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Mr Robert Chamberlain  
Enzygo  
Samuel House  
5 Fox Valley Way  
Stocksbridge  
Sheffield  
S36 2AA

25 September 2020

Dear Mr Chamberlain

Town and Country Planning Act 1990 (as amended)

Proposed Scoping Request for Energy from Waste Facility  
At Land Adjacent To Hownsgill Industrial Park Templetown  
For Enzygo

I refer to your recent request for a scoping opinion for the above development.

The request has been considered in accordance with the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017 ("the Regulations"). This letter can therefore be considered to be the Council's Scoping Opinion for the purposes of Regulation 15 (Regulation 15) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

**Scope of the Environmental Statement (ES)**

The ES must contain the information specified under regulation 18(3) and must meet the requirements of regulation 18 (4) (see Regulation 18)

It must also include any additional information specified in Schedule 4 to the 2017 Regulations which is relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected. Further guidance relating to the content of the ES can be found within the online Planning Practice Guidance.

Key elements for inclusion within the ES include a full factual description of the development. Specific emphasis should be placed on the main and significant environmental effects to which the development is likely to give rise. Other impacts of lesser significance or consequence may need briefer treatment to demonstrate that their possible relevance has nevertheless been considered. Where alternative approaches to development have been considered, the Environmental Statement should include a description of the reasonable alternatives studied which are relevant to the proposed development and its specific characteristics and provide an indication of the main reasons for the choice made, including a comparison of the environmental effects.

**Regeneration, Economy and Growth**

Durham County Council, Planning Development (Strategic), Room 4/123-128, County Hall,  
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The ES should provide details of the data and forecasting methods used to assess all material effects on the environment.

Mitigation measures to prevent, reduce and where possible offset any significant adverse effects on the environment should be described in the ES.

The ES must be summarised in a non-technical summary.

Ultimately the ES must include the information that may reasonably be required to enable the LPA to come to a reasoned conclusion on the significant effects of the proposed development on the environment.

I have considered the content of your scoping opinion report document (July 2020) for the Hownsgill Park Energy Facility. This submission concludes that the ES should focus on the following environmental impact chapters;

- Landscape and Visual Impact
- Geo-Environmental
- Noise and Vibration
- Air Quality and Human Health
- Climate Change
- Socio-Economic
- Amenity
- Combined and Secondary Effects
- Summary and Conclusions

The matters that you have scoped out of the ES are as follows:

- Hydrology, Flood Risk and Drainage
- Ecology
- Heritage

The topics proposed to be part of the ES are agreed. It is also agreed that Ecology and Heritage can be scoped out, however, the previous use of the site, site reclamation works and potential for contamination may impact upon hydrology and drainage, depending upon how this is proposed to be managed. It is therefore considered that hydrology, flood risk and drainage should form part of the ES.

The ES must contain the information specified under Regulation 18(3) and must meet the requirements of Regulation 18(4) (see Regulation 18). The ES must also include any additional information specified in Schedule 4 of the EIA Regulations which is relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected. Further guidance relating to the content of the ES can be found within the online Planning Practice Guidance.

In addition to the above chapters covering the specific environmental impacts the ES must therefore also include the other requirements of Regulation 18 and Schedule 4 of the Regulations. One option would be to include ES chapters on the following:

- Introduction
- EIA Methodology
- Site and Development Description

- Alternatives and Design Evolution
- Construction Methodology and Phasing
- Summary and Residual Effects

It is noted that the assessment of impacts of the proposed energy from waste facility on human health is contained within a specific chapter of 'Air Quality and Human Health'. Having regards to Regulation 4(2); the factor of population is included at 2(a) together with human health. This factor should therefore be referenced and assessed within the 'Air Quality and Human Health' chapter.

Each assessment should identify existing baselines, the potential impact of the development and mitigating measures to overcome or reduce any impact. Regard should be had to advice in Planning Practice Guidance in relation to EIA development.

Significant residual adverse impacts are possible even with good site design. Consideration should therefore be given to 'compensatory' mitigation measures, such as enhancements to the landscape/biodiversity of the locality generally.

The economic and social effects of the development including the need for the facility, business and employment implications should be referred to. The impacts of the proposal in terms of wider sustainable development/climate change objectives also need to be addressed.

As you are aware best practice promotes the preparation of an Environmental Statement (ES) in parallel with project design so that the fundamentals in the design of the project can avoid possible adverse effects.

The ES should also provide a full factual description of the development. Specific emphasis should be placed on the main and significant environmental effects to which the development is likely to give rise. In this case the development has the potential to have some significant effects on the environment and local community arising from the location, nature and scale of the proposal. Other impacts of lesser significance or consequence may need briefer treatment to demonstrate that their possible relevance has nevertheless been considered.

In addition to the direct effects of the development, the ES should also cover indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects. The ES will need to contain a full description of the aspects of the environment which might be significantly affected by the development. An assessment of the environmental impact of the proposals on the surrounding environment must be undertaken as an integral part of the site design, and key areas requiring specific examination must be identified.

#### Consultation responses

As required by Regulation 15, I have consulted the 'Consultation Bodies' and where responses have been received, I have incorporated them into the comments on each of the chapter topics set out below.

#### **Landscape and Visual Impact**

The submitted scoping report identifies that the ES will include a Landscape and Visual Impact Assessment (LVIA) which will incorporate individual landscape features and elements, landscape character and quality and visual amenity.

The Landscape and Visual Impact Assessment (LVIA) should be carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment produced by the Landscape Institute and the Institute of Environmental Management and Assessment (3rd Edition 2013) and undertaken by suitably qualified personnel.

The LVIA should have regard to the following documents:

- County Durham Landscape Character Assessment (CDLCA) (2008)
- County Durham Landscape Strategy (CDLS) (2008)
- County Durham Landscape Guidelines

These can be found on the Durham Landscape website:

<http://www.durhamlandscape.info/Pages/Home.aspx>

The CDLCA identifies County Character Areas, Broad Landscape Types, Broad Character Areas, Local Landscape Types and subtypes. It may be necessary to also identify Local Character Areas as part of the LVIA.

The LVIA should also have regard to the County Durham Landscape Value Assessment (2019), and the County Durham Plan Local Landscape Designations Review (2019) which can be found on the County Durham Plan pages of the Council's website:

<https://durhamcc-consult.objective.co.uk/portal/planning/cdpexam/>

Spatial data is available in the form of ESRI shape-files which can be obtained from the Council's Landscape and Arboriculture section.

The LVIA should have regard to policies in the following plans:

- In terms of the "statutory development plan", the statutory development plan for this part of County Durham currently comprises the County Durham Waste Local Plan (WLP), County Durham Minerals Local Plan (MLP) and the Derwentside Local Plan (DLP). It is considered that the MLP is not relevant to the proposed development and there is no neighbourhood plan activity in this locality currently.

The study area should be within a 5km radius of the site. Any further queries on scope and content will be dealt with in detail by discussion with the County Council's landscape architects.

The LVIA should identify the Zone of Theoretical Visibility (ZTV) of the proposed development within 7 km radius of the site to enable consideration of receptors on higher ground of the AONB around Smiddy Shaw to the south-west and from South Snods to the north-west of the site. The preparation of ZTVs should follow the advice given in GLVIA.

The location of representative and/or important viewpoints identified in the study should be agreed with the Council's Landscape Officers. It is noted that information regarding the appropriate viewpoint locations for the assessment of visual effects has been exchanged by e mail between the Council's landscape architects and those of the appointed consultants on 12th and 14th August 2020. The final selection of viewpoints is anticipated to reflect the content of those previous emails, to be confirmed by further discussion with Enzygo Ltd.

Photographs and visualisations included as part of the analysis of views should conform to the standards set out in Visual Representation of Development Proposals (Landscape Institute Technical Guidance note 06/19) unless agreed otherwise with the Council's Landscape Officer.

## **Geo-Environmental**

The submitted Scoping Report identifies that this chapter will consider the potential impacts of the Proposed Development on geological, groundwater resources and potential sources of ground contamination at the proposed development site. This includes an assessment of the site history, including former uses and reclamation, land stability, coal workings and other ground workings and hydrology. The Scoping Report sets out the assessment to be conducted and the proposed methodology.

It is clear from the Scoping Report that there is a firm understanding that the history of the site will need careful consideration in respect of current ground conditions and the potential for future remedial works.

The Councils Contaminated Land Team has advised that they agree with the requirement for further assessment in respect of contaminated. Officers have advised that a land contamination scheme should be provided in compliance with Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) guidance and should include a Phase 1 preliminary risk assessment.

## **Hydrology, Flood Risk and Drainage**

The Scoping Report states that the assessment will specifically consider the proposed use of the site as an energy plant and any potential impacts arising and that drainage strategy would be submitted to address drainage requirements and interrelationships with wider drainage infrastructure serving the industrial estate. Main consideration should be towards hydrology and interrelationship with the geo-environmental issues considered in the previous chapter.

The Lead Local Flood Authority have stated the proposal will require design information for greenfield run-off restriction and surface water treatment prior to discharging from the site. The Environment Agency has not raised any additional issues in relation to hydrology, flood risk or drainage.

## **Noise and Vibration**

The Scoping Report identifies that the ES would include an assessment of the potential impacts of noise and/or vibration generated by the proposed development at the nearby sensitive receptors. This would include a baseline assessment and predictions for the construction and operational periods.

Environmental Health and Consumer Protection officers have agreed with the proposed methodology for noise but have requested that the noise assessments for the construction and operational periods of the development are presented as two separate reports.

## **Air Quality and Human Health**

The Scoping Report sets out that the air quality chapter of the ES would consider the likely effects of the proposal on sensitive receptors. Specific assessments are to be carried out in respect of operational discharges from the stack and it is noted that the development would also generate emissions from construction and additional vehicle movements on the highway network.

Environmental Health and Consumer Protection officers concur with the proposed scope and methodologies discussed in respect of air quality. Officers have also noted that the installation will require an environmental permit to operate, issued under the requirements of the Environmental Permitting (England & Wales) Regulations 2016 SI 1154, as amended, which incorporates the Industrial Emissions Directive, such permit would either be issued by the Local Authority in relation to a Chapter IV IED SWIP, or depending upon the actual throughput, from the Environment Agency under Chapter 5 of Schedule 1 of the EP Regulations; there may also be implications in relation to the Medium Combustion Plant Directive with regard to the boilers and specified generators, as per Schedules 25 A and 25 B of the EP Regulations. Due to the timescales involved with a permit application process the applicant would be advised to enter into discussions with the relevant regulator as soon as practicably possible.

Officers are satisfied with the proposed inclusion and methodology for the odour assessment.

### **Climate Change**

The Scoping Report identifies the requirement to address climate change and sets out that this would involve a review of relevant policy and guidance and an assessment of the proposal against this. Details of carbon savings and climate impact will be included. It is agreed that this is an acceptable approach.

### **Socio Economic**

The Scoping Report identifies that the ES will provide an overview of the economic changes that would arise from the proposed development. It will assess how the proposed development is likely to directly affect the local and regional economies during its construction in terms of capital investment and employment generation. The socio-economic assessment will provide full details of the jobs created by the development, and the socio-economic benefits associated with these. It is agreed that this approach is acceptable.

### **Amenity**

The Scoping Report states that this chapter seeks to pick up any potential impacts that may not have been considered elsewhere in the ES. This could include issues such as litter, dust, vermin etc which may not be considered within a technical chapter. The chapter will include a review of relevant policy that will be used to assess a baseline situation in terms of amenity, and then the potential impacts (un-mitigated) of the development proposed. Mitigation measures to address any of the impacts identified will be set out. It is assumed that the chapter will then review any residual impacts. It is agreed that this approach is acceptable.

### **Cumulative and Secondary Effects**

The /Scoping Report states that the cumulative impact of the development will be identified at the end of the ES, having first considered the individual impacts of the matters performed in the ES, identifying 'combined effects' and 'secondary effects'. The combined effects will consider inter-

relationships within the development itself, such as construction and transport affecting the environment. The secondary effects will be assessed based on any comparable development schemes within the immediate area.

Should specific developments be considered pertinent to the cumulative impact of the scheme (and therefore should be included in the consideration of secondary cumulative effects), details are requested to be included in the Scoping Opinion by the Council

14.1.3 The cumulative impacts will be identified, and mitigation proposed in relation to any significant or other elements of impact that have been identified.

Significant recently approved developments in the vicinity of the proposed site are set out below. This is not an exhaustive list of all developments that may be affected by the site. Applications can be searched from our Public Access system and we can provide further assistance in this regard as part of a pre-application enquiry, should you wish to pursue this.

- DM/19/01834/VOC – B1 and B2 Industrial Development
- DM/15/02364/FPA – Solar Farm
- DM/19/01987/OUT – Outline mixed use development comprising of community hospital (C2) and pharmacy (A1); sheltered care unit (C2); residential care unit (C2); gym and wellbeing centre (D2); hotel (C1); public house (A4); micro-brewery (B2/A4); and vets practice (D1).

There are no other energy from waste plants within the vicinity of the proposed site. A waste transfer station is located approximately 800m to the north west and is operating under planning permission DM/19/02639/WAS.

## **Matters to be scoped out of the ES**

### Biodiversity

It is understood that it is proposed to assess the ecological impacts of the development and demonstrate net gain as per the NPPF. The DEFRA 2.0 metric should be used to assist in determining that net gain has been achieved. Appropriate survey work will be required to support the DEFRA metric and to fully understand the ecological value of the site. The mitigation hierarchy should be adhered to and if off-site compensation is required then a location should be proposed for the compensation works and a funded 30yr management and monitoring plan for both on-site and off-site semi-natural habitats delivering for biodiversity should be provided.

### Heritage

The assessment should follow Historic England guidance on assessing setting – The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning: 3 (second edition). The Assessment Step 3 Checklist sets out the potential attributes of a development affecting setting that may help clarify its implications for the significance of the heritage assets.

Heritage assets within 2km of the site have been identified, including the Grade II Listed Accommodation arch under former railway for road to Knitsley (470m SW); the Grade II\* Listed Hownes Gill Viaduct (1km SW); the Grade II Listed Barn west of High Knitsley (1km South); and Grade II Listed – High Knitsley Farmhouse (1km South). Given the Grade II\* status of Hownes Gill

Viaduct, nationally significant heritage assets should be considered within a 5km radius. Non-designated heritage assets should also be identified for the same 2km radius of the site.

### **General comments regarding Environmental Statements**

The environmental information presented as an ES should provide a basis for thorough assessment; but additional information may be required or additional mitigation measures sought during consideration of the application.

The nature of the impacts that the ES will need to assess are such that it may take time to produce accurate and robust forecasts of the likely effects on the environment. It is important that the timescale for producing the ES takes this into consideration in order to prevent the possibility of delays arising during the formal consideration of the ES and application whilst adequate or up to date information is provided.

The comments contained in this letter are made 'without prejudice' to the formal consideration of any planning application by the County Council as Planning Authority. It should also be noted that the fact that a Scoping Opinion has been given does not prevent the Planning Authority from requesting further information at a later stage in the process (Regulation 25)

I trust this clarifies the scope of the EIA development submission.

Yours sincerely

Chris Shields  
Senior Planning Officer