The Request for Scoping Direction report produced by Environmental Compliance Limited sets out in Chapter 12 the Key Environmental Aspects for Archaeology and Heritage.

Section 12.2 Environmental Assessment Boundaries proposes a search area of a 1km and a 5km for all archaeological assets and designated historic assets respectively (para 12.2.1 and para 12.2.2). These search parameters would be acceptable. Paragraph 12.2.4 lists national and local legislation and planning policy that will be consulted and suggests (12.2.5) the use of additional guidance produced by Historic England in assessment of the significance and setting of historic assets. However the appropriate guidance for Wales should be consulted: this is contained in the Welsh Government's best-practice guidance [Setting of Historic Assets in Wales](#) (2017).

Section 12.3 Methodology in paragraph 12.3.2 indicates a preferred use of Design Manual for Roads and Bridges, Volume II, Section 3, Part 2 (2007) for the assessment of the sensitivity of heritage assets. This guidance is not appropriate for use in relation to designated historic assets and as above, the appropriate guidance is contained in [Setting of Historic Assets in Wales](#) (2017).

Paragraph 12.3.6 refers to cross reference with proposed methodology for the Landscape Visual Impact Assessment (LVIA) (Chapter 9). We recommend that in addition to the viewpoints listed in Table 8 specific viewpoints are chosen to reflect the locations of the two sections of Offa's

Dyke (scheduled monuments MG034 and MG224), both of which are in regular use as part of the Offa's Dyke Path National Trail; and a viewpoint from the scheduled monument MG120 Strata Marcella Abbey to assist in assessment of setting. Viewpoint 8 should as stated include the view from the Registered Historic Park and Garden at Trewen (PGW (Po) 53(POW) Maesfron) and Viewpoint 11 should do the same for potential views from scheduled monument MG143 Crowther's Coppice Camp. Viewpoints should ideally be presented as a combination of wireframe and photographic analysis including the supposition onto these of a representation of the proposed development. These viewpoints should be discussed as an integral part of the Archaeology Culture and Heritage section of an Environment Impact Assessment aside from the LVIA.

Section 12.4 Existing Conditions states (para 12.3.5) that online information indicates there are no Registered Historic Parks and Gardens within 5km of the site (contra the mention of the same in Section 9). Within the required search buffer of 3km (Schedule 4 of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016) there are two registered parks and gardens, as indicated in the list above. In assessing the effect of the proposed development on these Registered Historic Parks and Gardens it is strongly recommended that the Welsh Government's document [Managing Change to Registered Historic Parks & Gardens in Wales](#) (2017) is consulted as an additional source of guidance in addition to those already discussed. Paragraphs 12.4.7 & 12.4.8 discuss a number of listed buildings within 2km of the site. We refer again to the minimum required search buffer for designated historic assets (including listed buildings) of 3km whilst noting as stated buffer of 5km (para 12.2.2) is acceptable.

Yours sincerely,

Nichola Davies
Diogelu a Pholisi/ Protection and Policy



Development Control
Powys County Council
The Gwalia
Ithon Road
Llandrindod Wells
LD1 6AA

Eich cyf / Your ref 3201953

Ein cyf / Our ref 18/NM-1474

30 August 2018

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES)
ORDER 2012:**

Buttington Quarry, Buttington, Welshpool, SY21 8SZ

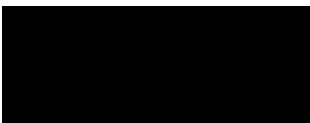
EIA Scoping Direction - Energy Recovery Facility (ERF) generating approx. 13MW of electricity through treatment of 150,000 tonnes / annum of residential, commercial, & industrial wastes.

I refer to your consultation of 09 August 2018 regarding the above planning application and advise that the Welsh Government as highway authority for the A458 trunk road wishes to respond with the following comments:

- The site access will require further assessment to deem if it is suitable for the proposed development in accordance with the Design Manual for Roads and Bridges (DMRB).
- The proposed study area is acceptable to the east, however to the west the study must review all arms of the A483 for a minimum 500m.
- The study should include any permitted developments along the route to the site and in addition any permitted developments adjacent to the A483 Welshpool bypass listed on the Powys County Council Planning Portal.
- A junction capacity assessment will be required.

If you have any further queries, please forward to the following Welsh Government Mailbox
NorthandMidWalesDevelopmentControlMailbox@gov.wales

Yours faithfully



Casey Dunn



From: Mark Walters [REDACTED]

Sent: 13 August 2018 16:25

To: Sparey, Robert

Subject: 3201953 - DNS Application at Buttington Quarry - EIA Scoping Direction Consultation - LVIA and Cultural Heritage Assessment Content

Dear Mr Sparey

Thank you for the consultation on the scoping opinion for the cultural heritage assessment chapter of this EIA.

Having noted the content of Section 12 Archaeology and Cultural Heritage (pages 76-79) and Section 9 – LVIA (pages 51-58) we have the following comments:

9. LVIA - With regard to the LVIA viewpoints listed in 9.3.3.3 and Table 8 we would wish to see The Breidden Hillfort and Monument added to the list. This is a visually prominent hill in the landscape to the north with a hillfort scheduled monument covering its summit. The ZVA indicates the hillfort and summit would be within the zone of visibility. The photomontage should be taken from the summit at the monument looking south with an unobstructed view to the development site.

12.2 Assessment Boundaries – we agree with the assessment boundaries of 1km from the application boundary for non-designated sites and 5km from the boundary for designated sites.

12.2.4 Should include the Cadw Best Practice Guidance: Managing the Setting of Historic Assets in Wales (May 2017)

12.2 and 12.3 only mention a desk based assessment. We previously advised that the application boundary will also need a systematic search by walkover survey to identify both known and any previously unrecorded archaeological sites which may be visible at the surface. This should include adjacent fields which will be developed with bunded material for visual screens and any potential borrow pit areas to create these bunds. The desktop study will need to include sources from :

- Historic Environment Record
- RCAHMW National Monuments Record
- National Library of Wales Maps and Documents Section for cartographic and documentary records
- Powys County Archives
- Any NRW LiDAR data available

We look forward to seeing a revised scoping document for approval and future consultation on any archaeological reports which may arise from the assessment so that we can discuss appropriate mitigation.

Kind regards

Mark Walters



Powys County Council
2017 Air Quality Progress Report

In fulfillment of Part IV of the Environment Act 1995
Local Air Quality Management

Date (September, 2017)

Local Authority Officer	Paul Bufton
Department	Environmental Protection
Address	Neuadd Maldwyn, Welshpool SY21 7AS
Telephone	[REDACTED]
E-mail	[REDACTED]
Report Reference number	PCC/AQ/PR2017
Date	15/09/2017

Executive Summary

This progress report further supports the revocation of the New Road Air Quality Management Area (AQMA) on the 15th February 2017.

The report summarises new monitoring data collected in 2016 and confirms that there is no need to proceed to a Detailed Assessment.

Table of Contents

Executive Summary	i
1 Introduction	1
1.1 Description of Local Authority Area.....	1
1.2 Purpose of Progress Report	1
1.3 Air Quality Objectives	2
1.4 Summary of Previous Review and Assessments.....	4
2 New Monitoring Data	6
2.1 Summary of Monitoring Undertaken	6
2.2 Comparison of Monitoring Results with Air Quality Objectives	11
3 New Local Developments	15
4 Conclusions and Proposed Actions	16
4.1 Conclusions from New Monitoring Data.....	16
4.2 Conclusions relating to New Local Developments.....	16
4.3 Proposed Actions.....	16
5 References	17

1 Introduction

1.1 Description of Local Authority Area

Powys is an extensive, largely upland and extremely rural county covering 2000 square miles, that is about a quarter of the area of Wales. With only 1 person in every 10 acres (4 hectares) it is one of the most sparsely populated local authority areas in England and Wales.

The economy is based on agriculture and tourism, with high self-employment and small businesses predominating, and an important contribution to employment opportunities from the public sector.

The main source of air quality pollution in the county is caused by vehicle emissions from the road network. In addition there are some small pockets of industrial sources, most notably in the towns of Newtown and Welshpool

1.2 Purpose of Progress Report

This report fulfils the requirements of the Local Air Quality Management (LAQM) process as set out in Part IV of the Environment Act (1995), the Air Quality Strategy for England, Scotland, Wales and Northern Ireland 2007 and the relevant Policy and Technical Guidance documents. The LAQM process places an obligation on all local authorities to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives are likely to be achieved. Where exceedences are considered likely, the local authority must then declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.

For Local Authorities in Wales, Progress Reports are required in the intervening years between the three-yearly Updating and Screening Assessment reports. Their purpose is to maintain continuity in the LAQM process.

They are not intended to be as detailed as Updating and Screening Assessment Reports, or to require as much effort. However, if the Progress Report identifies the

risk of exceedence of an Air Quality Objective, the Local Authority (LA) should undertake a Detailed Assessment immediately, and not wait until the next round of Review and Assessment.

1.3 Air Quality Objectives

The air quality objectives applicable to LAQM in **Wales** are set out in the Air Quality (Wales) Regulations 2000, No. 1940 (Wales 138), Air Quality (Amendment) (Wales) Regulations 2002, No 3182 (Wales 298), and are shown in Table 1.1. This table shows the objectives in units of microgrammes per cubic metre $\mu\text{g}/\text{m}^3$ (milligrammes per cubic metre, mg/m^3 for carbon monoxide) with the number of exceedences in each year that are permitted (where applicable).

Table 1.1 – Air Quality Objectives included in Regulations for the purpose of LAQM in Wales

Pollutant	Air Quality Objective		Date to be achieved by
	Concentration	Measured as	
Benzene	16.25 µg/m ³	Running annual mean	31.12.2003
	5.00 µg/m ³	Annual mean	31.12.2011
1,3-butadiene	2.25 µg/m ³	Running annual mean	31.12.2003
Carbon monoxide	10 mg/m ³	Running 8-hour mean	31.12.2003
Lead	0.50 µg/m ³	Annual mean	31.12.2004
	0.25 µg/m ³	Annual mean	31.12.2008
Nitrogen dioxide	200 µg/m ³ not to be exceeded more than 18 times a year	1-hour mean	31.12.2005
	40 µg/m ³	Annual mean	31.12.2005
Particulate matter (PM ₁₀) (gravimetric)	50 µg/m ³ , not to be exceeded more than 35 times a year	24-hour mean	31.12.2004
	40 µg/m ³	Annual mean	31.12.2004
Sulphur dioxide	350 µg/m ³ , not to be exceeded more than 24 times a year	1-hour mean	31.12.2004
	125 µg/m ³ , not to be exceeded more than 3 times a year	24-hour mean	31.12.2004
	266 µg/m ³ , not to be exceeded more than 35 times a year	15-minute mean	31.12.2005

1.4 Summary of Previous Review and Assessments

Title of Report	Date Produced	Brief Outcomes
Updating and Screening Assessment	2003	No Need to proceed to a Detailed Assessment was identified.
Progress Report	2004	Agreed with the findings of the Updating and Screening Assessment
Progress Report	2005	Further monitoring of NO ₂ diffusion tube monitoring to be undertaken on New Road, Newtown
Updating and Screening Assessment	2006	Detailed Assessment required in respect of NO ₂ at New Road, Newtown
Detailed Assessment for New Road, Newtown	2007	Exceedence area defined and need to declare an Air Quality Management Area (AQMA) identified.
Progress Report	2008	The Boundaries of the AQMA remain relevant and the order should not be revoked.
Updating and Screening Assessment	2009	No Need to proceed to a Detailed Assessment was identified.
Progress Report	2010	The Boundaries of the AQMA remain relevant and the order should not be revoked.
Further Assessment	2011	The Boundaries of the AQMA remain relevant, however additional

		monitoring sites should be set up on New Road
Updating and Screening Assessment	2012	No need to proceed to a Detailed Assessment was identified
Progress Report	2013	The Boundaries of the AQMA remain relevant and the order should not be revoked.
Progress Report	2014	The Boundaries of the AQMA remain relevant and the order should not be revoked.
Updating and Screening Assessment	2015	No need to proceed to a detailed assessment and the existing AQMA should be revoked
New Road AQMA Revocation Order	15 th February 2017	AQMA revoked
Progress Report	2016	No need to proceed to a Detailed assessment

2 New Monitoring Data

2.1 Summary of Monitoring Undertaken

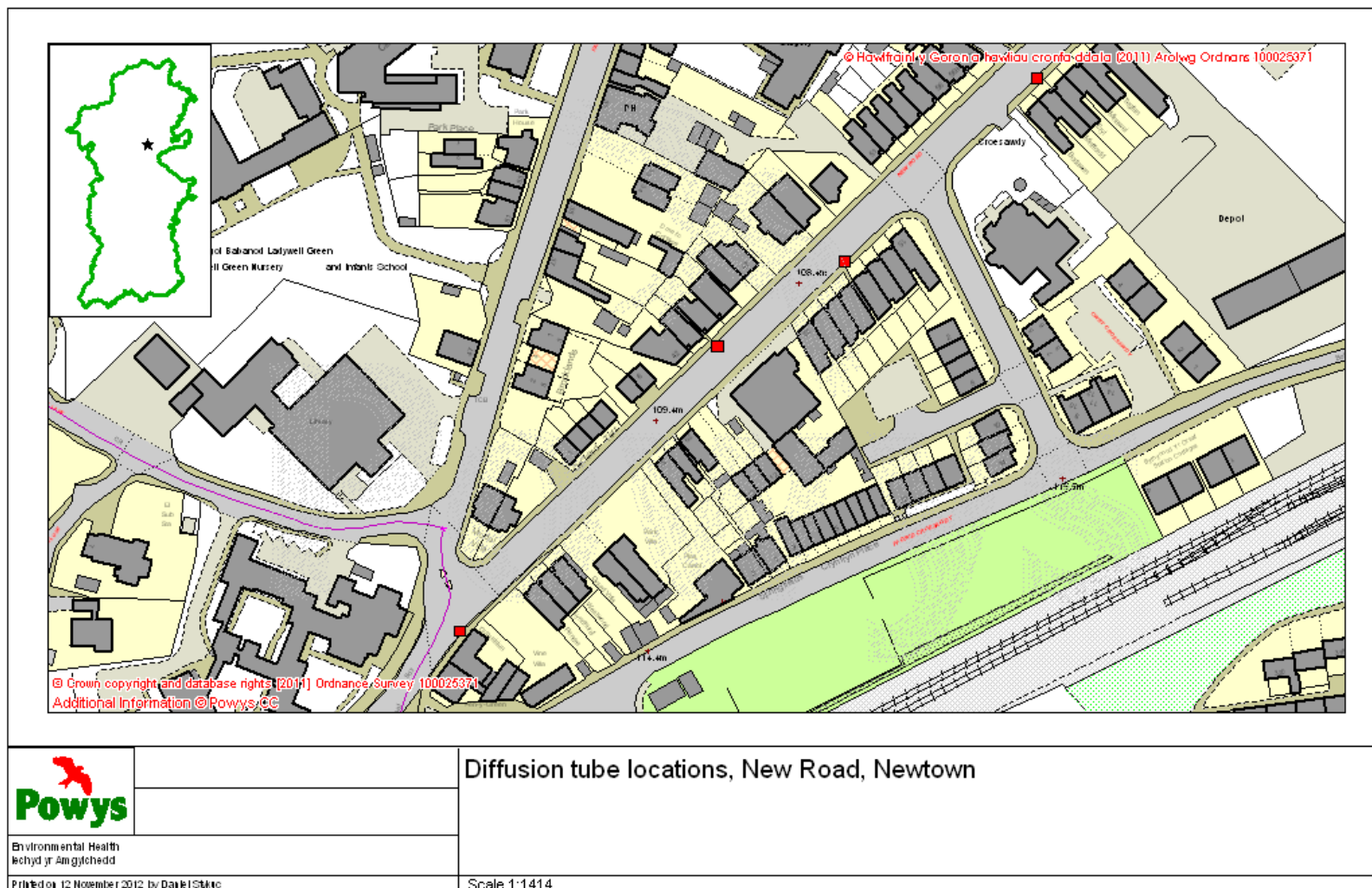
2.1.1 Automatic Monitoring Sites

There are currently no automatic monitoring sites operating within Powys. Automatic monitoring was undertaken in respect of NO₂ at New Road, Newtown during 2006/7 and is reported in the Detailed Assessment.

2.1.2 Non-Automatic Monitoring Sites

Powys County Council is currently operating 7 Nitrogen Dioxide diffusion tube monitoring sites. These sites all operate within or in close proximity to the former New Road AQMA in Newtown. Details of the diffusion tube sites can be seen in the following maps and table:

Figure 2.2 – Map(s) of Non-Automatic Monitoring Site



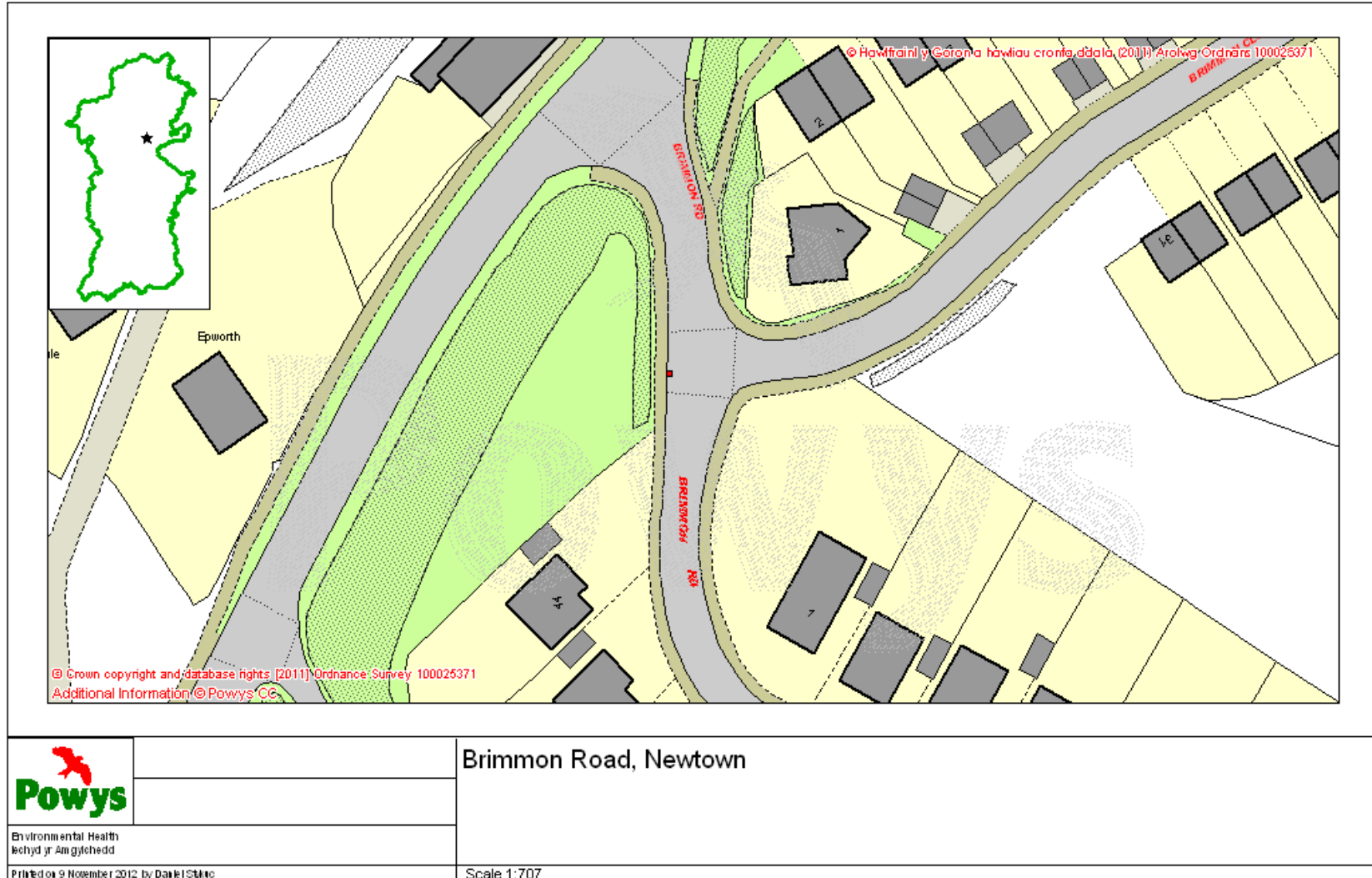


Table 2.2 – Details of Non- Automatic Monitoring Sites

Site Name	Site Type	X OS Grid Ref	Y OS Grid Ref	Pollutants Monitored	In AQMA?	Is monitoring collocated with a Continuous Analyser (Y/N)	Relevant Exposure? (Y/N with distance (m) to relevant exposure)	Distance to kerb of nearest road (N/A if not applicable)	Does this location represent worst-case exposure?
19 New Road	Kerbside (single)	310799	291268	NO ₂	N	N	Y(5m)	2m	Y
Dollardun, New Road	Façade (triplicate)	310693	291165	NO ₂	Y	N	Y(0m)	2m	Y
Eryl, New Road	Kerbside (single)	310854	291320	NO ₂	N	N	Y(5m)	2m	Y
45 New Road	Roadside (single)	310761	291246	NO ₂	N	N	Y(5m)	0m	Y
Brimmon Road, Newtown	Urban Background (single)	310798	290984	NO ₂	N	N	N	2m	Y

The above nitrogen dioxide diffusion tubes are supplied and analysed by Environmental Scientifics Group (ESG). Our chosen Laboratory follows the procedures set out in the Harmonisation Practical Guidance and uses a 50% TEA in acetone method of preparing the tubes.

2.2 Comparison of Monitoring Results with Air Quality Objectives

The following section compares monitoring data collected against the air quality objectives. During 2016 there has only been need to collect diffusion tube data for NO₂ and therefore this is the only objective level that consideration has been given to in this section.

2.2.1 Nitrogen Dioxide (NO₂)

Below is the data collected for the 7 diffusion tube sites based on New Road close to the former AQMA

Diffusion Tube Monitoring Data

A summary of the Nitrogen Dioxide diffusion tube data collected within Powys during 2016 (full data set in appendix A) can be seen in the following table:-

Table 2.5 – Results of NO₂ Diffusion Tubes 2016

Site ID	Location	Site Type	Within AQMA?	Triplicate or Collocated Tube	Data Capture 2016 (Number of Months or %)	Data with less than 9 months has been annualised (Y/N)	Confirm if data has been distance corrected (Y/N)	Annual mean concentration (Bias Adjustment factor = 0.78)	
								2016 (µg/m ³)	
POW(M)1	Eryl, New Road	Kerbside	N	N	12 months	N	Y	31	
POW(M)2	19 New Road	Kerbside	N	N	12 months	N	Y	32	
POW(M)3	Dollarddun, New Road	Façade	Y	Y (Triplicate)	12 months	N	N	39	39
POW(M)4		Façade	Y	Y (Triplicate)	12 months	N		41	
POW(M)5		Façade	Y	Y (Triplicate)	12 months	N		38	
POW(M)6	45 New Road	Roadside	N	N	12 months	N	N	32	
POW(M)7	Brimmon Road	Kerbside	N	N	12 months	N	N	11	

In bold, exceedence of the NO₂ annual mean AQS objective of 40µg/m³

Underlined, annual mean > 60µg/m³, indicating a potential exceedence of the NO₂ hourly mean AQS objective

^a Means should be “annualised” as in Boxes 7.9 and 7.10 of LAQM.TG16, if full calendar year data capture is less than 75%

^b If an exceedence is measured at a monitoring site not representative of public exposure, NO₂ concentration at the nearest relevant exposure should be estimated based on the “[NO₂ fall-off with distance](http://laqm.defra.gov.uk/tools-monitoring-data/no2-falloff.html)” calculator (<http://laqm.defra.gov.uk/tools-monitoring-data/no2-falloff.html>), and results should be discussed in a specific section. The procedure is also explained in paragraphs 7.77 to 7.79 of LAQM.TG16.

Table 2.6 – Results of NO₂ Diffusion Tubes (2012 to 2016)

Table 2.6 Results of Nitrogen Dioxide Diffusion Tubes (2011 to 2015)

Site ID	Site Type	Within AQMA?	Annual Mean Concentration (µg/m ³) - Adjusted for Bias ^a				
			2012 (Bias Adjustment Factor = 0.79)	2013 (Bias Adjustment Factor = 0.8)	2014 (Bias Adjustment Factor = 0.81)	2015 (Bias Adjustment Factor = 0.79)	2016 (Bias Adjustment Factor = 0.78)
POW(M)1	Kerbside	N	37.6	31.9	28.8	29	31
POW(M)2	Kerbside	N	32.4	32.9	33.9	29	32
POW(M)3,4,5	Façade	Y	39.8	39.5	38.1	38	39
POW(M)6	Roadside	N	35.4	36.6	33.0	30	32
POW(M)7	Kerbside	N	10	10.4	9.4	9	11

In bold, exceedence of the NO₂ annual mean AQS objective of 40µg/m³

Underlined, annual mean > 60µg/m³, indicating a potential exceedence of the NO₂ hourly mean AQS objective

^a Means should be “annualised” as in Boxes 7.9 and 7.10 of LAQM.TG16, if full calendar year data capture is less than 75%

2.2.2 Summary of Compliance with AQS Objectives

Whilst monitoring data indicates that currently there is no exceedance of the objective levels it is recognised that levels are close to the objective level, particularly in the vicinity of the former AQMA, it would therefore be diligent to continue the monitoring network in Newtown.

Powys County Council has examined the results from monitoring in Powys. Concentrations are all below the objectives, therefore there is no need to proceed to a Detailed Assessment.

3 New Local Developments

The only new development likely to have a significant impact on Air Quality in Powys is the opening of the Newtown Bypass in late 2018. This is predicted to have a significant positive impact on Air Quality in Newtown and particularly in the area of the former AQMA.

Powys County Council confirms that there are no new or newly identified local developments which may have an impact on air quality within the Local Authority area.

Powys County Council confirms that all the following have been considered:

- **Road traffic sources**
- **Other transport sources**
- **Industrial sources**
- **Commercial and domestic sources**
- **New developments with fugitive or uncontrolled sources.**

4 Conclusions and Proposed Actions

4.1 Conclusions from New Monitoring Data

New monitoring data for NO₂ does not indicate an exceedance of the objective and therefore there is no need to proceed to a detailed assessment. Levels are close to the objective level on New Road and therefore monitoring should continue until it demonstrates lower levels which will be expected following the opening of the Newtown Bypass

4.2 Conclusions relating to New Local Developments

There is no need to proceed to a Detailed Assessment as a result of new Local Developments.

4.3 Proposed Actions

Powys County Council intends to continue to monitor NO₂ levels using diffusion tubes in New Road Newtown

Powys County Council will review in the next round of reporting current road traffic sources to ensure that roads previously assessed do not require any further assessment.

5 References

1. DEFRA (February 2009) LAQM. TG(09) Local Air Quality Management Technical Guidance

Appendices

Diffusion Tube Bias Adjustment Factors

The nitrogen dioxide diffusion tubes used by Powys County Council are supplied and analysed by Environmental Scientifics Group (ESG) Didcot. Our chosen Laboratory follows the procedures set out in the Harmonisation Practical Guidance and uses a 50% TEA in acetone method of preparing the tubes.

No local bias adjustment figures exist so a bias adjustment factor of 0.78 has been used, based on the national database.

Appendix B: Results of Nitrogen Dioxide diffusion tube network for 2016

Tube ID	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Mean	Bias correction factor	Corrected mean
POW(M)1	51.5	54.5	55.4	53.3	56.9	45	36.7	41.2	45.2	58.8	52.1	58.4	50.75	0.78	39.585
POW(M)2	58	59.7	57.4	54.3	59.3	46.7	33.3	40.5	45.3	58.6	61.8	64.3	53.26667	0.78	41.55
POW(M)3	48.7	57.6	59.4	53.8	50.4	48.4	37.4	38	44	49.9	54.7	54.2	49.70833	0.78	38.77
POW(M)4	47.4	60.5	60.4	56	60.1	53.6	41.3	41.1	43.4	53.7	59.9	53.3	52.55833	0.78	40.99
POW(M)5	54.5	55.5	57.5	57.1	48.9	46.5	34.2	34.9	41.7	44.1	53.6	54.7	48.6	0.78	37.91
POW(M)6	43.2	44.5	47.5	52.4	4.6	40.2	37.8	35	38.7	42.9	53.7	53.4	41.15833	0.78	32.1
POW(M)7	15.5	17	14.8	14.7	12.1	11.3	8.5	7.5	8.6	19.5	15.9	19.8	13.76667	0.78	10.74
Blank	1.7	1.1	2.2	2.8	0.7	1.9	1.7	0.9	1.8	3.7	*	*			

Appendix C: Façade level calculation

In order to calculate the façade level for the diffusion tube the following methodology, taken from AQC report “*NO₂ Concentrations and Distance from Roads*” dated 18th July 2008, has been used:

$$C_z = ((C_y - C_b) / (-0.5476 \times \ln(D_y) + 2.7171)) \times (-0.5476 \times \ln(D_z) + 2.7171) + C_b$$

Where:

C_z is the total predicted concentration ($\mu\text{g}/\text{m}^3$) at distance D_z ;

C_y is the total measured concentration ($\mu\text{g}/\text{m}^3$) at distance D_y ;

C_b is the background concentration ($\mu\text{g}/\text{m}^3$);

D_y is the distance from the kerb at which concentrations were measured;

D_z is the distance from the kerb (m) at which concentrations are to be predicted;

and

$\ln(D)$ is the natural log of the number D

Eryl

Placing the relevant figures in for the diffusion tube the façade level has been calculated:

$$C_z = ((39.6 - 9) / (-0.5476 \times \ln(2) + 2.7171)) \times (-0.5476 \times \ln(7) + 2.7171) + 9$$

$$C_z = 30.6 \mu\text{g}/\text{m}^3$$

Therefore the façade level at Eryl is predicted to be $31.9 \mu\text{g}/\text{m}^3$ and below the air quality objective level for Nitrogen Dioxide

19 New Road

Placing the relevant figures in for the diffusion tube the façade level has been calculated:

$$C_z = ((41.55-9) / (-0.5476 \times \ln(2) + 2.7171)) \times (-0.5476 \times \ln(7) + 2.7171) + 9$$

$$C_z = 32 \mu\text{g m}^{-3}$$

Therefore the façade level at 19 New Road is predicted to be $32.9 \mu\text{g m}^{-3}$ and below the air quality objective level for Nitrogen Dioxide.