



The Planning
Inspectorate

SCOPING OPINION

Proposed Alexandra Dock Renewable Energy Project



September 2012



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EXECUTIVE SUMMARY

This is the Scoping Opinion (the Opinion) provided by the Secretary of State in respect of the content of the Environmental Statement for Alexandra Dock Renewable Energy Project located within Hornby Dock in the Port of Liverpool. The proposed development would have a generating capacity of 150MWe of electricity and would combust approximately 1,200,000 tonnes of biomass per annum.

This report sets out the Secretary of State's opinion on the basis of the information provided in RES UK & Ireland Ltd's report entitled 'Alexandra Dock Renewable Energy Project Environmental Scoping Report' (August 2012). The Opinion can only reflect the proposals as currently described by the Applicant.

The Secretary of State has consulted on the Scoping Report and the responses received have been taken into account in adopting this Opinion. The Secretary of State is satisfied that the topic areas identified in the Scoping Report encompass those matters identified in Schedule 4, Part 1, paragraph 19 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended).

The Secretary of State draws attention both to the general points and those made in respect of each of the specialist topic areas in this Opinion. The main potential issues identified are:

- transport and accessibility
- noise and vibration
- landscape and visual
- emissions to air and water, and
- ground contamination

Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the Secretary of State.

The Secretary of State notes the potential need to carry out an assessment under the Habitats Regulations¹.

¹ The Conservation of Habitats and Species Regulations 2010



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1.0 INTRODUCTION

Background

- 1.1 On 13 August 2012, the Secretary of State (SoS) received a scoping report submitted by RES UK & Ireland Ltd (the Applicant) under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) in order to request a scoping opinion for the proposed Alexandra Dock Renewable Energy Project. This Scoping Opinion is made in response to the request and should be read in conjunction with the Applicant's Scoping Report.
- 1.2 In a letter dated 10 August 2012 addressed to the SoS and accompanying the Scoping Report, the Applicant formally notified the SoS under Regulation 6(1)(b) of the EIA Regulations that it proposes to provide an ES in respect of the proposed development. Therefore, in accordance with Regulation 4(2)(a) of the EIA Regulations, the proposed development is determined to be EIA development. The EIA Regulations enable an applicant, before making an application for an order granting development consent, to ask the SoS to state in writing their formal opinion (a 'scoping opinion') on the information to be provided in the environmental statement (ES).
- 1.3 The proposed development, with a generating capacity of 150MWe, falls within the description of a Schedule 2 development under the EIA Regulations as an industrial installation for the production of electricity, steam and hot water (projects not included in Schedule 1). An EIA is not mandatory for Schedule 2 development but depends upon the sensitivity of the receiving environment, the likelihood of significant environmental effects and the scale of the proposals.
- 1.4 Before adopting a scoping opinion the SoS must take into account:
 - (a) the specific characteristics of the particular development;
 - (b) the specific characteristics of the development of the type concerned; and
 - (c) environmental features likely to be affected by the development'.

(EIA Regulation 8 (9))
- 1.5 This Opinion sets out what information the SoS considers should be included in the ES for the proposed development. The Opinion has taken account of:
 - i the EIA Regulations



- ii the nature and scale of the proposed development
 - iii the nature of the receiving environment, and
 - iv current best practice in the preparation of environmental statements.
- 1.6 The SoS has also taken account of the responses received from the statutory consultees (see Appendix 2 of this Opinion). The matters addressed by the Applicant have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the SoS will take account of relevant legislation and guidelines (as appropriate). The SoS will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with that application when considering the application for a development consent order (DCO).
- 1.7 This Opinion should not be construed as implying that the SoS agrees with the information or comments provided by the Applicant in their request for an opinion from the SoS. In particular, comments from the SoS in this Opinion are without prejudice to any decision taken by the SoS (on submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a nationally significant infrastructure project (NSIP), or associated development, or development that does not require development consent.
- 1.8 Regulation 8(3) of the EIA Regulations states that a request for a scoping opinion must include:
- (a) 'a plan sufficient to identify the land;
 - (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and
 - (c) such other information or representations as the person making the request may wish to provide or make'.
- (EIA Regulation 8 (3))*
- 1.9 The SoS considers that this has been provided in the Applicant's Scoping Report.

The Secretary of State's Consultation

- 1.10 The SoS has a duty under Regulation 8(6) of the EIA Regulations to consult widely before adopting a scoping opinion. A full list of the consultation bodies is provided at Appendix 1. The list has been compiled by the SoS under their duty to notify the consultees



in accordance with Regulation 9(1)(a). The Applicant should note that whilst the SoS's list can inform their consultation, it should not be relied upon for that purpose.

- 1.11 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided at Appendix 2 along with copies of their comments, to which the Applicant should refer in undertaking the EIA.
- 1.12 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.
- 1.13 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the Applicant and will be made available on the Planning Inspectorate's website. The Applicant should also give due consideration to those comments in carrying out the EIA.

Structure of the Document

- 1.14 This Scoping Opinion is structured as follows:

- Section 1 Introduction
- Section 2 The proposed development
- Section 3 EIA approach and topic areas
- Section 4 Other information.

The Scoping Opinion is accompanied by the following Appendices:

- Appendix 1 List of consultees
- Appendix 2 Respondents to consultation and copies of replies
- Appendix 3 Presentation of the environmental statement.

2.0 THE PROPOSED DEVELOPMENT

Introduction

- 2.1 The following is a summary of the information on the proposed development and its site and surroundings prepared by the Applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the proposed development and the potential receptors/resources.

The Applicant's Information

Overview of the Proposed Development

- 2.2 The proposed development would be located at the former Hornby Dock, adjacent to Alexandra Branch Dock No. 3 at the Port of Liverpool. It would have a generating capacity of 150MWe and would combust approximately 1,200,000 tonnes of biomass per annum.
- 2.3 In brief, the proposed development would comprise three main elements: the power island; grid connection route; and an area of search for cooling water infrastructure. These are described in further detail below.

Description of the site and surroundings

The Application Site

- 2.4 The application site, located within Hornby Dock in the Port of Liverpool, lies approximately 1km to the west of Bootle town centre. Hornby Dock was infilled between 1992 and 1994 using inert construction and excavation waste and was subsequently used for coal storage. The site is now brownfield land which is mainly used for parking of haulage and warehousing storage.
- 2.5 The area of the site which would house the power island comprises primarily of tarmac and limestone gravel hardstanding, with a number of existing warehouse style buildings. There are some small areas of ephemeral/short perennial type vegetation within the application site, as shown on Figure 5 of the Scoping Report.
- 2.6 The area of search for cooling water infrastructure, as identified on Figure 1a of the Scoping Report, extends south from the power island area across existing docks within the Port of Liverpool, and into the Mersey Estuary. Indicative locations for the cooling water infrastructure are identified on Figure 2.

- 2.7 Figure 2 of the Scoping Report shows an indicative grid connection route which extends east of the power island and travels along Strand Road (A5057), underneath a railway line and along Washington Parade and Marsh Lane (A5098) to the existing Bootle substation.
- 2.8 The site is underlain primarily by alluvial deposits associated with the course of the Mersey Estuary and inert waste. This in turn is underlain by solid geology comprising Sherwood Sandstone bedrock from the late Permian to mid-Triassic era. The sandstone is designated by the Environment Agency as a Principal Aquifer with high intergranular and/or fracture permeability.
- 2.9 The site is outside the areas of risk of flooding from fluvial and tidal sources, and there are no historical records of flooding on the site.
- 2.10 There are no nature conservation sites designations within the site.
- 2.11 Hornby Dock, within the power island area of the site, is a recorded archaeological feature which was constructed between 1880-83 and was mainly used to facilitate transport of timber.

The Surrounding Area

- 2.12 The working Port of Liverpool is dominated by large scale industrial buildings and warehousing. The site is immediately bounded by an internal dock road to the east, a gas fired Combined Heat and Power (CHP) facility further to the east, a coal storage and unloading facility to the north, a metals recovery facility to the south, and the Mersey Estuary to the west. The main dock road runs along the north eastern boundary of the site, and railway infrastructure for the port runs in parallel to this road.
- 2.13 The site is within the Port of Liverpool impounded dock system. To the south is Alexandra Branch Dock No.3; to the west is Hornby Passage with Gladstone River Entrance Lock and the Mersey Estuary beyond; and to the North is Gladstone. Water levels in the impounded dock system are maintained at approximately Mean High Water Spring (MHWS), through the operation of two pumping stations.
- 2.14 The wider dock area contains ship unloading and offloading facilities, goods storage and haulage facilities, and materials processing facilities. A container port operates 1.1km to the north of the site and a passenger ferry terminal is located 700m to the south.

- 2.15 The four turbine Port of Liverpool Wind Farm is located approximately 800m south west of the site along the wall between Alexandra and Huskisson docks, and a six turbine Seaforth Wind Farm is located approximately 950m north west of the site on Royal Seaforth dock wall, adjacent to Crosby beach.
- 2.16 The area of land to the east of the site is generally low lying and flat with typically estuarine characteristics and is urban in character.
- 2.17 The closest residential dwellings are located 400m east of the site at the corner of Ronan Close backing onto Primrose Road. The town of Bootle is located approximately 1km to the east, Crosby is located to the north, and Liverpool city centre to the south. To the west of the site and across the Mersey Estuary lie the Wirral peninsula and the town of Wallasey.
- 2.18 The following statutory nature conservation sites have been identified within 15km of the site:
- Special Areas of Conservation (SAC)
 - Sefton Coast – 2.4km
 - Dee Estuary – 14.0km
 - Special Protection Areas (SPA) / Ramsar Sites
 - proposed Mersey Narrows and North Wirral Foreshore - 1.5km
 - Liverpool Bay – 1.8km
 - Ribble & Alt Estuaries - 2.4km
 - Mersey Estuary - 8.3km
 - Dee Estuary – 14.0km
 - Sites of Special Scientific Interest (SSSI)
 - Mersey Narrows - 1.5km
 - North Wirral Foreshore - 1.7km
 - Sefton Coast - 2.4km
 - New Ferry - 8.3km
 - Mersey Estuary - 8.3km
 - Meols Meadows - 9.2km
 - Downholland Moss – 12.1km
 - Dibbinsdale – 12.4km
 - Thurstatston Common – 13.4km
 - Red Rocks – 13.9km

- Dee Estuary – 14.0km
 - The Dungeon – 14.1km
 - Heswall Dales – 14.3km
 - Dee Cliffs – 14.7km
- 2.19 In addition, the following local nature conservation sites have been identified within 3km of the site:
- Local Wildlife Sites (LWS)
 - Rimrose Valley and Canal – 1.7km
 - Leeds-Liverpool Canal – 1.7km
 - Melrose Cutting – 1.8km
 - Seaforth Nature Reserve – 2km
 - Local Nature Reserves (LNR)
 - Brook Vale – 1.6km
- 2.20 The Sefton Coast and the Hilbre Island Group recommended Marine Conservation Zones (rMCZ) are located nearby offshore. The distance from the site is not provided in the Scoping Report.
- 2.21 The Mersey Estuary supports a diverse fish community including resident, marine migrant, nursery-using and over-wintering species. It is an important migration route for river lamprey, sea lamprey, salmon and sea trout, twaite shad, smelt and flounder and it also provides important nurseries for North Sea fish populations.
- 2.22 A number of Biodiversity Action Plan (BAP) species have been recorded within vicinity of the proposed development, including eel, harbour porpoise, scaup, common scoter, and curlew. Marine mammals recorded within the 10 km include sei whale, common dolphin, long-finned pilot whale, and bottle-nosed dolphin.
- 2.23 There are no licensed abstractions or water uses within 500m of the site.
- 2.24 The following Air Quality Management Areas (AQMA) have been declared in vicinity of the proposed development:
- Sefton Metropolitan Borough Council (MBC) AQMA 1 for PM10 based around the location of Waterloo Primary School, Crosby Road North in Waterloo along a section of the A565
 - Sefton MBC AQMA 2 for nitrogen dioxide based around the location of the junction of the A5036 Princess Way with the A565 Crosby Road South in Seaforth

- Sefton MBC AQMA 3 for PM10 and nitrogen dioxide based around the location of the junction of the A5058 Millers Bridge with the A565 Derby Road in Bootle, and
 - Liverpool CC AQMA for nitrogen dioxide covering the whole of the city of Liverpool.
- 2.25 The Sefton Green Belt is located within 5km to the north of the site.
- 2.26 The Sefton Coastal Path, the Wirral Coastal Way and the Trans Pennine Trail and National Cycle Routes 56 and 62 are located within 5km of the site.
- 2.27 The Liverpool Maritime Mercantile City World Heritage Site (WHS) is located just over 2km from the proposed development and relates to six areas of the historic centre and the docklands of Liverpool.
- 2.28 The nearest Scheduled Monument is the medieval Sefton Old Hall moated site and fishponds at Sefton located just over 6km to the north-west of the site.
- 2.29 Derby Park is a Registered Grade II Public Park located approximately 1.7km to the east of the Site.
- 2.30 There are fifty-one listed buildings within 2km of the site, as identified on Figure 7 of the Scoping Report. These include two Grade II* buildings; Perch Rock, a 19th Century fort and a row of 6 terrace houses referred to as Nos. 8-18 Percy Street which date to the 1830s. The other twenty-seven Buildings are Registered Grade II buildings. A number of features of historical interest and local archaeological features present within 2km of the site have been identified on Figure 7 and within Appendix E of the Scoping Report.
- 2.31 The following recreational areas have been identified in proximity to the site:
- North Park - 1.7km north east
 - Rimrose Valley Country Park - 1.7km north
 - Derby Park - 1.9km east
 - Crosby Coastal Park - 2.3km north west, and
 - Stanley Park - 2.9km south east.
- 2.32 John Lennon Airport is located approximately 15km south east of the site.

Description of the Proposed Development

- 2.33 The Power Island section of the proposed development would be approximately 10.5ha. It would comprise the boiler house (up to 65m high) which would contain either one 150MW or two 75MW boilers to supply steam to a single steam turbine generating unit; a chimney stack (approximately 105m high); and a fuel reception and storage area (sheds would be up to 30m in height and would contain approximately 25 days of fuel). An enclosed conveyor belt system would transfer fuel from ships to the fuel reception and storage area. An indicative layout of the Power Island is provided in Figure 2a of the Scoping Report.
- 2.34 Dust extraction systems would be installed in areas where formation of dust clouds is likely to occur during operation.
- 2.35 The Scoping Report describes two options for the combustion technology, these are:
- a bubbling fluidised bed (BFB) combustor, or
 - a circulating fluidised bed (CFB) combustor.
- 2.36 The proposed development would connect to the national grid at Bootle Grid Substation via an underground cable approximately 2.5km in length. The grid connection route covers an area of approximately 5.1ha and is identified on Figure 2 of the Scoping Report.
- 2.37 A once-through water cooling system would require underground pipes for the intake of cooling water from, and the discharge of water to, the Mersey Estuary. The intake and outfall heads would be constructed on the river bed within an area of search that extends across an area of approximately 52.6ha south west from the power island; this area will be refined during the EIA. The preliminary locations of these structures are shown on Figure 2 of the Scoping Report, and would likely be installed by Horizontal Directional Drilling (HDD).
- 2.38 Limited maintenance dredging works may take place within the dock area however would be undertaken by the Port of Liverpool in accordance with the Port's existing powers and licence agreements. Dredging would therefore not form part of the DCO.
- 2.39 The potential for the proposed development to operate as a CHP plant and supply steam and heat to nearby consumers will be investigated. The proposed development would be designed to include appropriate steam off-takes to enable steam or heat to be purchased in the future.

Proposed Access

- 2.40 Four possible access routes have been identified for the power island and cooling system elements of the proposed development. These are:
- Route 1 - From the northwest via the A565 Crosby Road to the Seaforth Gate
 - Route 2 - From the north and east via the A59/M57/M58 Interchange (Switch Island) and the A5036(T) Dunnings Bridge Road to the Seaforth Gate
 - Route 3 - From the east via the M62, A580(T), A5058 Queens Drive; Balliol Road, Millers Bridge and the A565 Derby Road, Primrose Road and the Strand Gate or alternatively continue on A565 corridor to the Seaforth Gate, and
 - Route 4 - From the south and the Wirral via the A565 corridor to either the Strand Gate or the Seaforth Gate.
- 2.41 Access via the Seaforth Gate (Main Port Gate) would be available 24 hours a day, seven days a week whereas access via the Strand Gate is limited to the period 0615 to 1915 hours, Monday to Friday.
- 2.42 The majority of the Abnormal Indivisible Loads (AIL) are expected to arrive by sea.
- 2.43 Access for construction of the grid connection has not been identified in the Scoping Report.

Construction

- 2.44 A 13 week programme of demolition and site clearance would be required prior to construction and would require 16 staff. The demolition works would be undertaken over the period 0700 to 1800 hours, Monday to Saturday, i.e. over 12 hours per day, six days per week.
- 2.45 The construction phase would last approximately 36 months. It is expected that the construction workforce would peak at approximately 500 staff in months 20 - 26, with an average of 300 staff over the construction period. Construction works would be undertaken between 0700 to 1800 hours, Monday to Saturday (comprising a 10 hour shift plus a one hour break).
- 2.46 The Scoping Report does not identify an anticipated construction start date, however does state that construction would be complete in 2016.

- 2.47 Typical daily civil and mechanical works traffic would comprise 43 heavy goods vehicles (HGVs) and 23 light goods vehicles (LGVs), spread evenly over the daily shift period.

Operation and Maintenance

- 2.48 Once operational, the proposed development would generate 45 jobs, comprising:

- 16 staff on permanent day work on site between 0800 to 1700 hours, Monday to Friday, and
- 29 shift based operational, maintenance and fuels staff split over a seven day shift pattern, and

There would be a total of 24 permanent or shift staff on site between 0800 to 1700 hours, Monday to Friday.

- 2.49 It is anticipated that 80% of the biomass fuel would be delivered to the site by ship and 20% by road. There would be approximately four shipment deliveries of fuel per month (40,000 tonnes of fuel each), depending upon the fuel's energy density. Ship unloading and delivery would take place 24 hours a day, 7 days a week.

- 2.50 Fuel arriving by road would be transported in 26.5 tonne loads, between 0700 and 2100 hour, seven days per week, namely 34 vehicles per day per direction. This equates to between 2 and 3 HGVs per hour per direction on the road network.

- 2.51 Ash export and reagent import would comprise 25,000 tonnes per annum and would be transported by road in 20 tonne loads. Assuming a worst case whereby all ash is exported by road and that this export and reagent import takes place between Monday and Friday, this equates to 4 HGVs per day per direction arriving and departing the site. In addition, there would be 26 deliveries of fuel oil annually, which equates to 2 to 3 HGVs per month.

- 2.52 The operational lifespan of the proposed development has not been identified within the Scoping Report.

Decommissioning

- 2.53 The decommissioning phase would take around nine months. The decommissioning workforce is expected to peak at around 200 staff, although the average workforce would be around 100 staff.



The Secretary of State's Comments

Description of the Application Site and Surrounding Area

- 2.54 In addition to detailed baseline information to be provided within topic specific chapters of the ES, the SoS would expect the ES to include a section that summarises the site and surroundings. This would identify the context of the proposed development, any relevant designations and sensitive receptors. This section should identify land that could be directly or indirectly affected by the proposed development and any associated auxiliary facilities, landscaping areas and potential off site mitigation or compensation schemes.
- 2.55 The SoS recommends that, where practical, features described within the text are clearly identified on figures in order to aid the reader in placing the proposed development in the context of the wider area.

Description of the Proposed Development

- 2.56 The Applicant should ensure that the description of the proposed development that is being applied for is as accurate and firm as possible as this will form the basis of the environmental impact assessment. It is understood that at this stage in the evolution of the scheme the description of the proposals and even the location of the site may not be confirmed. The Applicant should be aware however, that the description of the development in the ES must be sufficiently certain to meet the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations and there should therefore be more certainty by the time the ES is submitted with the DCO.
- 2.57 If a draft DCO is to be submitted, the Applicant should clearly define what elements of the proposed development are integral to the NSIP and which is 'associated development' under the Planning Act 2008 or is an ancillary matter. Any proposed works and/or infrastructure required as associated development, or as an ancillary matter, (whether on or off-site) should be considered as part of an integrated approach to environmental assessment.
- 2.58 The SoS welcomes that the Applicant proposes to provide a detailed project description within the ES (paragraph 6.1.4 of the Scoping Report). The ES should include a clear description of all aspects of the proposed development, at the construction, operation and decommissioning stages, and include:
- land use requirements, including the area of the offshore elements

- site preparation
 - construction processes and methods
 - transport routes
 - operational requirements including the main characteristics of the production process and the nature and quantity of materials used, as well as waste arisings and their disposal
 - maintenance activities including any potential environmental or navigation impacts, and
 - emissions - water, air and soil pollution, noise, vibration, light, heat, radiation.
- 2.59 The environmental effects of all wastes to be processed and removed from the site throughout construction, operation and decommissioning of the proposed development should be addressed. The ES will need to identify and describe the control processes and mitigation procedures for storing and transporting waste off site. All waste types should be quantified and classified. The Applicant's attention is drawn to the comments of Sefton MBC (see Appendix 2) regarding waste issues.
- 2.60 The proposed development comprises of three main elements; the power island, area of search for the cooling water and a grid connection. However, it is unclear within the Scoping Report in a number of instances whether the term 'site' is used in reference to the power island area only or all land within the red line boundary. This should be clarified within the ES and terms clearly defined and used as appropriate.
- 2.61 The SoS notes some discrepancies regarding the project description within the Scoping Report. The Scoping Report states that approximately 1,200,000 tonnes of biomass would be combusted per annum at paragraph 4.3.1. However, paragraph 4.4.1 states that up to four ship deliveries will take place per month with up to 40,000 tonnes per ship; this would result in up to 1,920,000 tonnes of biomass per annum. Paragraph 4.4.1 continues to estimate 1 ship per week (52 ships per year); which would equate up to 208,000,000 tonnes of biomass per annum. Any such discrepancies should be rectified within the ES.
- 2.62 Should the CHP feasibility study identify the potential for the proposed development to operate as a CHP plant, the Applicant should ensure that the CHP elements of the proposed development are assessed within the ES.
- 2.63 The Applicant's attention is drawn to the comments of the Environment Agency (see Appendix 2) regarding the need to clarify the boiler size(s) within the ES, and of Sefton MBC

regarding the need to verify the volume of ash to be produced by the operation of the proposed development.

- 2.64 The area of search for cooling water infrastructure extends over the majority of Alexandra Docks 2 and 3, as well as large portions of a scrap yard and Langton Dock; the Scoping Report states that this area will be refined throughout the EIA (paragraph 3.1.1). The Applicant must ensure that the environmental assessment covers a sufficiently large area and be satisfied that the EIA robustly covers the site that will be submitted with the DCO application.
- 2.65 The SoS notes the comments in the Scoping Report that the detailed design of the power station is still being developed and that the draft description of development contains a number of variables. In particular, items that could change are the arrangement of the flue gas equipment, location of the flue, substation and on-site water cooling infrastructure and arrangement of the fuel transport conveyors. It is also noted that the definitive stack height will be determined through dispersion modelling. The SoS welcomes that the proposals are to be firmed up during the pre-application stages but encourages the description to be as accurate and firm as possible so that its environmental impact can be more accurately assessed.

Construction

- 2.66 The Scoping Report states that the ES will provide details of the construction programme. The SoS considers that information provided on construction should also include: phasing of programme; construction methods and activities associated with each phase; siting of construction compounds (including along the grid connection route); lighting equipment/requirements; and number, movements and parking of construction vehicles (both HGVs and staff).
- 2.67 The SoS recommends that an outline Construction Environmental Management Plan (CEMP) should be appended to the ES providing details of specific mitigation measures required to reduce the construction related impacts.

Operation and Maintenance

- 2.68 Information on the operation and maintenance of the proposed development should be included in the ES and should cover but not be limited to such matters as: the number of full/part-time jobs; the operational hours and if appropriate, shift patterns; the number and types of vehicle movements generated during the operational stage.



Decommissioning

- 2.69 The Scoping Report has not identified the design life of the proposed development. The SoS recommends that this is provided in the ES and that the EIA covers the life span of the proposed development, including construction, operation and decommissioning.
- 2.70 In terms of decommissioning, the SoS acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment is to enable the decommissioning of the works to be taken into account in the design and use of materials such that structures can be taken down with the minimum of disruption. The process and methods of decommissioning should be considered and options presented in the ES. The SoS encourages consideration of such matters in the ES.

3.0 EIA APPROACH AND TOPIC AREAS

Introduction

- 3.1 This section contains the SoS's specific comments on the approach to the ES and topic areas as set out in the Scoping Report. General advice on the presentation of an ES is provided at Appendix 3 of this Scoping Opinion and should be read in conjunction with this Section.
- 3.2 Applicants are advised that the scope of the DCO application should be clearly addressed and assessed consistently within the ES.

ES Approach

- 3.3 The information provided in the Scoping Report sets out the proposed approach to the preparation of the ES. Whilst early engagement on the scope of the ES is to be welcomed, the SoS notes that the level of information provided at this stage is not always sufficient to allow for detailed comments from either the SoS or the consultees.
- 3.4 The SoS would suggest that the Applicant ensures that appropriate consultation is undertaken with the relevant consultees in order to agree wherever possible the timing and relevance of survey work as well as the methodologies to be used. The SoS notes and welcomes the intention to finalise the scope of investigations in conjunction with ongoing stakeholder liaison and consultation with the relevant regulatory authorities and their advisors.
- 3.5 The SoS recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

Matters to be Scoped Out

- 3.6 Table 29 and relevant sections of the Scoping Report identify the matters proposed to be 'scoped out' by the Applicant. These include:
 - dredging

- shipping movements and resultant emissions
 - impact of airborne concentrations and deposition of pollutants at locations in the sea or below the mean high water mark
 - impacts on estuarine ecology as a result of the installation of the cooling water pipes using the float and flood construction method
 - noise impacts from operation of the grid connection
 - vibration impacts from operation of the proposed development
- 3.7 The SoS notes that the potential dredging activities will not form part of the application, however considers that the potential for cumulative impacts arising from these activities should be considered within the ES. The ES should contain details of the dredging, as far as possible (see comments of the Marine Management Organisation (MMO) in Appendix 2).
- 3.8 The SoS notes that the increase in shipping is expected to be less than 1% of the current total shipping levels associated with the Port of Liverpool. However, the SoS considers that the wider transport implications of the biomass procurement process should be considered within the EIA and therefore does not agree to scope out shipping movements and resultant emissions. In this regard, the Applicant's attention is drawn to the comments of Natural England (NE) (see Appendix 2).
- 3.9 The SoS agrees with NE (see Appendix 2) that the impact of airborne concentrations and deposition of pollutants at locations in the sea or below the mean high water mark cannot be scoped out on the basis that high tide is variable and some habitats may only be inundated a few times a year, and therefore some habitats in the intertidal zone may be affected. The Applicant is also referred to the comments of Sefton MBC that the algae on tidal sediments are susceptible to changes in acid deposition.
- 3.10 The SoS notes that the float and flood process outlined in paragraph 2.3.16 of the Scoping Report would minimise contact with the estuary floor. However, the SoS agrees with the MMO (see Appendix 2) that this cannot be scoped out as there is insufficient information within the Scoping Report to rule out any potential impacts on other species, for example as a result of disturbance during construction.
- 3.11 The SoS does not consider that sufficient information has been provided by the Applicant to justify scoping out noise impacts from operation of the grid connection or vibration impacts from operation of the project.

- 3.12 In order to demonstrate that topics have not simply been overlooked, where topics are scoped out prior to submission of the DCO application, the ES should still explain the reasoning and justify the approach taken.
- 3.13 Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the SoS.

ES Structure

- 3.14 The SoS notes that from the proposed ES Contents sheet (Scoping Report Table 3) that the EIA would cover the following technical areas:
- Air Quality and Climate Change
 - Noise and Vibration
 - Terrestrial Ecology
 - Estuarine Ecology
 - Hydrology, Geology and Soils
 - Landscape and Visual Impacts
 - Traffic, Transport and Access
 - Cultural Heritage, and
 - Socio-Economics.
- 3.15 The Scoping Report also states that the ES will contain the following information:
- project need and alternatives
 - project description
 - the site, its surroundings and selection, and
 - summary of residual, cumulative and interrelated effects.

Topic Areas

Air Quality

(see Scoping Report section 6.2)

- 3.16 The SoS recommends that the assessment methodology, including the spatial extent and identification of sensitive receptors, is agreed with the relevant consultees, including the relevant local authorities and the Environment Agency.

- 3.17 The SoS welcomes the approach of using atmospheric dispersion modelling to assess the effects of pollutant emissions. All assumptions and limitations to assessment, location and height of the chimney stack, should be clearly specified in all relevant sections of the ES and the implications of stack height and dispersion of the discharge clearly explained. The SoS recommends that dispersion modelling considers a range of possibilities and seeks to ensure that the 'worst case' scenario is assessed; for example the 'worst case' may occur as a short term impact.
- 3.18 The SoS considers that adverse change to air quality (including dust and odour) should be assessed in relation to compliance with relevant standards. These include European air quality limit values, National Air Quality Objectives and any nearby AQMAs. Sefton MBC's comments (see Appendix 2) highlight that two additional AQMAs have been declared which should be considered within the assessment.
- 3.19 The Applicant should address the concerns of Sefton MBC (see Appendix 2) regarding the selection of surface roughness in the air quality model and of the calculation intervals proposed for modelling stack emissions.
- 3.20 Air quality and dust levels should be considered not only on site but also off site, including along access roads, local footpaths and other Public Rights of Way (PRoW). Fugitive dust emissions along the grid connection route during construction should be considered within the ES.
- 3.21 The Applicant should ensure they assess air pollution effects on biodiversity and are directed to the comments of NE (see Appendix 2).
- 3.22 The Applicant's attention is drawn to the comments of NHS Knowsley (see Appendix 2) regarding modelling the impact of air quality for Knowsley and to the Health Protection Agency (HPA) (see Appendix 2) regarding the assessment of emissions to air.
- 3.23 Given the nature of the proposed development and the proposal for dust extraction systems (paragraph 4.3.3 of the Scoping Report), the SoS considers that the potential for dust impacts during operation should also be considered within the ES. The Applicant's attention is drawn to the comments of the EA (see Appendix 2) regarding dust suppression controls.
- 3.24 The SoS recommends that mitigation measures to be employed during the demolition, construction and decommissioning phase are contained within a Construction Environmental Management

Plan (CEMP), a draft of which should be provided within the ES. Consideration should be given to monitoring dust complaints.

- 3.25 The SoS encourages early engagement with the EA in regard to an Environmental Permit for the proposed operations. This will help to resolve any concerns and to ensure that any necessary mitigation measures can be incorporated within the DCO application and assessed within the ES. Attention is drawn to Annex D of Planning Inspectorate Advice Note 11 which deals with timing issues associated with DCO and Environmental Permit applications.

Noise and Vibration

(see Scoping Report section 6.3)

- 3.26 The SoS welcomes the consultation undertaken with Sefton MBC to agree baseline noise monitoring locations. It is noted that baseline noise monitoring undertaken to date has been in proximity to the power island area of the proposed development. The Applicant should ensure they have also considered noise and vibration impacts along the grid connection route and discuss the potential requirement for baseline noise monitoring along the route with Sefton MBC. The SoS also recommends consultation with the Environment Agency.
- 3.27 The SoS recommends that sensitive receptors are also identified and agreed with the relevant consultees. Impacts on people should be specifically addressed; particularly any potential noise disturbance at night and other unsocial hours such as weekends and public holidays. Impacts on biodiversity should also be addressed and the Applicant is referred to the comments of NE (see Appendix 2) in this regard.
- 3.28 The Applicant should ensure that the ES sufficiently addresses potential vibration impacts, and that it does not focus solely on noise impacts.
- 3.29 The SoS acknowledges that the exact construction methodology may not be defined until a later date and welcomes that worst case assumptions will be used where uncertainties exist (paragraph 6.3.15 of the Scoping Report). As far as possible, information should be provided on the types of vehicles and plant to be used during the construction phase.
- 3.30 The assessment should take account of the traffic impacts and consider noise and vibration impacts along access routes, especially during the construction phase.
- 3.31 The Applicant's attention is drawn to the comments of Sefton MBC (see Appendix 2) regarding the use of baseline monitoring data; of

the potential effects on high rise blocks of flats in the area; and of the need to discuss Noise Receptor Locations and Monitoring Points with the council.

- 3.32 The Scoping Report states that the ES will recommend that a Construction Noise Management Plan (CNMP) is prepared prior to commencement of the demolition and construction works (paragraph 6.3.15). The SoS recommends that the plan also addresses vibration and that a draft is provided within the ES.
- 3.33 Consideration should be given to monitoring noise complaints during construction and when the development is operational.
- 3.34 The results from the noise and vibration assessments will also provide information to inform the ecological assessments, both terrestrial and estuarine. Noise and vibration levels along the foreshore potentially affecting birds and fish should be also be addressed. Impacts on marine mammals should be considered (see comments of the MMO in Appendix 2). Appropriate cross reference should be made within the ES to other technical chapters.

Terrestrial Ecology

(see Scoping Report section 6.4)

- 3.35 The SoS recommends that surveys should be thorough, up to date and take account of other development proposed in the vicinity. The scope of the assessment should be agreed with the relevant consultees.
- 3.36 The SoS recommends that the proposals should address fully the needs of protecting and enhancing biodiversity. The assessment should cover habitats, species and processes with the sites and surroundings. The SoS welcomes the inclusion of non-statutory designated sites within the assessment.
- 3.37 Lighting and works likely to generate noise and vibration (e.g. drilling/piling) should be described and potential impacts on ecological receptors should be assessed. The assessment should also take account of potential ecological effects resulting from air quality (including dust), cooling water abstraction/discharge and the potential for cross-contamination resulting from surface/ground water run-off. Cross reference should be made to relevant chapters of the ES and/or any specialist reports.
- 3.38 The Applicant's attention is drawn to the comments of Natural England (NE) (see Appendix 2) regarding; the qualifying features of the Mersey Narrows and North Wirral Foreshore pSPA and pRamsar site; the need for protected species surveys; the need for

surveys to establish the presence or absence of turnstones and cormorants on the dock walls; potential disturbance as a result of the height and scale of buildings, shadowing effects, reduction of flight lines, lighting and other visual effects, and information to be provided within the ES.

- 3.39 The Applicant's attention is drawn to the comments of Sefton MBC (see Appendix 2) regarding bird collision; the impacts of dioxin and furan emissions on human and environmental receptors; noise disturbance to birds; the need for a bat survey report; the need to include Seaforth Nature Reserve within the assessment, and potential mitigation measures.

Estuarine Ecology

(see Scoping Report section 6.5)

- 3.40 The Scoping Report indicates that the assessment will be based on a desk study and that no new surveys will be undertaken (i.e. for plankton, fish and shellfish). The Applicant should ensure that all data used is relevant and up to date and recommends that this approach is agreed with Natural England.
- 3.41 The Applicant's attention is drawn to NE's comments (see Appendix 2) regarding consulting the Inshore Fisheries and Conservation Authority.
- 3.42 The ES should provide details of any proposed abstraction/intake structures, and proposed measures to prevent entrainment, entrapment and impingement of fish, eggs and larvae, and other species.
- 3.43 The ES should provide details of the thermal plume modelling undertaken (see comments of Sefton MBC). It should include a full assessment of the potential impacts of the thermal plume and biocides upon aquatic species, the possible food chain impacts for birds and the protected designations (see comments of MMO in Appendix 2).
- 3.44 The Scoping Report identifies the presence of marine mammal species in the vicinity of the project and that the impact of underwater noise and vibration on marine mammals will be consulted on (paragraph 6.3.18). The SoS considers that the potential for noise and vibration impacts on other estuarine species should also be discussed with NE and addressed within the ES as appropriate.
- 3.45 The SoS notes the Mersey Estuary is an important migratory route for a number of fish species. The sensitivities of these species

should be identified and the potential for construction noise and vibration impacts upon them addressed within the ES.

- 3.46 The ES should consider the OSPA List of Threatened and Declining Species and Habitats (see comments of the MMO in Appendix 2).
- 3.47 The SoS recommends the need to consider cumulative and combined impacts and advises this is particularly relevant in terms of assessing the impacts on ecology. The potential impacts of the dredging activities to be undertaken by the Port of Liverpool should be considered within the cumulative impact assessment (CIA).
- 3.48 The Applicant's attention is drawn to the comments of the EA (see Appendix 2) regarding the need to refer to the River Basin Management Plan and to produce a Water Framework Directive Assessment (see also the comments of Sefton MBC in this regard).
- 3.49 The Applicant's attention is drawn to the comments of the MMO (see Appendix 2) regarding the need to consider the potential for historic contamination of sediments in relation to the horizontal directional drilling.

Hydrology, Geology and Soils

(see Scoping Report section 6.6)

- 3.50 The SoS welcomes the proposed consultation with the EA, Sefton MBC, Liverpool CC, Wirral BC and the Association of Port Authorities and recommends that assessment methodology is agreed with these bodies (including the potential requirement for intrusive site investigations). It will be important to carefully justify the physical area for this assessment and ensure that the impacts are considered over a sufficiently wide area.
- 3.51 Groundwater is a potential pathway for discharge of liquids to surface and coastal waters. The SoS considers that the impacts of climate change, in terms of increased run-off and rises in sea level should be taken into account in the ES.
- 3.52 The Applicant's attention is drawn to the comments of the EA (see Appendix 2) regarding contaminated land within Hornby Dock, and of Sefton MBC (see Appendix 2) regarding the need to consider the potential impacts arising from the mobilisation of contaminations within the estuary bed during the construction of the intake and outfall structures.
- 3.53 The SoS recommends that full consideration is given to the potential effects of the cooling water system – including scour, increase in temperature and the introduction of biocide. The ES

should quantify the rate of water extraction from and discharge to the Mersey estuary and provide details of water treatment, if required. The SoS recommends that appropriate consultation is undertaken with the Harbour Master in respect of the positioning of the intake/outfall of cooling water for the proposed development.

- 3.54 Should potable water be required for the operation of the proposed development, this should be quantified within the ES.
- 3.55 The SoS welcomes the provision of a Flood Risk Assessment (FRA), the scope of which will be agreed with the EA. The FRA should form an appendix to the ES. The Applicant should note that PPS25 has been replaced with the National Planning Policy Framework and its associated technical guidance (see the comments of the EA in Appendix 2). The Applicant's attention is drawn to the comments of Sefton MBC (see Appendix 2) for further advice regarding the FRA.
- 3.56 Surface water is a potential pathway for discharge of liquids to surface and coastal waters and the SoS considers that the impacts of climate change, in terms of increased run-off and rises in sea level should be taken into account in the ES. This assessment should be cross-referenced to the FRA.
- 3.57 Mitigation measures should be addressed and the SoS advises that reference should be made in the ES to other regimes (such as pollution prevention from the EA) where relevant to the impacts assessed. On-going monitoring should also be addressed and agreed with the relevant authorities to ensure that any mitigation measures are effective.
- 3.58 The Applicant's attention is drawn to the comments of the HPA (see Appendix 2) regarding land quality and the assessment of emissions to water.

Landscape and Visual Impacts

(see Scoping Report section 6.7)

- 3.59 The ES should identify landscape planning designations, landscape character areas, and potential sensitive visual receptors, using figures where appropriate.
- 3.60 The SoS draws the attention of the Applicant of the need to take account of the updates to legislation, in particular the need to reference the NPPF and PPS5 Practice Guide; together with the need to liaise with the local planning authorities to ensure use is made in the EIA of the most up to date policy documents.

- 3.61 The SoS welcomes the ongoing consultation with Sefton MBC, Liverpool CC and Wirral BC and notes that a 5km study area has been agreed with Sefton MBC but that viewpoints may be selected outside the study area where agreed with the local planning authorities (paragraph 6.7.16 of the Scoping Report). The SoS considers that this is small study area, particularly as the Scoping Report identifies the surrounding area as being generally low lying and flat (paragraph 6.7.3) and therefore a full justification for the area should be provided within the ES. Given that the stack may be up to 105m high and the boiler house up to 65m high, the SoS recommends that the potential for views from the Clwydian Range Area of Outstanding Natural Beauty (AONB), located within 35km of the proposed development, should also be considered within the ES.
- 3.62 The Applicant's attention is drawn to the comments of Sefton MBC (see Appendix 2) regarding the locations of viewpoints.
- 3.63 The landscape and visual assessment in the scoping report refers to the Zone of Theoretical Visibility (ZTV). The SoS advises that the ES should describe the model used, provide information on the area covered and the timing of any survey work, and the methodology used.
- 3.64 All parameters used in the assessment should be clearly detailed and justified. Care should be taken to ensure that the worst case scenario for stack height is reflected.
- 3.65 The proposals will be for large structures. The Applicant should provide information in the ES about the form and siting, about the type of materials and the colours proposed to be used to minimise any adverse visual impact of these structures.
- 3.66 Appropriate use of photomontages will help illustrate the views prior to development, upon completion and at an agreed future date where mitigation measures are fully established. Photos, photomontages and wireframes should be presented in a clear and readable format that includes clear points of reference to allow the reader to identify and fully understand the potential effect of the proposed development. The locations and the timing of photographs and visualisations should be agreed with the relevant statutory consultees and should enable an assessment of the worst case scenario. The SoS welcomes that views from across the Mersey estuary will be included. Consideration should also be given to both day and night time views, including the impact of lighting.
- 3.67 Table 1 of the Scoping Report states that there would be no visible plume from a once-through cooling system; however paragraph 6.2.41 states that the frequency of visibility of the water vapour

plume from the main stack will be assessed. The SoS considers that if there is potential for a visible plume that this should be addressed within the ES and a worst case scenario assessed.

Traffic, Transport and Access

(see Scoping Report section 6.8)

- 3.68 The SoS welcomes the development of the assessment of transport impacts in association with the local highways authority and the Highways Agency (HA). The SoS would expect on-going discussions and agreement, where possible, with such bodies.
- 3.69 The Traffic, Transport and Access section of the Scoping Report focuses primarily on impacts in the vicinity of the power island area. However, the SoS considers that there is potential for significant impacts along the grid connection route given that the cabling would be buried underground existing highways. It is acknowledged that any such impacts would be mainly associated with the construction phase, however consideration should be given to assessing the potential impacts on all road users along the route and adjacent roads, including drivers, cyclists, and pedestrians. The access route(s) and construction compounds to be used during construction of the grid connection should also be identified within the ES.
- 3.70 Any traffic management measures proposed that could result in the closure or diversion of local footpaths and other PRowWs should be assessed in terms of their potential impact on other road users, users of PRowWs and the local communities. Stopping up of roads, temporary or permanent diversions or alterations to existing highways should be considered in the ES.
- 3.71 Information should be provided on the types of vehicles and plant to be used, and the number of vehicle trips, during the construction and operational phases. This should include vehicular movements required during shut down/ maintenance periods of the CHP plant. A worst case scenario should be assessed.
- 3.72 The SoS recommends that the ES should take account of the location of footpaths and any public rights of way (PRow) including bridleways and byways. The ES should clearly set out impacts on them including within the wider area.
- 3.73 The SoS notes the presence of rail infrastructure within the Port of Liverpool and considers that the feasibility of transporting construction materials by rail should be investigated. The results any such assessment should be reported in the ES.



- 3.74 The SoS welcomes the proposal for a Construction Transport Management Plan and recommends that a draft is provided with the ES.
- 3.75 The Scoping Report identifies possible access routes for demolition and construction traffic. The ES should also identify operational traffic routes, particularly with regard to workforce, ash export, reagent import and fuel deliveries.
- 3.76 The SoS notes that scoping discussions with the local highway authorities have confirmed that there is no requirement for a Travel Plan due to the small numbers of operational staff.
- 3.77 Mitigation measures should be considered such as a travel plan and sourcing materials so as to minimise transport. Over the lifetime of the proposals, if any allowance for the sourcing of biomass locally or overland from within the UK is to be made, then the transport implications of such an approach should be set out in the ES.
- 3.78 The Applicant's attention is drawn to the comments of NHS Knowsley (see Appendix 2) regarding modelling the impact of increased use of the road network in Knowsley.

Cultural Heritage

(see Scoping Report section 6.9)

- 3.79 The ES should detail the names and characteristics of important heritage assets that could potentially be affected by the proposed development. Any cultural heritage/archaeological features that are likely to be affected directly or indirectly should be clearly identified in the plans in the ES. This should include assets considered to be of international, national, regional and local importance.
- 3.80 The SoS welcomes the ongoing consultation undertaken with relevant consultees and recommends that assessment methodology, including the study area, is agreed with consultees and justified within the ES. Attention is drawn to the comments of English Heritage (see Appendix 2) regarding the need for a site walkover.
- 3.81 The settings of cultural heritage resources such as historic buildings, historic landscapes and archaeological sites could be affected; this could include the Liverpool Maritime Mercantile City WHS. The SoS considers that such features should be addressed in the ES and appropriate cross reference should be made to the Landscape and Visual Impacts section of the ES.



- 3.82 The Applicant should note that the NPPF supersedes PPS5, but that the PPS5 Practice Guide currently remains a valid and Government endorsed document.

Socio-economics

(see Scoping Report section 6.10)

- 3.83 The SoS recommends that the types of jobs generated should be considered in the context of the available workforce in the area, this applies equally to the construction and operational stages.
- 3.84 The SoS recommends that the assessment criteria should consider the potential significance of the impacts of the proposal within the local and regional context. The SoS encourages the Applicant to engage with the relevant local authorities and other stakeholders to inform the assessment, including appropriate mitigation measures.
- 3.85 The potential impacts on users of the waterway should be considered in the ES (see the comments of the MMO in Appendix 2).

Cumulative Impacts and Interrelated Effects

(see Scoping Report section 6.11)

- 3.86 The SoS welcomes the proposed cumulative effects assessment and the ongoing consultation with Sefton MBC, Liverpool CC and Wirral BC to identify projects to be considered within the CIA. The SoS also welcomes that the Applicant will regularly review the list of identified projects and update as appropriate. The use of figures to illustrate the locations of the identified projects would prove a useful visual aid for readers.
- 3.87 The Applicant's attention is drawn to Appendix 3 of this Opinion for further information on CIA.

Other

(not included in the Scoping Report)

- 3.88 The SoS notes that the fuels will be sourced from overseas and recommends that the ES provides reference to the policy guidance and licensing requirements relevant to the approach which has been adopted regarding renewable sources.
- 3.89 The Applicant's attention is drawn to the comments of the Civil Aviation Authority contained at Appendix 2 regarding aviation issues.



- 3.90 The Applicant's attention is drawn to the comments of the Health and Safety Executive contained at Appendix 2 regarding major hazard installations, hazardous substances consent, explosive sites, and workplace safety.
- 3.91 The Applicant's attention is drawn to the comments of Trinity House contained at Appendix 2 regarding navigation issues.

4.0 OTHER INFORMATION

- 4.1 This section does not form part of the SoS's opinion as to the information to be provided in the environmental statement. However, it does respond to other issues that the SoS has identified which may help to inform the preparation of the application for the DCO.

Habitats Regulations Assessment (HRA)

- 4.2 The SoS notes that a number of European sites may be located close to the proposed development. It is the Applicant's responsibility to provide sufficient information to the Competent Authority (CA) to enable them to carry out a HRA if required. The Applicant should note that the CA is the SoS.
- 4.3 The Applicant's attention is drawn to The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (The APFP Regulations) and the need to include information identifying European sites to which the Habitats Regulations applies or any Ramsar site or potential SPA which may be affected by a proposal. The submitted information should be sufficient for the competent authority to make an appropriate assessment (AA) of the implications for the site if required by Regulation 61(1) of the Habitats Regulations.
- 4.4 The report to be submitted under Regulation 5(2)(g) of the APFP Regulations with the application must deal with two issues: the first is to enable a formal assessment by the CA of whether there is a likely significant effect; and the second, should it be required, is to enable the carrying out of an AA by the CA.
- 4.5 When considering aspects of the environment likely to be affected by the proposed development; including flora, fauna, soil, water, air and the inter-relationship between these, consideration should be given to the designated sites in the vicinity of the proposed development.
- 4.6 Further information with regard to the HRA process is contained within Planning Inspectorate's Advice Note 10 available on the National Infrastructure Planning's website.

Sites of Special Scientific Interest (SSSIs)

- 4.7 The SoS notes that a number of SSSIs are located close to or within the proposed development. Where there may be potential impacts on the SSSIs, the SoS has duties under sections 28(G) and 28(I) of the Wildlife and Countryside Act 1981 (as amended) (the W&C Act). These are set out below for information.

- 4.8 Under s28(G), the SoS has a general duty '... to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest'.
- 4.9 Under s28(I), the SoS must notify the relevant nature conservation body (NCB), NE in this case, before authorising the carrying out of operations likely to damage the special interest features of a SSSI. Under these circumstances 28 days must elapse before deciding whether to grant consent, and the SoS must take account of any advice received from the NCB, including advice on attaching conditions to the consent. The NCB will be notified during the examination period.
- 4.10 If applicants consider it likely that notification may be necessary under s28(I), they are advised to resolve any issues with the NCB before the DCO application is submitted to the SoS. If, following assessment by applicants, it is considered that operations affecting the SSSI will not lead to damage of the special interest features, applicants should make this clear in the ES. The application documents submitted in accordance with Regulation 5(2)(I) could also provide this information. Applicants should seek to agree with NE the DCO requirements which will provide protection for the SSSI before the DCO application is submitted.

European Protected Species (EPS)

- 4.11 The Applicant should also be aware that the decision maker under the Planning Act 2008 (PA 2008) has, as the CA, a duty to engage with the Habitats Directive.
- 4.12 The SoS considers that there is potential for the presence of EPS within the study area for the proposed development. Where a potential risk to an EPS is identified and before making a decision to grant development consent the CA must, amongst other things, address the derogation tests in Regulation 53 of the Habitats Regulations. Therefore the Applicant may wish to provide information which will assist the decision maker to meet this duty. Where required the Applicant should, in consultation with NE, agree appropriate requirements to secure necessary mitigation.
- 4.13 If the Applicant has concluded (in consultation with NE) that an EPS licence is required the ExA will need to understand whether there is any impediment to the licence being granted. It would assist the examination if the Applicant could provide with the application confirmation from NE whether they intend to issue the licence in due course.

Health Impact Assessment

- 4.14 The SoS notes that the Applicant may provide an outline Health Impact Assessment following consultation with the relevant consultees. Attention is drawn to the comments of NHS Knowsley in Appendix 2.
- 4.15 The methodology for the HIA, if prepared, should be agreed with the relevant statutory consultees and take into account mitigation measures for acute risks.

Other regulatory regimes

- 4.16 The SoS recommends that the Applicant should state clearly what regulatory areas are addressed in the ES and that the Applicant should ensure that all relevant authorisations, licences, permits and consents that are necessary to enable operations to proceed are described in the ES. Also it should be clear that any likely significant effects of the proposed development which may be regulated by other statutory regimes have been properly taken into account in the ES.
- 4.17 It will not necessarily follow that the granting of consent under one regime will ensure consent under another regime. For those consents not capable of being included in an application for consent under the PA 2008, the SoS will require a level of assurance or comfort from the relevant regulatory authorities that the proposal is acceptable and likely to be approved, before they make a recommendation or decision on an application. The Applicant is encouraged to make early contact with other regulators. Information from the Applicant about progress in obtaining other permits, licences or consents, including any confirmation that there is no obvious reason why these will not subsequently be granted, will be helpful in supporting an application for development consent to the SoS.



APPENDIX 1

List of Consultees



APPENDIX 1

LIST OF BODIES FORMALLY CONSULTED DURING THE SCOPING EXERCISE

CONSULTEE	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The Relevant Strategic Health Authority	North West Strategic Health Authority
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	English Heritage
The Relevant Fire and Rescue Authority	Merseyside Fire & Rescue Service
The Relevant Police Authority	Merseyside Police Authority
The Relevant Parish Council(s) or Relevant Community Council	Hightown Parish Council
	Aintree Village Parish Council
	Thornton Parish Council
	Sefton Parish Council
	Ince Blundell Parish Council
The Environment Agency	The Environment Agency
The Commission for Architecture and The Built Environment	CABE at Design Council
The Equality and Human Rights Commission	Equality and Human Rights Commission
The Homes and Communities Agency	Homes and Communities Agency
The Joint Nature Conservation Committee	Joint Nature Conservation Committee
The Maritime and Coastguard Agency	Maritime & Coastguard Agency
The Marine Management Organisation	Marine Management Organisation
The Scottish Fisheries Protection Agency	Marine Scotland
The Civil Aviation Authority	Civil Aviation Authority
The Highways Agency	The Highways Agency

Integrated Transport Authorities (ITAs) and Passenger Transport Executives (PTEs)	Merseyside Integrated Transport Authority (Merseytravel)
The Relevant Highways Authority	Sefton Council
	Liverpool City Council Highways Authority
The Passengers Council	Passenger Focus
The Disabled Persons Transport Advisory Committee	Disabled Persons Transport Advisory Committee
The Coal Authority	The Coal Authority
The Office Of Rail Regulation	Office of Rail Regulation (Customer Correspondence Team Manager)
Approved Operator	Network Rail Infrastructure Ltd
	Network Rail (CTRL) Ltd
The Gas and Electricity Markets Authority	OFGEM
The Water Services Regulation Authority	OFWAT
The Relevant Waste Regulation Authority	The Environment Agency
The British Waterways Board	The Canal and River Trust
Trinity House	Trinity House
The Health Protection Agency	Health Protection Agency
The Relevant Local Resilience forum	Merseyside Local Resilience Forum
The Crown Estate Commissioners	The Crown Estate
Relevant Statutory Undertakers	
Strategic Health Authority	North West Strategic Health Authority
NHS Foundation Trust	Wirral University Teaching Hospital NHS Foundation Trust
	Alder Hey Children's NHS Foundation Trust
	Aintree University Hospitals NHS Foundation Trust
	Liverpool Womens Hospital NHS Foundation Trust
	The Walton Centre NHS Foundation Trust

	Liverpool Heart and Chest Hospital NHS Trust HQ
Primary Care Trust	NHS Sefton
	Liverpool Primary Care Trust
	NHS Knowsley
	NHS Wirral
	NHS Central Lancashire
Acute Trust	Royal Liverpool and Broadgreen University Hospitals NHS Trust
Ambulance Trust	North West Ambulance Service NHS Trust
Care Trust	Liverpool Community Health NHS Trust (Care Trust)
Mental Health Trust	Mersey Care NHS Trust
Railway	Network Rail Infrastructure Ltd
	BRB Residuary Limited
	Network Rail (CTRL) Ltd
Road Transport	Merseyside Passenger Transport Authority and Executive (Merseytravel)
Water Transport	The Canal and River Trust
Dock	The Mersey Docks & Harbour Co. (Ports of Liverpool and Birkenhead)
Harbour	The Mersey Docks & Harbour Co. (Ports of Liverpool and Birkenhead)
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route (NERL) Safeguarding
Universal Service Provider	Royal Mail Group
Water and Sewage Undertakers	United Utilities
Relevant Homes and Communities Agency	Homes and Communities Agency
Relevant Environment Agency	The Environment Agency - Regional contact
Public Gas Transporter	British Gas Pipelines Limited
	Energetics Gas Limited
	ES Pipelines Ltd

	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Independent Pipelines Limited
	LNG Portable Pipeline Services Limited
	National Grid Gas Plc
	Quadrant Pipelines Limited
	SSE Pipelines Ltd
	The Gas Transportation Company Limited
	Utility Grid Installations Limited
	Wales and West Utilities Ltd
Electricity Distributors With CPO Powers	Energetics Electricity Limited
	ESP Electricity Limited
	Independent Power Networks Limited
	SP Distribution Limited
	The Electricity Network Company Limited
Electricity Transmitters With CPO Powers	National Grid Gas Plc
S.43 Consultees	
Local Authority	Sefton Metropolitan Borough Council
	Knowsley Metropolitan Borough Council
	Liverpool City Council Planning Department
	West Lancashire District Council
	Wirral Metropolitan Borough Council
	Lancashire County Council

Non-prescribed Consultees	
Non-prescribed Consultee	Ministry of Defence
Non-prescribed Consultee	Royal National Lifeboat Institution
Non-prescribed Consultee	Flintshire County Council

Note: the Prescribed Consultees have been consulted in accordance with the Planning Inspectorate's Advice Note 3 'Consultation and notification undertaken by the Planning Inspectorate' (April 2012).

APPENDIX 2

Respondents to Consultation and Copies of Replies

APPENDIX 2

LIST OF BODIES WHO REPLIED BY THE STATUTORY DEADLINE

Canal and River Trust
Civil Aviation Authority
Coal Authority
E S Pipelines Ltd, ESP Networks Ltd, ESP Pipelines Ltd, ESP Electricity Ltd and ESP Connections Ltd
English Heritage
Environment Agency
Fulcrum Pipelines Ltd
Health and Safety Executive
Health Protection Agency
Highways Agency
Independent Pipelines, Independent Power Networks and Quadrant Pipelines
Liverpool City Council
Marine Management Organisation
Merseyside Police Authority
Ministry of Defence
National Grid
NATS
Natural England
NHS Knowsley
Ofwat
Royal National Lifeboat Institution
Sefton Metropolitan Borough Council

The Royal Liverpool & Broadgreen University Hospitals NHS Trust
Thornton Parish Council
Trinity House
Walton Centre NHS Foundation Trust

From: [Alison Truman](#)
To: [Environmental Services](#)
Subject: Alexandra Dock EIA Scoping
Date: 11 September 2012 16:09:19

FAO Hannah Pratt

I refer to your letter dated 14th August 2012.

I can confirm that the Canal & River Trust has no comments in respect of the Scoping Report for this project.

Kind regards,

Alison Truman

Area Planner (North West & North Wales), Canal & River Trust, Waterside House, Waterside Drive, Wigan WN3 5AZ
T. 01942 405774 **M.** 07917 898333

Cynlluniwr Ardal (Gogledd Orllewin a Gogledd Cymru), Glandwr Cymru, Waterside House, Waterside Drive, Wigan WN3 5AZ
Ff. 01942 405774 **S.** 07917 898333

alison.truman@canalrivertrust.org.uk www.canalrivertrust.org.uk

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Canal & River Trust is a charitable company limited by guarantee registered in England & Wales with company number 7807276 and charity number 1146792. Registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB.

Elusen newydd yw Glandŵr Cymru sy'n gofalu am 2,000 o filltiroedd o ddyfrffyrdd yng Nghymru a Lloegr. Cymerwch ran, ymunwch â ni - Ewch i Rhoddion a Gwirfoddoli yn www.glandwrcymru.org.uk

Mae Glandŵr Cymru yn gwmni cyfyngedig drwy warant a gofrestrwyd yng Nghymru a Lloegr gyda rhif cwmni 7807276 a rhif elusen gofrestredig 1146792. Swyddfa gofrestredig: First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB.

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Directorate of Airspace Policy

Ms Hannah Pratt (via e-mail)
The Planning Inspectorate

14 August 2012

Reference: ERM/DAP/Planning/AlexandraDockBiomassPlant

Dear Ms Pratt,

Proposed Alexandra Dock Biomass Plant, Bottle – Scoping Comment

Thank you for the Planning Inspectorate's recent correspondence which sought scoping comment concerning the proposed Alexandra Dock Biomass Plant at Bottle. I trust the following is useful.

I gather that the tallest associated structures are intended to be a chimney stack that would be up to 105 metres (m) high. On that basis I believe the following issues are worth of consideration:

- **Aerodromes.** In respect of any potential aerodrome related issue, I should highlight the need to check any safeguarding maps lodged with relevant planning authorities to identify any aerodrome specific safeguarding issues. Noting that aerodrome safeguarding responsibility rests in all cases with the relevant aerodrome operator / licensee, not the CAA, it is important that the developer engage direct with any relevant aerodromes. The Environmental Scoping Report makes mention of the need for such consultation.
- **Aviation Warning Lighting.** Given the height of associated structures there is a potential need for aviation warning lighting.
 - In the UK, the need for aviation obstruction lighting on 'tall' structures depends in the first instance upon any particular structure's location in relationship to an aerodrome. If the structure constitutes an 'aerodrome obstruction' it is the aerodrome operator that with review the lighting requirement. For civil aerodromes, they will, in general terms, follow the requirements of CAP 168 - Licensing of Aerodromes. This document can be downloaded from the CAA website - Chapter 4 (12.8) refers to obstacle lighting.
 - Away from aerodromes Article 219 of the UK Air Navigation Order (ANO) applies. This Article requires that for en-route obstructions (ie away from aerodromes) lighting only becomes legally mandated for structures of a height of 150m or more. However, structures of lesser high might need aviation obstruction lighting if, by virtue of their location and nature, they are considered a significant navigational hazard.
 - In this case, initially related consultation needs to be conducted with local aerodromes; if there is an aerodrome issue, it will be for the aerodrome licensee / operator to dictate the lighting specification. In the event that there is no aerodrome issue, given the maximum chimney stack height of 105m, and noting that there are taller structures immediately to the east and south, the CAA would not in isolation make any case for lighting.
- **Gas Venting and/or Flaring.** The documentation available does not appear to mention whether the development would vent or flare gas either routinely or as an emergency procedure such as to cause a danger to overlying aircraft. It is assumed that it would not. If that is not the case parties are invited to use myself as an appropriate point of contact for any further related

Civil Aviation Authority

CAA House 45-59 Kingsway London WC2B 6TE www.caa.co.uk
Telephone 0207 453 6545 Fax 0207 453 6565 marks.smailes@caa.co.uk

discussion.

- Aviation Promulgation. There is a civil aviation requirement in the UK for all structures over 300 feet high to be charted on aviation maps. It follows that, at 105m (344 feet) high, there will be a civil aviation charting requirement.
- Military Aviation. For completeness, the Ministry of Defence position in regards to the proposed development and military aviation activity should be established.
- I should also add that that due to the unique nature of associated operations in respect of operating altitudes and potentially unusual landing sites, it would also be sensible to establish the related viewpoint of local emergency services air support units.

Any associated Environmental Statement / Development Consent Order (or equivalent / similar) would be expected to acknowledge and where applicable address the issues highlighted above and accordingly the scoping opinion should make related comment.

Whilst none of the above negates any aforementioned need to consult in line with Government requirements associated with the safeguarding of aerodromes and other technical sites (Government Circular 1/2003 refers), I hope this information matches your requirements. Please do not hesitate to get in touch if the Planning Inspectorate requires any further comment or needs clarification of any point.

Yours sincerely,

{original signed}

Mark Smailes
ORA5

UNCLASSIFIED

The
COAL
AUTHORITY



200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.coal.decc.gov.uk/services/planning

For the Attention of Hannah Pratt
EIA and Land Rights Advisor
On Behalf of the Secretary of State

[By Email: environmentalservices@infrastructure.gsi.gov.uk]

04 September 2012

Dear Ms Pratt

PROPOSED ALEXANDRA DOCK BIOMASS PROJECT – SCOPING OPINION

Thank you for your consultation letter of 14 August 2012 seeking the views of The Coal Authority on the above.

The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: No Observations

I have reviewed the submitted information and confirm that the proposed development site falls outside of the defined coalfield area. As such, The Coal Authority does not wish to make any specific observations or comments on the matters that should be addressed within the Environmental Statement for the proposed development.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

David Berry *B.Sc.(Hons), MA, MRTPI*
Planning Liaison Manager

From: [Alan Slee](#)
To: [Environmental Services:](#)
Subject: RE: Alexandra Docks Biomass Project Scoping Consultation
Date: 14 August 2012 15:25:35

Dear Hannah,

**PROPOSED ALEXANDRA DOCK BIOMASS PROJECT (the project)
PROPOSAL BY RES UK & IRELAND (the developer)**

Approx Post Code L20 1 BT
Approx Grid Refs E333030 N395134

Your ref: 120814_EN010037_1253305
Our ref: PE081022

Further to your letter communication dated 14 August 2012 I can confirm that E S Pipelines Ltd, ESP Networks Ltd, ESP Pipelines Ltd, ESP Electricity Ltd and ESP Connections Ltd businesses do not have any comments to make.

Regards,

Alan Slee
Operations Manager

DD 01372 227567
Mobile 07766 802070
Fax 01372 386203
www.espipelines.com

From: Environmental Services [mailto:EnvironmentalServices@infrastructure.gsi.gov.uk]
Sent: 14 August 2012 12:12
To: Alan Slee
Subject: Alexandra Docks Biomass Project Scoping Consultation

Dear Alan

Please find attached correspondence regarding the scoping consultation for Alexandra Docks Biomass project.

Kind regards
Hannah

<<120814_EN010037_Letter to stat consultees-Scoping Letter and Reg 9 Notification.xml.pdf>>

Hannah Pratt
EIA and Land Rights Advisor
National Infrastructure Directorate,
The Planning Inspectorate,
Temple Quay House,
Temple Quay,
Bristol,
BS1 6PN

Direct Line: 0303 444 5001

Helpline: 0303 444 5000

Email: Hannah.Pratt@infrastructure.gsi.gov.uk

Web: www.planningportal.gov.uk/planninginspectorate (Planning Inspectorate casework and appeals)

Web: www.planningportal.gov.uk/infrastructure (Planning Inspectorate's National Infrastructure Planning portal)

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our [Information Charter](#) which you should view before sending information to the Planning Inspectorate.

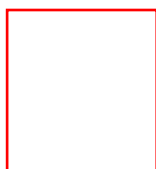
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Leatherhead
KT22 7AA
(01372 227560 2 01372 377996

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<http://www.espipelines.com>

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From: [STOPFORD, Jennie](#)
To: [Environmental Services](#)
cc: [CALVERT, Linda](#)
Subject: Consultation response to the proposed Alexandra Dock Biomass Project - Yr ref 120814 EN010037 1253305 - FOR THE ATTENTION OF HANNAH PRATT
Date: 20 August 2012 13:53:00

Dear Hannah

I have now looked at the Scoping Report provided by the developer in relation to the above project. My advice is as follows:

The location of the proposed Biomass plant 2km of the World Heritage site and within the general area of the historic docklands of Liverpool suggests that there may be an impact on significant heritage assets. In general the Scoping Report is sufficient and I agree with the proposal to carry out a full desk-based study and suggest there is also a site walkover to identify and assess the significance of all cultural heritage assets in the study area. I note that the proposed desk-based study would include consultation with ourselves and with 'Liverpool Museums (the archaeological advisor to Liverpool CC)' - 6.9.21. Consultation with both ourselves and with the local authorities' archaeological advisor would, indeed, be essential. However the local authority in this case is Sefton BC and they do not now have a Service Level Agreement for archaeological advice with Liverpool CC. Since the dissolution of the Merseyside Archaeological Service in April this year, Liverpool Museums is no longer providing archaeological advice to Liverpool CC or to Sefton. As far as we know, Sefton BC is intending to contract in their archaeological advice as needed. My advice is that, given the potential for significant cultural remains of local as well as national importance, it is essential that professional advice is obtained from (and provided by) the local authority or their representative.

I hope this is of use. Please get back to me if you have any queries.

Best wishes,
Jennie

Dr Jennie Stopford | Inspector of Ancient Monuments for Cheshire, Lancashire and Merseyside
Direct Line: 0161 242 1453
Mobile: 07901 594105

English Heritage | Canada House
3 Chepstow Street | Manchester M1 5FW

www.english-heritage.org.uk

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Ms Hannah Pratt
National Infrastructure
Temple Quay House (2 The Square)
Temple Quay
Bristol
Avon
BS1 6PN

Our ref: SO/2012/111038/01-L01
Your ref: 120814_EN010037_1253305
Date: 11 September 2012

Dear Ms Pratt

**ALEXANDRA DOCK BIOMASS PROJECT, ENVIRONMENTAL SCOPING
REPORT ALEXANDRA DOCK, BOOTLE**

Thank you for consulting this Agency on the above Scoping Report.

We have no objection in principle to the proposed development but wish to make the following comments:-

Environmental Permitting Regulations

The report acknowledges the proposal will cover the compliance to the Environmental Permitting Regulations (England and Wales) 2010 and future Industrial Emissions Directive.

The report acknowledges the requirements to commit and investigate the potential for heat and steam users and the requirement for the design to be CHP ready. (Sections 4.1.10, 4.10.1 and 4.10.2).

The size of boilers in 4.5.1 are identified as 1 x 150MW or 2 x 75MW, this appears to be an error and the boiler size would be in the order of 3 x these figures, i.e. 1 x 450 MWth boiler and 2 x 225MWth boilers. This should be clarified. The 450MWth boiler capacity would then provide an electrical output of approximately 150MWe.

It is acknowledged that assessment of NO_x, SO₂ and PM₁₀ are appropriate for a preliminary assessment (RES UK Report dated 8/7/2011) and it is recognised that a full air quality impact assessment will be required as part of the Environmental Statement and for the Application for an Environment Agency Permit. (Scoping Report p31). RES Ltd have previously stated that they will liaise with ourselves to ensure that all the Permitting requirements are covered by their detailed assessment.

Environment Agency
Richard Fairclough House Knutsford Road, Warrington, WA4 1HT.
Customer services line: 03708 506 506
www.environment-agency.gov.uk

Cont/d..

The report has been written on the basis that the proposed development will be classed as a 'Large Emitter' in relation to air quality. We believe this is likely to be the case but are seeking confirmation from our national permitting team.

According to the Environmental Scoping Report, "the method would require the abstraction of water from an accessible water source and the discharge of water at a temperature of up to 10oC warmer than ambient water temperature." There are therefore potential impacts on the temperature and salinity of the receiving water. This will be discussed during the Permitting process.

It should also be noted that an abstraction licence would be required for this operation.

Flood Risk

The site is shown on the Environment Agency's Flood Maps as being within Flood Zone 1, which is low probability of river/tidal flooding.

As the site is greater than 1 hectare in size however, for any proposed development on the site a Flood Risk Assessment (FRA) will be required. Section 6.6.19 of the Report refers to PPS25, this has now been replaced with the NPPF and its associated technical guidance. The FRA will need to demonstrate the risk of flooding from other sources and how they are to be managed by the proposed development.

Contaminated Land

The scoping report has identified that the main development area will be built upon Hornby Dock which was infilled between 1992 and 1994 with construction and excavation waste and potentially tin slag. The site is located within a sensitive location which directly overlies sandstone bedrock which is classified as a principal aquifer. This assessment will need to consider any existing contamination which may be present as well as the impacts that the development will have on the groundwater environment.

Model procedures and good practice

Based on the information currently available to us and to ensure that the risks to controlled waters are adequately assessed we recommend that the developers:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to our website at www.environment-agency.gov.uk for more information.

our groundwater policies in Groundwater Protection: Principles and Practice (Part 4) available from our website (<http://www.environment-agency.gov.uk/research/library/publications/40741.aspx>). This sets out our position for a wide range of activities and developments including:

- Waste management
- Discharge of liquid effluents
- Land contamination

Drainage

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that the SWMP should contain depends on the estimated build cost, excluding VAT. Because there is a need to record all waste movements in one direction, having a SWMP will help ensure compliance with the duty of care.

Further information can be found at <http://www.netregs-swmp.co.uk>

Water Framework Directive

The applicant will need to refer to the River Basin Management Plan and produce a Water Framework Directive Assessment which demonstrates that the proposed development will not lead to a deterioration or failure to meet Good Ecological Status/Potential of any affected waterbodies. The Assessment shall include an assessment of hydromorphology that identifies opportunities to enhance the WFD classification where possible. Annex B of the River Basin Management Plan lists mitigation measures already identified for particular waterbodies.

The scope of the EIA provided appears sufficient to address WFD issues.

We have previously met with the applicants to discuss the design of the cooling system, we look forward to continued discussion through the EIA and consenting process.

If you have any queries or require any further information, please do not hesitate to contact me.

Yours sincerely

Mr CHRIS WARING
Planning Technical Specialist

Direct dial 01925 542497

Direct fax 01925 415961

Direct e-mail chris.waring@environment-agency.gov.uk

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From: [&box FPLplantprotection conx,](#)
To: [Environmental Services;](#)
Subject: RE: Alexandra Docks Biomass Project Scoping Consultation
Date: 22 August 2012 14:43:42

Thank you for asking Fulcrum Pipelines Limited to examine your consultation document for the above project. We do not wish to take part in the consultative stages of this project, but request we are consulted before any excavations take place in order that we can verify that they will not affect our underground plant.

We can confirm that Fulcrum Pipelines Limited do not currently have any existing pipes or equipment on or around the above site address at this time. Please note that we are constantly adding to our underground assets and would strongly advise that you consult us again prior to undertaking any excavations.

Please note that other gas transporters may have plant in this locality which could be affected by your proposed works.

We will always make every effort to help you where we can, but Fulcrum Pipelines Limited will not be held responsible for any incident or accident arising from the use of the information associated with this search. The details provided are given in good faith, but no liability whatsoever can be accepted in respect thereof.

If you need any help or information simply contact Graham Penlington directly on 01142 804175.

To save you time, any future requests for information about our plant, can be emailed to FPLplantprotection@fulcrum.co.uk

Kind Regards

Graham Penlington
Fulcrum Pipelines



Tel: 0114 280 4175

Email: graham.penlington@fulcrum.co.uk

Web: www.fulcrum.co.uk



FULCRUM NEWS

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FREE GAS PIPEWORK "M.O.T." SERVICE LAUNCHED

We've introduced a free gas outlet pipework "M.O.T" for past customers to support them with gas safety. [Learn more.](#)

From: Environmental Services [mailto:EnvironmentalServices@infrastructure.gsi.gov.uk]

Sent: 14 August 2012 12:13

To: &box_FPLplantprotection_conx,

Subject: Alexandra Docks Biomass Project Scoping Consultation

Dear Sir or Madam

Please find attached correspondence regarding the scoping consultation for Alexandra Docks Biomass project.

Kind regards

Hannah

<<120814_EN010037_Letter to stat consultees-Scoping Letter and Reg 9 Notification.xml.pdf>>

Hannah Pratt

EIA and Land Rights Advisor

National Infrastructure Directorate,

The Planning Inspectorate,

Temple Quay House,

Temple Quay,

Bristol,

BS1 6PN

Direct Line: 0303 444 5001

Helpline: 0303 444 5000

Email: Hannah.Pratt@infrastructure.gsi.gov.uk

HID Policy - Land Use Planning
NSIP Consultations
Building 5.S.2
Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS

Your ref: 120814_EN010037_1253305
Our ref: 4.2.1.3134

HSE email: NSIP.applications@hse.gsi.gov.uk

FAO Hannah Pratt
EIA and Land Rights Advisor
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Ms Pratt,

7th September 2012

**PROPOSED ALEXANDRA DOCK BIOMASS PROJECT (the project)
PROPOSAL BY RES UK & IRELAND LTD (the developer)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS
2009 SI 2263 (as amended) (the EIA Regulations)**

Thank you for your letter of 14th August 2012 regarding the information to be provided in an environmental statement relating to the above project. The HSE does not have any comments on the EIA however there are some observations which it would seem sensible to pass on to RES UK & Ireland Ltd.

Major Hazard installations and explosives sites within the vicinity of the proposed development

Major Hazard Installations

The application site boundary has been determined by using the following drawings from the *Final Environmental Scoping Report (Project No. JE30117) - Alexandra Dock Renewable Energy Project*:

- Figure 1a (Drg. No. 02684D2503-01 dated March 2012): Zoned Project Areas.
- Figure 1 (Drg. No. 02684D2503-01 dated - Drawing not dated): Site Location Plan.

Using the preferred cable corridor location as shown in Figures 1a and 1, the project does not fall within any of HSE's Consultation Distances for Major Hazards Pipelines.

The proposed preferred cable corridor for the project does however fall within one of HSE's Consultation Distances for Major Hazards Sites.

Only the area indicated in Figures 1 and 1a have been reviewed as part of the land-use planning consultation under The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. There is no information in the report to determine the number of people or if any new workplaces will be constructed as part of this project. A workplace containing fewer than 100 people in each building and fewer than 3 occupied storeys per building has therefore been assumed for the purposes of this assessment. If final proposals differ from these assumptions, a revised assessment would be required which may affect the advice from HSE.

On the basis of this assumption, it is unlikely that HSE would advise against the proposal. HSE might need to review its position on the basis of a fresh assessment of the data available when a formal application is referred to us.

Please note that the above advice is based on HSE's existing policy for providing land-use planning advice and the information which has been provided. HSE's advice in response to a subsequent planning application may differ should HSE's policy or the developments have changed by the time the formal application is submitted.

Hazardous Substances Consent (HSC)

Any site that wants to hold certain quantities of Hazardous Substances must obtain consent from the Hazardous Substances Authority (HSA), in accordance with the Planning (Hazardous Substances) (Amendment) (England) Regulations 2009.

HSC would be required if the site is intending to store or use any of the Named Hazardous Substances or Categories of Substances & Preparations at or above the controlled quantities set out in Schedule 1 of the Regulations.

The Final Environmental Scoping Report (Project No. JE30117) does not make reference to the storage of hazardous substances. However, for the purposes of this review the Applicant should determine whether storage of hazardous substances is required and therefore whether consent would be required. i.e. check if any of the named substances in Part A of the Schedule are present at or above the specified controlled quantities. If they are then an application is required for a Hazardous Substances Consent. In many cases the substances present may not be included in Part A; but they may fall within one or more of the categories of substances & preparations specified in Part B of the Regulations. If that is the case and they are present at or above the controlled quantity, then an application would be required.

HSC might also be required for the presence of hazardous substances even though the amount present is below their controlled quantity. This may happen because substances within the same generic category that have similar hazard characteristics are added together, according to an addition rule, to determine whether consent is required for some or all of them. Basically, the quantities present are expressed as fractions of their controlled quantities and added together following the note in Schedule 1 of the Regulations. If the sum equals or exceeds 1, then consent is needed for each of the substances included in the addition.

In summary, as the Environment Scoping Report does not at this point provide sufficient detail about any hazardous substance inventory the Applicant should consider the requirement for a new Hazardous Substance Consent.

Explosives sites

The proposed Alexandra Dock Biomass site is in the middle of a number of explosive license berths operated by the Port of Liverpool. The development could significantly affect the separation distances of some of these HSE licensed berths and the ability of the port to handle explosives.

Electrical Safety

As well as satisfying general UK health and safety legislation (i.e. Health and Safety at Work etc Act 1974 and supporting regulations) the proposed design and future operations must comply with the Electricity Safety, Quality and Continuity Regulations 2002, as amended. Generators, distributors, their contractors and others have defined duties in order to protect members of the public from the dangers posed by the electrical equipment used. HSE enforces the safety aspects of these regulations. If you have any doubts about the particular application of these regulations in terms of either the operation or construction of substations, overhead lines or underground cables, please

contact Mr J C Steed, Principal Specialist Inspector (Electrical Networks), either at john.steed@hse.gsi.gov.uk or Rose Court GSW, 2 Southwark Bridge Road, London SE1 9HS.

Other information

The design should minimise workplace transport accidents as they are one of the most common causes of fatalities in industry. At the design stage of any new facility proper consideration should be given to designing out foreseeable risks, so far as is reasonably practicable (*Regulation 11, Construction (Design and Management) Regulations 2007*). Such risks will include those arising from the movement of vehicles and plant onto and around the site, inside buildings including materials reception (tipping) halls, sorting and storage areas.

It is vital that the design and layout of the proposed new generating station (site and buildings) ensures so far as is reasonably practicable, safe pedestrian/traffic segregation and safe traffic movement of vehicles and plant. In particular, the design should be reviewed to ensure proper consideration has been given to:

- Optimising use of one-way traffic systems across the site.
- Eliminating or, where this is not reasonably practicable, reducing reversing (i.e. the number of reversing manoeuvres required, the time spent reversing, the distance reversed) via layout of traffic routes and accompanying working systems across the facility, but especially in the materials reception (tipping) halls.
- Effectively excluding non-essential pedestrians from high risk areas (such as materials reception bays, loading areas and sorting/inspection operations) where vehicles operate, and provide safe, segregated protected zones/refuges for essential staff that can resist vehicle impact. In particular, consideration should be given to tipping of random loads that are to be inspected in a segregated area with features that allow for safe visual inspection.
- Providing suitably marked, dedicated pedestrian walkways and crossing points, both inside and outside buildings.
- Avoiding mixing different types of traffic e.g. delivery vehicles, shovel loaders, forklifts and private vehicles.

Further general guidance on reducing the risks associated with workplace transport can be found at www.hse.gov.uk/workplacetransport and in *Workplace transport safety: an employers' guide* and *Waste management: workplace transport site safety information sheet*.

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications, the details of which can be found at the top of this letter. Alternatively any hard copy correspondence should be sent to:

Miss Laura Evans
NSIP Consultations
5.S.2 Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS

Yours sincerely,


Laura Evans
HID Policy - Land Use Planning



Hannah Pratt
The Planning Inspectorate
3/20 Eagle Wing
Temple Quay House
2 The Square
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Health Protection Agency

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5 September 2012

Your Ref: 120814_EN010037_1253305
Our Ref: EN_RN_BI_120815_174

Dear Ms Pratt

**PROPOSED ALEXANDRA DOCK BIOMASS PROJECT PROPOSAL BY RES UK & IRELAND
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS –
Scoping Opinion**

RES UK and Ireland has asked the Planning Inspectorate (PIN) (formerly the Infrastructure Planning Commission (IPC)) for its opinion ("scoping opinion") on the information to be provided in an Environmental Statement (ES) relating to a proposal for a Biomass Power Station at Alexandra Docks, former Hornby Dock, Port of Liverpool, Bootle. The request for a scoping opinion is a precursor to an intensive and detailed independent assessment of the environmental impact of the proposed development.

The HPA is a statutory consultee at the pre-application and application stages for nationally significant infrastructure projects (NSIPs) "which are likely to involve chemicals, poisons or radiation which could potentially cause harm to people."¹ For those NSIP applications subject to Environmental Impact Assessment (EIA) the HPA is a consultation body under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.

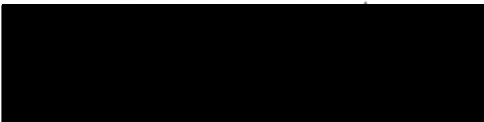
The PIN must therefore consult the HPA on the information that the HPA considers should be provided in the ES (or confirm that the HPA has no comments) before the PIN adopts its scoping opinion.

The HPA's enclosed response focuses on health protection issues relating to chemicals and radiation. The advice offered by the HPA is impartial and independent. The scope of the HPA's response does not extend to wider health matters; these fall under the remit of other stakeholders.

¹ Cited in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

The Appendix outlines generic considerations that the HPA advises are addressed by all promoters when they are preparing ESs for NSIPs. In terms of the level of detail to be included in ESs, the HPA recognises that the differing nature of projects is such that their impacts will vary. The HPA's view is that the assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal. Where a promoter determines that it is not necessary to undertake detailed assessment(s) (eg, undertakes qualitative rather than quantitative assessments), if the rationale for this is fully explained and justified within the application documents, then the HPA considers this to be an acceptable approach.

Yours sincerely



Ms JANE SIMMONDS
Head, Environmental Assessments Department

CRCE.IPCConsultations@HPA.org.uk

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

Appendix: HPA recommendations regarding the scoping document

General approach

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA². It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

The EIA Directive³ requires that ESs include a description of the aspects of the environment likely to be significantly affected by the development, including "population". The EIA should provide sufficient information for the HPA to fully assess the potential impact of the development on public health. **The HPA will only consider information contained or referenced in a separate section of the ES summarising the impact of the proposed development on public health:** summarising risk assessments, proposed mitigation measures, and residual impacts. This section should summarise key information and conclusions relating to human health impacts contained in other sections of the application (eg, in the separate sections dealing with: air quality, emissions to water, waste, contaminated land, etc) without undue duplication. Compliance with the requirements of National Policy Statements and relevant guidance and standards should be highlighted.

It is not the HPA's role to undertake these assessments on behalf of promoters as this would conflict with the HPA's role as an impartial and independent body.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES⁴.

The following text covers a range of issues that the HPA would expect to be addressed by the promoter. However this list is not exhaustive and the onus is on the promoter to ensure that the relevant public health issues are identified and addressed. The HPA's advice and recommendations carry no statutory weight and constitute non-binding guidance.

Receptors

The ES should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

Impacts arising from construction and decommissioning

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

² Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from:

<http://www.communities.gov.uk/archived/publications/planningandbuilding/environmentalimpactassessment>

³ Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment. Available from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1985L0337:20090625:EN:PDF>

⁴ DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place to mitigate any potential impact on health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

Emissions to air and water

Significant impacts are unlikely to arise from installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, the HPA has a number of comments regarding emissions in order that the EIA provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these:

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts
- should fully account for fugitive emissions
- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (ie, assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (ie, rail, sea, and air)
- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
 - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
 - This should consider all applicable routes of exposure, eg, include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (eg, for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken.

The HPA's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted

environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.

Additional points specific to emissions to air

When considering a baseline (of existing air quality) and in the assessment and future monitoring of impacts these:

- should include consideration of impacts on existing areas of poor air quality, eg, existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (ie, come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

Additional points specific to emissions to water

When considering a baseline (of existing water quality) and in the assessment and future monitoring of impacts these:

- should include assessment of potential impacts on human health and not focus solely on ecological impacts
- should identify and consider all routes by which emissions may lead to population exposure (eg, surface watercourses; recreational waters; sewers; geological routes, etc)
- should assess the potential off-site effects of emissions to groundwater (eg, on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- should include consideration of potential impacts on recreational users (eg, from fishing, canoeing, etc) alongside assessment of potential exposure via drinking water

Land quality

We would expect the promoter to provide details of any hazardous contamination present on site (including ground gas) as part of the site condition report.

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the migration of material off-site should be assessed⁵ and the potential impact on nearby receptors and control and mitigation measures should be outlined.

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc

Waste

The EIA should demonstrate compliance with the waste hierarchy (eg, with respect to re-use, recycling or recovery and disposal).

For wastes arising from the installation the EIA should consider:

- the implications and wider environmental and public health impacts of different waste disposal options
- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

⁵ Following the approach outlined in the section above dealing with emissions to air and water, ie, comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

Other aspects

Within the EIA the HPA would expect to see information about how the promoter would respond to accidents with potential off-site emissions, eg, flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations themselves subject to the these Regulations.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report⁶, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be negligible." The HPA supports the inclusion of this information within EIAs as good practice.

Biomass

Biomass is a relatively new cargo for many shipping and freight companies and the transportation and storage of biomass is an emerging area. As organic material releases heat when it degrades it can self-combust, leading to fires and associated public health issues. Storage and transport of biomass material also has the potential to give rise to fugitive emissions of particulate matter. It is recommended that the ES includes a review of potential impacts associated with the transport and storage of biomass and the measures that will be used to control these impacts.

Electromagnetic fields (EMF) [include for installations with associated substations and/or power lines]

There is a potential health impact associated with the electric and magnetic fields around substations and the connecting cables or lines. The following information provides a framework for considering the potential health impact.

In March 2004, the National Radiological Protection Board, NRPB (now part of the HPA), published advice on limiting public exposure to electromagnetic fields. The advice was based on an extensive review of the science and a public consultation on its website, and recommended the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP):

<http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Absd1502/>

The ICNIRP guidelines are based on the avoidance of known adverse effects of exposure to electromagnetic fields (EMF) at frequencies up to 300 GHz (gigahertz), which includes static magnetic fields and 50 Hz electric and magnetic fields associated with electricity transmission.

HPA notes the current Government policy is that the ICNIRP guidelines are implemented in line with the terms of the EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

⁶ Available from: <http://www.cph.org.uk/showPublication.aspx?pubid=538>

http://www.dh.gov.uk/en/PublicHealth/Healthprotection/DH_4089500

For static magnetic fields, the latest ICNIRP guidelines (2009) recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT as advised by the International Electrotechnical Commission.

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m⁻¹ (kilovolts per metre) and 100 µT (microtesla). If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects. Further clarification on advice on exposure guidelines for 50 Hz electric and magnetic fields is provided in the following note on the HPA website:

http://www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb_C/1195733805036

The Department of Energy and Climate Change has also published voluntary code of practices which set out key principles for complying with the ICNIRP guidelines for the industry.

http://www.decc.gov.uk/en/content/cms/what_we_do/uk_supply/consents_planning/codes/codes.aspx

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

The Stakeholder Advisory Group on ELF EMFs (SAGE) was then set up to take this recommendation forward, explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government. In the First Interim Assessment of the Group, consideration was given to mitigation options such as the 'corridor option' near power lines, and optimal phasing to reduce electric and magnetic fields. A Second Interim Assessment addresses electricity distribution systems up to 66 kV. The SAGE reports can be found at the following link:

<http://sagedialogue.org.uk/> (go to "Document Index" and Scroll to SAGE/Formal reports with recommendations)

The Agency has given advice to Health Ministers on the First Interim Assessment of SAGE regarding precautionary approaches to ELF EMFs and specifically regarding power lines and property, wiring and electrical equipment in homes:

http://www.hpa.org.uk/web/HPAweb&HPAwebStandard/HPAweb_C/1204276682532?p=1207897920036

The evidence to date suggests that in general there are no adverse effects on the health of the population of the UK caused by exposure to ELF EMFs below the guideline levels. The scientific evidence, as reviewed by HPA, supports the view that precautionary measures should address solely the possible association with childhood leukaemia and not other more speculative health effects. The measures should be proportionate in that overall benefits outweigh the fiscal and social costs, have a convincing evidence base to show that they will be successful in reducing exposure, and be effective in providing reassurance to the public.

The Government response to the SAGE report is given in the written Ministerial Statement by Gillian Merron, then Minister of State, Department of Health, published on 16 October 2009:

<http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm091016/wmstext/91016m0001.htm>

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124

HPA and Government responses to the Second Interim Assessment of SAGE are available at the following links:

http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice_sage2

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_130703

The above information provides a framework for considering the health impact associated with the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

Liaison with other stakeholders, comments should be sought from:

- the local authority for matters relating to noise, odour, vermin and dust nuisance
- the local authority regarding any site investigation and subsequent construction (and remediation) proposals to ensure that the site could not be determined as 'contaminated land' under Part 2A of the Environmental Protection Act
- the local authority regarding any impacts on existing or proposed Air Quality Management Areas
- the Food Standards Agency for matters relating to the impact on human health of pollutants deposited on land used for growing food/ crops
- the Environment Agency for matters relating to flood risk and releases with the potential to impact on surface and groundwaters
- the Environment Agency for matters relating to waste characterisation and acceptance
- the Primary Care Trust(s) and Strategic Health Authority for matters relating to wider public health.

Environmental Permitting

Amongst other permits and consents, the development will require an environmental permit from the Environment Agency to operate (under the Environmental Permitting (England and Wales) Regulations 2010). Therefore the installation will need to comply with the requirements of best available techniques (BAT). The HPA is a consultee for bespoke environmental permit applications and will respond separately to any such consultation.

Annex 1

Human health risk assessment (chemical pollutants)

The points below are cross-cutting and should be considered when undertaking a human health risk assessment:

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (eg, air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants the HPA does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach⁷ is used

⁷ Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-249

From: [Farquhar, Andy](#)
To: [Environmental Services;](#)
Subject: Proposed Alexandra Dock Biomass Project
Date: 20 August 2012 10:56:52
Attachments: [SKMBT_42312082009500.pdf](#)

Thank you for your letter dated 14 August 2012 (copy enclosed) regarding the environmental statement relating to the above proposed project.

I can advise, on behalf of the Highways Agency, that I have no comments on this.

Regards

Andy Farquhar

Highways Agency | Piccadilly Gate | Store Street | Manchester | M1 2WD

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Safe roads, reliable journeys, informed travellers
Highways Agency, an executive agency of the Department for Transport.

Correspondents should note that all communications to Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.



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Our Ref : 1124591

Your Ref : 120814_EN010037_1253305

28 August 2012

APPARATUS UNAFFECTED

RE: Site Location : Alexandra Dock Biomass Liverpool

Grid Reference: SJ 33004 94997

Dear

With regard to your enquiry, I can confirm that Independent Pipelines, Independent Power Networks or Quadrant Pipelines DO NOT have any apparatus within the immediate proximity of your proposed works.

If you have any queries or require any further information, please do not hesitate to contact me on 08450 556 199 Ext. 2046 quoting Our Reference number.

Yours sincerely,

Nick Betty
Asset Operations Maintenance
Tel: 0845 055 6199



Enquiries to: J.Woodward
Contact No: 0151 233 3021

10 September 2012

Hannah Pratt,
EIA and Land Rights Advisor
The Planning Inspectorate
National Infrastructure
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Ms Pratt,

INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATION 2009.

SITE: Alexandra Dock Biomass Project
Your Ref: 120814_EN010037_1253305

Thank you for consulting Liverpool City Council regarding the scoping report for the above project.

I can confirm that the Local Planning Authority considers that the proposed assessment methodologies to be adopted for identifying the potential key environmental impact and mitigation measures are appropriate for the type of project proposed and in the location identified.

Yours sincerely,

Jonathan Woodward
Development Control Division



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Consultation Neighbours General





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NE4 7YH

Email: infrastructure@marinemanagement.org.uk

Planning Act 2008

Alexandra Dock Renewable Energy Project, Liverpool

SCOPING OPINION

MMO Ref: DC9432

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1. The proposed development

- 1.1. RES UK & Ireland (“RES”) propose to submit an application for a Development Consent Order (“DCO”) to the Planning inspectorate (“PINS”) to develop and construct the Alexandra Dock Renewable Energy Project. This would be a renewable energy project with capacity to generate 150 MWe of electricity, including associated water cooling infrastructure extending into the Mersey Estuary and an inland grid connection to Bootle Grid Substation (the “Project”).
- 1.2. The proposed development is situated at the Port of Liverpool on the site of the infilled former Hornby Dock, located adjacent to the Alexandra Branch Dock No. 3 and is within the vicinity of several protected sites. These include, but are not limited to:
- Sefton Coast Special Area of Conservation
 - Dee Estuary Special Area of Conservation
 - Ribble and Alt Estuaries Special Protection Area and Ramsar Site
 - Mersey Narrows and North Wirral Foreshore Special Protection Area and Ramsar Site
 - Mersey Estuary Special Protection Area and Ramsar Site
 - Dee Estuary Special Protection Area and Ramsar Site
 - Liverpool Bay Special Protection Area and Ramsar Site
- 1.3. The MMO has received a copy of the Alexandra Dock Renewable Energy Project Environmental Scoping Report (RES, 26 July 2012) (the “Scoping Report”). This document comprises the MMO’s advice to PINS on the contents of the Scoping Report and some initial comments on marine licence activities.

2. Comments on the Scoping Report

- 2.1. On the whole, the MMO considers that the Scoping Report clearly sets out the potential issues associated with the development of the Project and the ways in which these could be mitigated, where possible.
- 2.2. However, the Environmental Statement (“ES”) needs to show that all environmental matters have been considered. This means all relevant matters should be covered within the ES, even if it is just to demonstrate that certain matters would not give rise to significant impacts.

Project description

- 2.3. The MMO notes that no indication of the duration of the construction phase or the likely commencement date has been provided. It is assumed the ES will include a detailed construction method statement, including likely timelines for the Project.

Need for the project: legislative and planning policy context

- 2.4. Section 5.3 of the Scoping Report details the national policy statements relevant for the project. In examining the DCO application, PINS is required to have regard to the Marine Policy Statement and any relevant marine plan.

- 2.5. The MMO is the marine plan authority for the English inshore and offshore regions. At the time of writing, there is no marine plan in place for the North West area and it is unlikely that there will be a marine plan in place before the determination of the DCO application and associated marine licence applications.

Noise and vibration

- 2.6. The noise and vibration section of the proposed ES will focus on human receptors, however, the Scoping Report (section 6.3.18) does mention that marine mammals will also be considered in the assessment.
- 2.7. The impacts of noise and vibration on fish and birds also need to be considered at some point within the ES. Spawning fish will be particularly sensitive to noise, especially if the works involve piling. The assessment should cover construction, operational and decommissioning phases of the Project.

Estuarine ecology

- 2.8. The Scoping Report makes reference to the use of modelling of the thermal plume. This is certainly required. A full assessment should be made of the potential impacts of the thermal plume and biocides upon the aquatic species, the possible food chain impacts for birds and the protected designations.
- 2.9. As noted within the Scoping Report, the area is important for nursery and spawning grounds for various species, including migratory fish species. The impacts on these fisheries will need to be fully assessed within the ES.
- 2.10. Section 2.3.16 of the Scoping Report states that horizontal directional drilling (“HDD”) is the preferred method for installing the water cooling pipes. HDD is expected to reduce the impacts on estuarine species (by not trenching) and also reduce sediment disturbance and minimise the likelihood of sediment re-suspension and mobilisation of contaminants. The potential for there to be historic contamination of sediments will need to be considered in the ES.
- 2.11. The Scoping Report discusses the protected designations that surround the Project but there is no mention of the OSPAR List of Threatened and Declining Species and Habitats. The ES must include this in its assessment of the environmental effects.
- 2.12. Section 6.5.7 of the Scoping Report lists the references sources that will be used for the desk study. Additional information could be obtained from various surveys undertaken as part of the Mersey Tidal Power Project suitability assessment.

Socio-economics

- 2.13. The MMO request that any possible impacts on other users of the waterway are considered within the ES. Particularly those impacts arising from the laying of pipes.

Environmental effects to be scoped out of the EIA

- 2.14. The ES should be comprehensive and needs to demonstrate that all potential environmental impacts have been considered. Where appropriate this should explain why a matter is not considered to give rise to significant impacts.

- 2.15. Section 2.3.16 of the Scoping Report states that the proposed method for installing the water cooling pipes minimises impact on the estuary floor. Section 6.12.1 then indicates that this means it need not be included in the ES. The MMO does not agree that this can be scoped out of the ES at this time. The ES should provide evidence as to the likely impact on marine organisms arising from the installation of the pipes.
- 2.16. Section 4.7 of the Scoping Report states that there is potential for a limited amount of maintenance dredging work linked to the ongoing operation of the Project, however, the Port of Liverpool is anticipated to undertake this in accordance with the Port's existing powers and marine licence.
- 2.17. The MMO would suggest that RES be asked to provide further details of the dredging. This should include likely location, quantity and dredge depth and should also make reference to the existing marine licence and the dredging activity authorised by that marine licence.
- 2.18. The MMO would suggest that PINS give consideration as to whether the potential dredging works are part of the Port of Liverpool's ongoing campaign or whether they comprise part of the Project. If the dredging comprises part of the Project then it should be fully assessed and considered in the ES.
- 2.19. It should also be noted that if this dredging does not fall under the Port of Liverpool's marine licence then it is possible that the dredge will constitute a capital dredge rather than a maintenance dredge. In this situation the dredging may need to be covered by the DCO and deemed marine licence.

3. Marine licence activities

- 3.1. Based upon the information available to date the MMO have identified the following activities in the Scoping Report which are potentially licensable under the Marine and Coastal Act 2009:
- dredging and dredge material disposal - although these may fall under the marine licence for the Port of Liverpool (MMO ref: MLA/2011/00191/5)
 - development of water cooling infrastructure including the construction of intake and outfall heads on the river bed and installation of underground pipes.
- 3.2. These activities would require either a marine licence issued by the MMO or inclusion within a marine licence deemed by the DCO before they could commence.

From: [Bromfield, Helen MPA](#)
To: [Environmental Services;](#)
Subject: Biomass Project
Date: 23 August 2012 15:54:03

Good Afternoon

Thank you for your notification of 14th August 2012 regarding the Proposed Alexandra Dock Biomass Project. I would confirm that I do not have any comments to make at this time.

Regards

Paul Johnson
Chief Executive/Treasurer
Merseyside Police Authority
T: 0151 236 4748
Website: www.merseysidepoliceauthority.gov.uk

Follow us on [twitter](#): [@MerseysidePA](#)

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MINISTRY OF DEFENCE

Hannah Pratt
EIA and Land Rights Advisor
The Planning Inspectorate
National Infrastructure
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your Reference: **120814-ENO10037-1253302**
Our reference: DIO/SUT/43/2/97 (2012/789)

Defence Infrastructure Organisation

Safeguarding Department
Statutory & Offshore

Defence Infrastructure Organisation
Kingston Road
Sutton Coldfield
West Midlands
B75 7RL

Tel: +44 (0)121 311 3818 Tel (MOD): 94421 3818

Fax: +44 (0)121 311 2218

E-mail: DIO-safeguarding-statutory@mod.uk

www.mod.uk/DIO

29 August 2012

Dear Hannah Pratt

MOD Safeguarding – RAF Woodvale

Proposal: Proposed Alexandra Dock Biomass Project

Location: Alexandra Dock, Port of Liverpool

Grid Ref: 334677, 396020

Planning Ref: **120814-ENO10037-1253302**

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office on 14/08/2012. The proposed development will occupy the outer statutory aerodrome safeguarding zone surrounding RAF Woodvale. The proposed development will not affect MOD aerodrome safeguarding requirements or aviation interests and as such there is no information that this department considers should be provided in the environmental statement.

It is noted that the developer will feature a flue stack approximately 105m high. The height of this structure will necessitate that aeronautical charts and mapping records are amended. Defence Infrastructure Organisation (DIO) Safeguarding therefore requests that, as a condition of any consent granted, the developer must notify UK DVOF & Powerlines at the Defence Geographic Centre with the following information prior to development commencing:

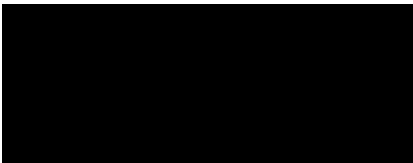
- a. Precise location of development.
- b. Date of commencement of construction.
- c. Date of completion of construction.
- d. The height above ground level of the tallest structure.
- e. The maximum extension height of any construction equipment.
- f. Details of aviation warning lighting fitted to the structure(s)

This information can be submitted via e-mail to UK DVOF & Powerlines at icgdgc-prodaisafdb@mod.uk, or by post to:

D-UKDVOF & Power Lines
Air Information Centre
Defence Geographic Centre
DGIA
Elmwood Avenue
Feltham
Middlesex
TW13 7AH

I trust this is clear however should you have any questions please do not hesitate to contact me.

Yours sincerely



Jon Wilson

SUBMITTED VIA EMAIL TO:

environmentalservices@infrastructure.gsi.gov.uk

Land and Development

Vicky Stirling

Town Planner

Land & Development

vicky.stirling@nationalgrid.com

Direct tel: +44 (0)1926 653746

www.nationalgrid.com

06 September 2012

Our Ref: NW_TW_Z3_2F_02547

Your Ref: 120814_EN010037_1253305

Dear Sir/Madam

PROPOSED ALEXANDRA DOCK BIOMASS PROJECT (the project)
PROPOSAL BY RES UK & IRELAND (the developer)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 SI 2263 (as amended) (the EIA Regulations)

National Grid Transmission

National Grid has no gas or electricity transmission infrastructure within the proposed area of works.

National Grid Distribution

National Grid has the following gas distribution assets situated within the Indicative Project Infrastructure Layout boundary as shown in Figure 2 of the Scoping Report:

- Low Pressure
- Medium Pressure
- High and Intermediate Pressure (above 2bar); and associated apparatus

Specific Comments

The following points should be taken into consideration:

- Our underground pipelines are protected by permanent agreements with landowners or have been laid in the public highway under our licence. These grant us legal rights that enable us to achieve efficient and reliable operation, maintenance, repair and refurbishment of our gas transmission network. Hence we require that no permanent structures are built over or under pipelines or within the zone specified in the agreement, materials or soil are not stacked or stored on top of the pipeline route and that access to our pipelines is maintained at all times during and after construction.

Please be aware that written permission is required before any works commence within the National Grid easement strip.

- The placing of heavy construction plant, equipment, materials or the passage of heavy vehicles over National Grid apparatus should be prevented unless specifically agreed with National Grid in advance.
- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at agreed locations.
- No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid. National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure.
- The information supplied is given in good faith and only as a guide to the location of our underground pipelines. The accuracy of this information cannot be guaranteed. The person(s) responsible for planning, supervising and carrying out work in proximity to our pipeline(s) shall be liable to us, as pipeline(s) owner, as well as to any third party who may be affected in any way by any loss or damage resulting from their failure to locate and avoid any damage to such a pipeline(s).
- The relevant guidance in relation to working safely near to existing underground pipelines is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance HS(G)47 "Avoiding Danger From Underground Services" and all relevant site staff should make sure that they are both aware of and understand this guidance.
- A National Grid Gas representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.

To view the SSW22 Document, please use the link below:

<http://www.nationalgrid.com/uk/LandandDevelopment/DDC/GasElectricNW/safeworking.htm>

National Grid requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus.

Further Advice

If we can be of any assistance to you in providing further information please do not hesitate to contact us at the address below.

National Grid
Town Planner
Asset Protection Team
Land & Development

National Grid is a trading name for:
National Grid Electricity Transmission plc
Registered Office: 1-3 Strand, London WC2N 5EH
Registered in England and Wales, No 2366977

National Grid is a trading name for:
National Grid Gas plc
Registered Office: 1-3 Strand, London WC2N 5EH
Registered in England and Wales, No 2006000

National Grid House
Warwick Technology Park
Gallows Hill
Warwick
CV34 6DA

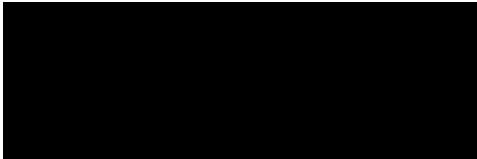
In addition, the following publications which are relevant to the issues outlined above are available from our web site:

- National Grid Electricity Transmission plc, Electricity Act 1989 – Schedule 9 Statement, preservation of amenity
- A sense of place – Design guidelines for development near high voltage overhead lines
- Development near overhead lines

www.nationalgrid.com/uk/landanddevelopment

I hope the above information is useful. If you require any further information please do not hesitate to contact me.

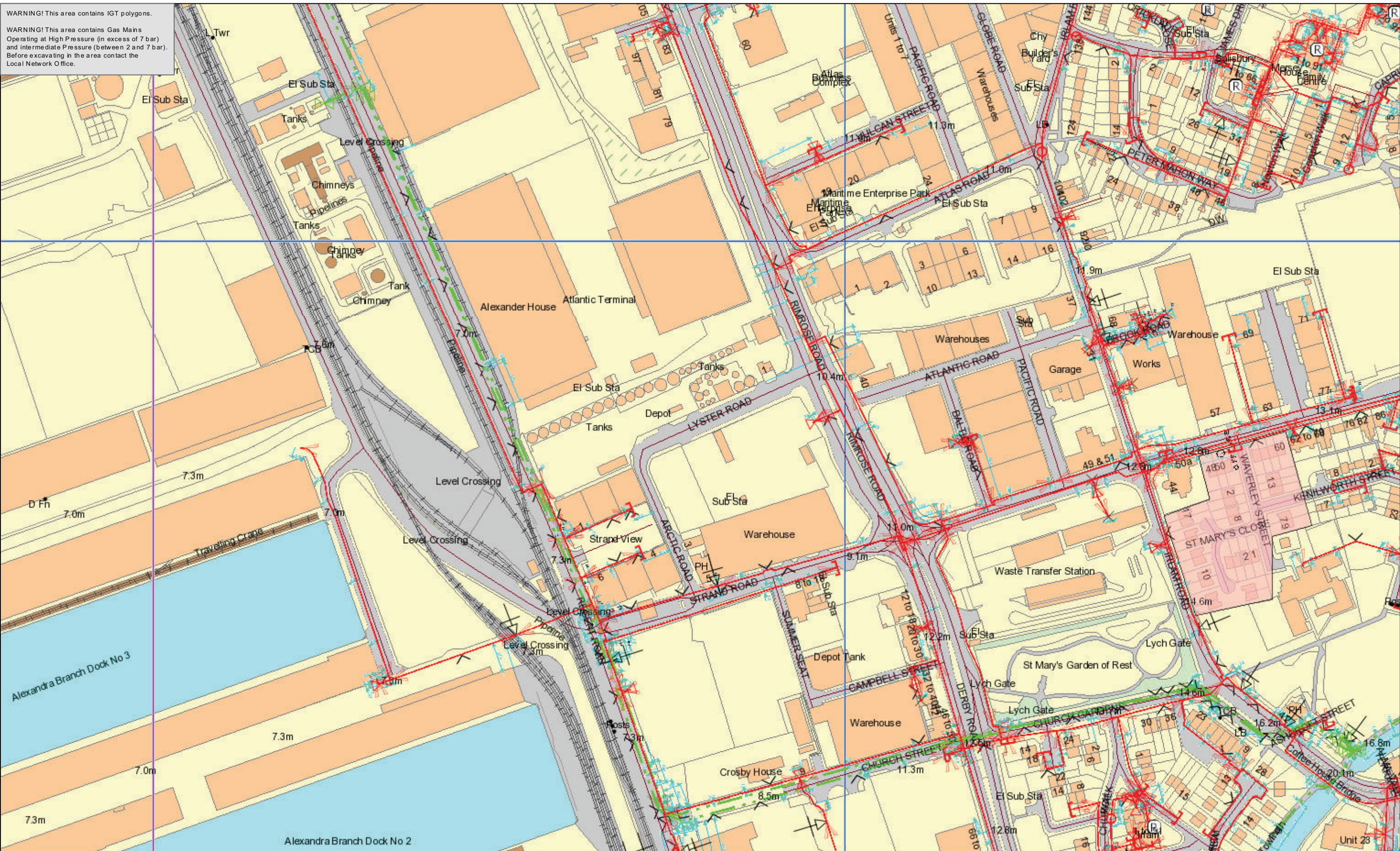
Yours sincerely,



Vicky Stirling
Land and Development
(Submitted Electronically)

WARNING! This area contains IGT polygons.

WARNING! This area contains Gas Mains Operating at High Pressure (in excess of 7 bar) and intermediate Pressure (between 2 and 7 bar). Before excavating in the area contact the Local Network Office.



SCALE: 1:2500	LP MAINS	
USER ID: Vicky Stirling	MP MAINS	
DATE: 8/29/2012	IP MAINS	
EXTRACT DATE: 8/29/2012	LHP MAINS	
MAP REF: SJ3395	NHP MAINS	
CENTRE: 333396,395365	HISTORY MAINS	
	GTs	
	SSSIs	



This plan shows those pipes owned by National Grid Gas plc in the role as a Licensed Gas Transporter (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Services pipes, valves, syphons, stub connections, etc are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Grid Gas plc or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.



This plan is reproduced from or based on the OS map by National Grid Gas plc, with the sanction of the controller of HM Stationery Office. Crown Copyright Reserved.

From: [NATS Safeguarding](#)
To: [Environmental Services;](#)
Subject: Your Reference: 120814_EN010037_1253305 (Our Ref: SG3793)
Date: 28 August 2012 14:19:45

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Limited has no safeguarding objections to this proposal.

Please be aware that this response applies specifically to the above consultation based on the information supplied at the time of this application. If any changes are proposed to the information supplied to NERL in regard to this application (including the installation of wind turbines) which become the basis of a full, revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully,

NATS

Laoise Magennis
Technical Administrator
for & on Behalf of NATS (En Route) Ltd

T: 01489 444687
E: laoise.magennis@nats.co.uk

4000 Parkway, Whiteley, Fareham, Hants PO15 7FL
www.nats.co.uk

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Date: 11 September 2012
Our ref: 5540/671788
Your ref: 120814_EN010037_1253305



The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Natural England
Consultation Service
Hornbeam House
Electra Way
Crewe Business Park
CREWE
CW1 6GJ

For the attention of Ms Hannah Pratt

T: 0300 060 3900

BY EMAIL ONLY

Dear Ms Pratt

**PROPOSED ALEXANDRA DOCK BIOMASS PROJECT (the project)
PROPOSAL BY RES UK & IRELAND (the developer)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 SI 2263 (as amended) (the EIA Regulations)**

Thank you for your consultation on the above dated 14 August 2012.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England recognises need to move to low carbon economy, including energy production. Biomass fuelled generation can potentially reduce our carbon foot print but, location, and sourcing of the biomass fuel will be critical in achieving this. The location and design of the proposed power station will be important in minimising local environmental impacts. Therefore, the Environmental Impact Assessment (EIA) should consider whether this proposed power station is in the best location to reduce the carbon costs of importing the fuel and whether unavoidable local impacts can be adequately mitigated.

Case law¹ and guidance² have stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission.

Natural England has considered the Environmental Scoping Report (July 2012) and our comments are as follows.

Overall, we are satisfied that the environmental topics listed in Section 6 of the scoping report are those that need to be addressed and reported upon. We note that a screening document will be provided by the applicant aimed at helping the competent authority to make an informed decision on the need for Appropriate Assessment (paragraph 6.4.30).

¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² *Note on Environmental Impact Assessment Directive for Local Planning Authorities*, Office of the Deputy Prime Minister (April 2004)

Natural England
Foundry House
3 Millsands
Riverside Exchange
Sheffield S3 8NH

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

The Report at Table 12 correctly identifies a number of internationally and nationally designated sites in the vicinity of proposed power station together with other sensitive environmental receptors.

Further information on the SSSIs can be found at www.natureonthemap.org.uk or by request from Natural England.

The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such avoidance and mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

European sites (e.g. designated SPAs) fall within the scope of the Conservation of Habitats and Species Regulations 2010. Government policy, stated in the National Planning Policy Framework, stipulates that Ramsar sites be treated as if they are fully designated European sites for the purpose of considering development proposals that may affect them.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) not directly connected with or necessary to the management of the European site and (b) likely to have a significant effect on a European site (either alone or in combination with other plans or projects). In this case the proposal is not directly connected with, or necessary to, the management of a European site and in our view, based on the information currently available, there is the potential that it will have a likely significant effect on internationally designated sites and therefore will require assessment under the Habitats Regulations. We recommend that there should be a separate section of the Environmental Statement to address effects upon European and Ramsar sites entitled 'Information for Habitats Regulations Assessment'.

The evidence that is collected needs to be sufficient to demonstrate either no likely significant effect taking account of any proposed avoidance measures, or after a more detailed appropriate assessment and consideration of proposed mitigation measures that the project will have no adverse affect on site integrity.

Table 12 includes reference to the Mersey Narrows and North Wirral Foreshore pSPA and pRamsar site with a summary of reasons for designation. The information cited in Table 12 for this site refers to the original qualifying features identified in 2001. However, our advice is that for the purposes of the EIA and Habitats Regulations Assessment the site now qualifies for the following reasons:

- The site regularly supports more than 1% of the GB populations of 3 species listed in Annex I of the EC Birds Directive (Bar-tailed Godwit *Limosa lapponica*, Little Gull *Hydrocoloeus minutus* and Common Tern *Sterna hirundo*).
- The site regularly supports more than 1% of the biogeographical population of one regularly occurring migratory species (Knot *Calidris canutus*).
- The site regularly supports more than 20,000 waterbirds during the non-breeding season including: Cormorant *Phalacrocorax carbo*, Oystercatcher *Haematopus ostralegus*, Grey Plover *Pluvialis squatarola*, Sanderling *Calidris alba*, Knot *Calidris canutus*, Dunlin *Calidris alpina alpina*, Bar-tailed Godwit *Limosa lapponica* and Redshank *Tringa totanus*.

Further information can be found on the Natural England [website](#).

Dredging

Paragraph 4.7.1 states that a capital dredge is not anticipated for the project and that the maintenance dredging will be subject to the routine permitted operations and existing licences. For example any dredging activity should take into account the requirements of the Mersey Estuary Maintenance Dredge Protocol and if capital dredge is subsequently considered necessary or additional maintenance requirements are identified these may need further assessment under the Habitats Regulations.

Air quality

Air pollution effects on biodiversity must be considered separately from effects on human health, in the assessment.

For information, the UK Air Pollution Information System (APIS) <http://www.apis.ac.uk/> gives current background concentrations for all key pollutants at each of the designated sites. The application will need to demonstrate that the proposed plant will not take any of the pollutants over their critical loads / levels at these sites.

For ecological receptors concentration and deposition of the pollutants NO_x, SO_x, HCl and NH₃ are of concern together with nutrient N deposition. We note and welcome that statutory designated habitats within 10km of the development will be assessed and that non-statutory sites within 2km of the development will also be considered. This is in line with the requirements for identifying relevance of combustion processes for assessment under The Habitats Regulations (AQTAG014) and Environment Agency Horizontal Guidance H1 Annex F, on the basis that the project is classed as a 'large emitter' for the purposes of the Environmental Permitting Regulations. We are awaiting further advice from the Environment Agency on this point.

Paragraph 6.2.22 refers to the exclusion of locations that occur in the sea or below the mean high water mark. However there are some habitats in the intertidal zone that may be affected. "High tide" is variable and some habitats may only be inundated a few times a year. As such **we do not agree that all habitats below the mean high water mark can be scoped out of the assessment at the scoping stage**. The APIS site does have environmental quality standards for intertidal habitats including saltmarsh which is a feature of a number of the designated sites listed in Table 4.

A recent report³ commissioned by CCW reviews of the relative contributions of atmospheric and aqueous sources to UK saltmarshes.

Plant species of the Sefton Coast SAC are susceptible to nutrient enrichment so an increase in the Nutrient N deposition would be of concern. In particular bryophytes (*bryums*) and *Petalophilum* which are listed as qualifying feature would be particularly at risk from ammonia and in this case the critical level of 1µg/m³ should be used.

The assessment should include a map (contour plots) showing the possible pathway for the air pollution created by this project, i.e. prevailing winds, expected area and concentration of deposition and how much may be deposited in bands away from the plant for the ecological receptors.

It is not clear whether emissions from transport will be included in the air quality assessment. The assessment should consider emissions road transport sources during construction and operation and any potential for impact on designated sites.

³ Boorman, L.A. and Hazelden, J. (2012). *Impacts of additional aerial inputs of nitrogen to saltmarsh and transitional habitats*. CCW Science Report No: 995, pp44, Countryside Council for Wales, Bangor, Wales

There will be the need to undertake a cumulative assessment of the potential air quality impacts of the proposed scheme in combination with other potential sources of emissions within the zone of influence of the project.

Noise and Vibration

Table 9 refers to receptors including habitats supporting internationally, nationally and regionally important species. Natural England advises that noise levels above 55 dB (A) (below which significant impacts are unlikely) should be assessed in more detail. The assessment should identify and model activities which are expected to fluctuate in noise levels. This is to identify works which are more likely to cause bird disturbance through 'shocking' noises, such as drilling and piling activities, which could for example be scheduled to be carried at less sensitive times of the year.

Terrestrial Ecology

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

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

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

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

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

[Natural England Standing Advice for Protected Species](#) is available on our website to help better understand the impact of development on protected or BAP species should they be identified as an issue at particular developments.

For European protected species it is illegal to intentionally kill, injure or otherwise disturb them. If any of these species are found to be present the developer should further consult Natural England about licensing implications before the application is submitted to PINS. This should be done in line with [PINS Guidance Note 11](#) on working with other public bodies and the [additional guidance](#) on the species licensing from Natural England.

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

Natural England advises that, if not already done, a habitat survey is carried out on the site, in order to identify any important habitats present. Surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

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

The evidence gathered should inform the design of the development in order to avoid adversely impacting the most important wildlife areas within the site, and should if possible provide opportunities for overall wildlife gain.

The Environmental Statement should include an assessment of the likely impacts on the wildlife interests of local wildlife sites in the vicinity of this development. The assessment should include proposals for the avoidance or mitigation of any impacts.

In addition to the possible impacts on the colony of Kittiwakes referred to in paragraph 6.4.9, we advise that surveys should be carried out to establish the presence or absence of turnstones and cormorants that are known to roost on the dock walls.

Disturbance is likely to be a key impact, including noise. We would expect noise to be considered as part of a wider disturbance topic. Disturbance includes noise but other factors such as height and scale of the buildings, shadowing effects, reduction of flight lines, lighting and other visual effects during the construction phase must also be considered.

Estuarine Ecology

Paragraph 6.5.5 refers to the diverse fish community in the estuary. We advise, if not already done so, that the inshore Fisheries and Conservation Authority (IFCA) be consulted on this project.

Contact details are:

North Western Inshore Fisheries and Conservation Authority (NWIFCA)
1 Preston Street, Carnforth, LA5 9BY UK

Tel: 01524 727970

Paragraph 6.5.14 states the potential for the introduction of alien species from the increased ship movements will be considered. We also recommend in this context that consideration is given to the discharge and management of ballast water from vessels bring in the biomass fuel.

Landscape and visual

The proposed development site does not lie within or close to any nationally designated landscapes. However, the scoping report (section 6.7) states that landscape and visual impacts will be considered as part of the EIA, which we welcome, based on established best practice.

Environmental effects to be scoped out of the EIA

As stated above, Natural England does not agree that all habitats below the mean high water mark can be scoped out of the assessment at the scoping stage.

In order to support the conclusion that shipping movements are not relevant to the assessment we wish to see more detail provided on the potential impact of ship wakes to reach the opposing shore, vessel speeds and the in combination impact of additional shipping traffic with Seaforth River Terminal ('Liverpool 2') ships and confirm that the vessels arriving / leaving will be using established shipping lanes.

Cumulative and in-combination effects

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

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

Biomass fuel supply and sustainability

Bioenergy has the potential to contribute towards mitigating climate change and this will involve the growing of energy crops to provide a feedstock source as part of the overall fuel mix for this type of plant. However, in order to deliver greenhouse gas savings sustainably, the right type of crop needs to be grown and processed in the right places and in the right ways, with minimal environmental impacts. Bioenergy crops, both 'home grown' or imported, that have carbon life cycles that do not deliver greenhouse gas emissions savings should be discouraged from the market and from use.

So, as part of the assessment of sustainability for the project, carbon lifecycle analysis of supply chains, including transport implications should be undertaken as part of the overall procurement policy for the proposed new plant, to help ensure that the operational phase does not negate any greenhouse gas savings made.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to discuss, with the applicant, any of the points we have raised in this response.

For any queries relating to the specific advice in this letter only please contact David Carter on 01653 696082. For any new consultations, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk.

Yours sincerely



David Carter
Lead Adviser
Land Use Operations Team
Direct dial: 01653 696082
Email: david.carter@naturalengland.org.uk

Copied: Ms Vicki Heron, Project Manager, SKM Enviro (by email only)

From: [Matthew Ashton](#)
To: [Environmental Services;](#)
cc: [Sue Drew;](#) [Ian Davies;](#)
Subject: Proposed Alexandra Dock Biomass Project, Ref 120814_EN010037_1253305
Date: 10 September 2012 10:17:10

Proposed Alexandra Dock Biomass Project, Ref 120814_EN010037_1253305

Thank you for consulting with us on the proposed scope for the Environmental Impact Assessment (EIA) for the Alexandra Dock Biomass Project. We note section 6.2.17 of the proposed scope specifically states that an outline health impact assessment will be carried out, if required, following consultation with the relevant consultees. We believe that a comprehensive Health Impact Assessment (as opposed to an outline health impact assessment) should be conducted by an independent body such as IMPACT, the international health impact assessment consortium, to fully consider any potential positive and negative health impacts arising as a result of the project. We further believe that the conclusions and recommendations falling out of the comprehensive health impact assessment should be fully considered by and responded to by the project board, with any changes being made to the project as a result.

From a Knowsley perspective, we would like to see the addition of four specific elements to the proposed scope of the EIA.

- modelled impact of increased use of road network in Knowsley
- modelled impact on air quality for Knowsley and specifically for Kirkby, both as a result of increased use of road network, and emissions from the project itself
- impact on health of local communities (including Knowsley)
- impact on perceptions of health of local communities (including Knowsley)

Regards, Matt

Matthew Ashton
Assistant Director of Public Health, Knowsley

Office Base
(Mon, Thur, Fri - Knowsley KMBC, Huyton Municipal)
(Tue, Wed - Knowsley CCG, Nutgrove Villa)

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20 AUG 2012
NID



Ms H Pratt
EIA and Land Rights Advisor
Planning Inspectorate – Temple Quay House
2 The Square
Bristol BS1 6PN

17 August 2012

Your Ref – 120814_EN010037_1253305

Dear Ms Pratt

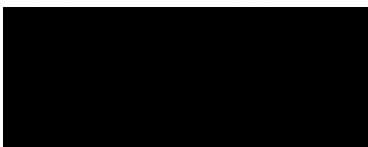
Proposed Alexandra Dock Biomass Project

I refer to your letter dated 14 August 2012 which has been passed to me for response.

The Water Services Regulation Authority (Ofwat) is the economic regulator for the water and sewerage companies of England and Wales. Your correspondence relates to essentially a local matter in respect of impacts on water and sewerage service provision and in this respect the relevant water company/companies local to the area and the Environment Agency are your key Statutory Consultees. We expect that normal commercial arrangements will apply and that planning matters related to water and sewerage service provision will be resolved locally.

I confirm that we therefore do not have any comments.

Yours faithfully



On behalf of Water Services Regulation Authority (OFWAT)

From: [Simon Pryce](#)
To: [Environmental Services](#);
Subject: PROPOSED ALEXANDRA DOCK BIOMASS PROJECT FAO Hannah Pratt
Date: 20 August 2012 13:43:11

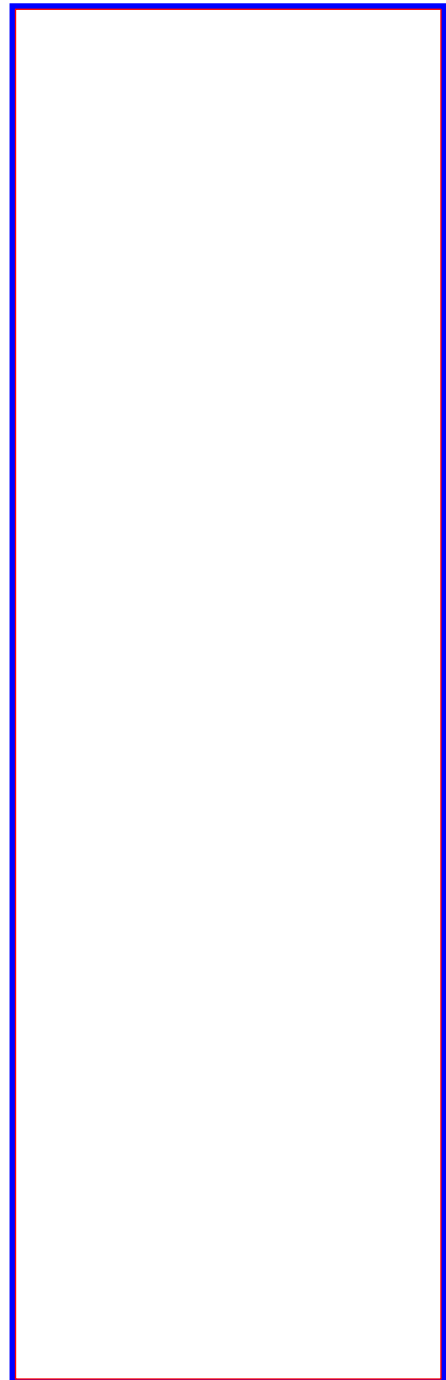
Dear Hannah,

Thank you for inviting the RNLI to comment on the proposed Alexandra Dock Biomass Project.

I confirm that we do not wish to make any comment.

Yours,

Simon Pryce



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Planning Services

Department of Built Environment
Magdalen House
30 Trinity Road
Bootle
Merseyside, L20 3NJ

Ms H Pratt
The Planning Inspectorate
National Infrastructure
Temple Quay House
2 The Square
Bristol
BS1 6PN

Date: 11/09/2012
Our Ref: PAS/2012/0695
Please contact: Neil Mackie
Contact Number: 0151 934 3606
Fax No: 0151 934 4627
Email: planning.department@sefton.gov.uk
(please include your postal address if contacting us by email)

Dear Ms Pratt,

Proposed Alexandra Dock Biomass - RES UK & Ireland **Your Reference: 120814_EN010037_1253305**

Thank you for your consultation letter regarding the above dated 14th August 2012, received by the Council 15th August 2012.

Sefton Council are generally content with the content of the Environmental Scoping Report submitted by RES UK & Ireland Limited (Document Ref: 02684-001217 Issue: 01), which reflects our early involvement and previous consultations with the developer.

However, there are a number of issues that merit specific comment, and these are set out below.

Hydrology, Geology and Soils

The applicant confirmed that a full flood risk assessment (FRA) will be undertaken. The FRA should comply with the requirements of the National Planning Policy Framework (NPPF). The FRA should include proposals for managing surface water run-off and the feasibility of incorporating sustainable drainage systems (SUDS) within the design of the scheme. In particular, the development should ensure both the rates and volumes of surface water leaving the developed site are no greater than the rates generated by the existing site for a range of events up to and including the 1 in 100 year standard. The proposed surface water drainage system should also account for increased rainfall intensities to account for the effects of climate change.

It is essential that the baseline information takes account of the changes in the



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Head of Planning Services
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classification methodology by which surface water quality is assessed under the Water Framework Directive (WFD). The principle aim of the WFD requires all inland and coastal water bodies to reach at least 'good' status by 2015. WFD also requires the prevention of deterioration from one status class to another. This is particularly important given that the proposals involve discharging into the Mersey Estuary. The Environmental Statement (ES) should include an assessment of the proposals against WFD standards to ensure that the WFD objectives are being met.

The ES should identify and discuss the potential for impacts to arise from mobilisation of existing contaminants from the bed of the Estuary during the construction of the intake and outfall structures. Paragraph 6.6.25 refers to the production of method statement for these works. It is important that the assessment investigates the nature of the substrate to be disturbed and provides the appropriate baseline information within the ES and any mitigation measures necessary to reduce adverse impact on the water quality within the Estuary.

Waste Issues

Waste is only considered in the context of demolition, and a calculation of the number of vehicles movements associated with removal of demolition waste is included and considered as part of the traffic and transport impacts. This is reasonable since this is where most of the impacts will be felt. However, there is little description about what needs to be demolished, what the waste is or how it is arising. Details of the waste arising from the excavation of foundations within the infilled Hornby Dock or from demolition of existing structures, for example, must be provided.

This type of information will be needed (although Government has signalled an intention to repeal the regulations) to produce of a Site Waste Management Plan (SWMP) which is a legal requirement under the SWMP Regulations 2008. This places a responsibility on the applicant to prepare one before any work begins on the site (including clearance). This is reinforced locally in policy WM8 of the emerging Joint Merseyside & Halton Waste Local Plan, which states that 'Evidence demonstrating how this will be achieved must be submitted with development proposals', and we would accordingly wish to see a more detailed discussion of waste issues within the ES.

Paragraph 1.1.4 of the Scoping Report make reference to a small amount of ash being produced as result of the operation, this is later qualified in paragraph 4.5.4 as amounting to 25,000 tpa. This is calculated to be approximately 2% of the fuel input by mass, which seems a low proportion of ash when other thermal technologies typically produce between 5% and 23%. More detail on the calculations and technology is needed within the EIA to verify these figures, as there is a significant difference between the quoted figure of 2% figure and 23%, which would impact greatly on transport impacts, storage of ash etc. Furthermore,



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distinction should be made between bottom ash and fly ash, as the latter is often contaminated which therefore requires specialist disposal arrangements, the impact of which must also be assessed.

Paragraph 4.5.4 also mentions recycling of ash. Further details relating to the location of the recycling venue will be needed in the EIA due to potential transport impacts and effects on waste management needs within Merseyside and Halton. Similarly, further detailed information relating to flue gas residues will be required in the EIA.

Renewable Energy and Sustainability

Although the proposal is clearly a renewable energy plant, there are a number of issues which affect its overall relative sustainability. The intention set out in paragraph 6.1.4 to provide a discussion of these issues, including the carbon footprint of the development, is welcomed. These discussions must take into account the transport of fuel and wastes both by road and ship to and from the development.

Paragraph 6.8.14 states that the EIA will not consider impacts of shipping as this activity is already associated with the Port, but there should be consideration of the climate change impacts associated with shipping imported biomass. Further to this, impacts associated with biodiversity and climate change should be considered in the originating country for the biomass. In a global climate change context, it may be considered by some to be hypocritical in stating that the UK is producing x% of power from renewable energy if the effects of producing biomass in another country is having a negative climate change effect.

Paragraph 2.32 states that the biggest development footprint is related to fuel storage and as such detailed consideration needs to be given to the potential overheating of fuel during storage. Although reference is made to this in section 4.3 this matter requires further discussion as overheating of fuels resulting in fires has occurred with significant impacts on other communities in Merseyside. Understandably, this is not something the Council would wish to occur with this development.

Although the proposal is for a biomass CHP, there is little discussion relating to use of the heat though the document makes clear that feasibility work is being undertaken on the issue and that further information will be set out in the ES. Beneficial use of the 'waste' heat would further improve the sustainability credentials of the scheme and reduce negative impacts associated with the cooling systems. As part of the discussion of this issue and its relationship with the carbon footprint of the scheme, we would therefore expect to see a quantification of the heat output of the scheme and a comparison of the carbon footprint of the scheme in 'electricity only' mode and as a CHP.



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Ecology

Overall, the ESR is sufficiently wide in scope to cover the range of issues adequately. In section 2.3.4, reference is made to the air quality assessment focusing on local air quality. Given the size of the project, it is important that air quality effects on Natura 2000 sites is also considered in terms of plume dispersion, this may need to extend the coverage of the HRA to include the Manchester Mosses SAC.

Section 3.3.8 refers to designated sites and cross-refers to Table 12; both need updating in regard to the Mersey Narrows and North Wirral Foreshore pSPA and pRamsar sites, locations and qualifying features.

Section 4.5.1 and 4.8.1 describes the anticipated height of the buildings as up to 65 metres and stack height of 105 metres. Bird collision is a factor that will need to be taken into account in the Habitat Regulations Assessment/ES, and is likely to require survey for bird flight lines. Recent documentary evidence of bird collisions has raised this matter as an issue for consideration with regard to tall buildings. Statements made in section 6.4.19 need to be supported by this survey evidence.

The commitment to an air quality impact assessment, as set out in Section 6.2.1 is welcomed. The Council advises that this should include environmental receptors (Natura 2000 sites) as well as human receptors. Section 6.2.20 identifies a maximum distance of 10km for designated sites; however, this figure will need to be confirmed as appropriate through dispersion modelling, linked to prevailing winds.

Section 6.2.22 implies that regular deposition on tidal mud and sand flats is not an issue due to tidal regime. However, this view needs to be confirmed as the algae that begin the cohesive process on tidal sediments are susceptible to changes in acid deposition. The ES should make clear whether any deposited material is likely to be absorbed into the intertidal sediments regardless of the tidal regime.

Section 6.2.25 et al, appears to rule out dioxin and furan emissions for consideration for human and environmental receptors. Further reasoning should be given for this approach as the Council would expect these to be considered by the Environment Agency under the Environmental Permitting regime. It would seem reasonable therefore to expect to see some discussion of these pollutants within the ES, even if only to discount them as a source of environmental effects.

Section 6.2.33 refers to significance criteria. The Council assumes that the significance criteria are for human receptors as those for designated sites are set out differently and the scoping document could usefully include these.

Section 6.3 Noise appears to focus on human receptors; noise may be less of an issue on this site but given its location and proximity to the Mersey Narrows, we



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would expect noise disturbance to birds to be covered (in the docks and the estuary). We previously advised the project team about the proximity of the site to the location of a Kittiwake breeding site – this issue also needs to be taken into account.

Section 6.4.11 refers to buildings on site having very low/low potential for bats and we would expect supporting evidence for this conclusion (e.g. a bat survey report) to be included in the ES.

The reference to IEEM Guidelines on Ecological Impact Assessment within section 6.4.24 is welcomed, while the Council also recommends that the Guidelines for marine and coastal ecological impact assessment are included – also by IEEM.

Unfortunately section 6.5 ‘Estuarine Ecology’ contains a number of factual inaccuracies that have affected the scope of the EIA. The Council considers that the increase in water temperature of 10°C proposed, the impact on salinity regime, turbidity and O₂ concentrations are key issues. Reference is made to the impacts being assessed through thermal plume modelling and as such the Council considers that the details of this model should be presented within the ES.

Section 6.5.3 identifies that shipping movements are scoped out of the EIA. Natural England has identified increases in shipping movements as potentially likely significant effects on the Natura 2000 sites on the approaches to and in the estuary. For this reason, the Council advise that shipping movements, relative increase and additional dredging potential should be retained in scope of the EIA.

Section 6.5.4 omits the Seaforth Nature Reserve as part of the Mersey Narrows & North Wirral Foreshore pSPA & pRamsar, and Mersey Narrows SSSI and as such this matter needs to be addressed by the developer.

When describing potential mitigate measures within section 6.5.20 no mention is made of silt or siltation. The Mersey has high turbidity on both ebb and flood tides and given this the ES should include a description of the operation of the cooling intakes and outfalls should describe how silt deposition will be managed.

Land Contamination

The Council is satisfied with the proposals relating to land contamination and expect a Desk Study to be included as an appendix to the Environmental Statement.

Changes in Road Traffic Noise

The arterial routes to and around the docks and industrial estates experience high levels of traffic and several of these routes have been identified by Defra in the Noise Action Plan for the Liverpool Agglomeration as areas which require action to



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reduce noise levels on the local community that is subject to excessive noise from traffic. In addition to this proposal, other future developments within the docks estate may also have a compound effect on traffic levels and consideration should be shown to this issue. As such, these matters should be taken into account when assessing the impact of traffic noise on the local community adjacent to the relevant arterial routes to the proposed development.

Operational Noise

It is indicated that BS 4142 1997 is to be used as an identifier of the likelihood of complaints by the local community concerning the noise from operational plant at the proposal. Base line background noise levels at the nearest residential dwellings have been undertaken during February 2011. There is no objection to the principle of the assessment methodology or the measured baseline noise levels. The noise levels measured are typical of that product by traffic on Rimrose Road/Derby Road. However, it is recommended that care be undertaken when using the existing baseline noise levels to establish acceptable noise levels for the proposed operational plant.

Further to this matter there are several high rise blocks of flats in the area which overlook the proposed development these buildings may be affected by noise generated by the proposal by virtue of overlooking “barrier building” along Rimrose Road/Derby Road and being less affected by traffic generated noise. Consideration should therefore be given to this matter and that the developer enters into discussion with the Council prior to the submission of the ES to determine amendments and/or additions to the given Noise Receptor Locations and Monitoring Points within Figure 3.

Air Quality

Figures should be included for the Linacre and Derby wards as well as the Sefton average. Sefton has now formally declared 2 further Air Quality Management Areas (AQMAs) at South Road Crosby (NO₂) and the Junction of the A5036 Church Road and Hawthorne Road (NO₂). Consideration should be given to these AQMAs, particularly the effects of generated HGV movements on the A5036 Church Road – Hawthorne Road junction, in the EIA.

The preliminary Air Quality assessment discusses surface roughness and the choice of a varying figure stating: *“On this basis, a variable surface roughness file was set up to represent the changing surface roughness across the study area. The study area encompassing the Irish Sea / Mersey Estuary was specified a surface roughness of 0.001 m and the area on-land, encompassing the town of Blyth, was specified with a value of 0.8 m.”* Whilst it is agreed that production of a variable surface roughness file to take account of the variation between sea and land is correct, there are concerns that the surface roughness figure for the land appears to have been derived for the town of ‘Blyth’ not the area of Bootle under



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consideration. The selection of surface roughness is a key element in ensuring accurate model performance and given that there are a number of tall structures in the docks and the surrounding area, the EIA should re-examine the choice of surface roughness for the model domain and provide an explanation, with supporting evidence, of the figure chosen and comment on the validity of the conclusions of the preliminary assessment based on this figure.

Whilst it is recognised that the proposal to calculate concentrations at 50m intervals within the 5km by 5km grid proposed for modelling stack emissions represents the maximum allowed by the model within the necessary grid size to ensure capture of the maximum concentrations; a 50m calculation interval would not be suitable for evaluation of the impacts of traffic generated by the development on road corridors and junctions, particularly those within AQMAs.

Proposed Landscape Viewpoints

As discussed with RES UK & Ireland, the Council considers that Proposed Viewpoint 1 'Liverpool Ferry Terminal' (grid reference 33506, 394692) on Figure 6 should be replaced with a viewpoint taken from the top of the Millers Bridge highway (grid reference 333867, 394599). This elevated position will present a view into the site itself and provide an assessment as to the impact on the outlook from residential properties to the neighbouring roads of Douglas Place and William Henry Street. The Council also considers that Proposed Viewpoint 2 'Car Park at Marine Lake, Crosby' (grid reference 331649, 397765) be replaced with a viewpoint from the Waterloo Promenade (grid reference 331193, 397563). The amended location is to the west of that proposed, closer to the foreshore which attracts a significant number of local people and visitors to the area to view the Antony Gormley installation 'Another Place'. The revised position will allow the impact of the proposal to be determined from this popular site.

Overview of Relevant Planning Policy Framework

As previously discussed with Johanna Doyle & Niels Campman from RES UK & Ireland Limited, when providing an overview of relevant planning policy framework the National Planning Policy Framework should not be referred to as 'draft'.

Yours sincerely,


Mandy Biagetti
Service Manager – Development Management

Cc. Johanna Doyle RES UK & Ireland.



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architecture
landscape architecture
town planning
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Hannah Pratt
The Planning Inspectorate
National Infrastructure
Temple Quay House
2 The Square
Bristol
BS16PN

5th September 2012

Your Ref: 120814_en010037_1253305

Our Ref: PS_HP

Dear Hannah,

Re: Proposed Alexandra Dock Biomass Project (the project)
Proposal by RES UK & Ireland (the developer)
Infrastructure Planning (Environmental Impact Assessment)
Regulations 2009 SI 2263 (as amended) (the EIA Regulations)

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10 SEP 2012

NID

I have been asked to respond to your letter of 14th August on behalf of The Royal Liverpool & Broadgreen University Hospitals NHS Trust.

Thank you for notifying the Trust of the scoping opinion request for the Alexandra Dock Biomass Project. However the Trust does not have any comments on the proposal.

Yours Sincerely


Paul Sheppard
Director
IBI Taylor Young



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From: [Jeanette Jones](#)
To: [Environmental Services](#)
Subject: Proposed Alexandra Dock Biomass Project
Date: 10 September 2012 09:13:19

Your ref: 120814_EN010037_1253305

Dear Sir

further to your communication regarding the proposed Bio-Mass Project at Alexandra Dock, the Chair of Thornton Parish Council has asked that I forward the following response:

'Thornton Parish Council notes the details of this project but reserves comment at this stage because because the Council does not have the knowledge, expertise or resources to assess the impact of the project on the residents of Thornton. Once it acquires the necessary knowledge from others then a formal response will be forthcoming from Thornton Parish Council'

Regards

Jeanette Jones
Clerk to Thornton Parish Council

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From: [Navigation Directorate](#)
To: [Environmental Services](#);
Subject: RE: Alexandra Docks Biomass Project Scoping Consultation
Date: 11 September 2012 12:57:04

Good afternoon Hannah,

Further to your e-mail below, Trinity House has the following comments to make:

- We note that this project is predominantly shore based, however, depending on how the cooling water infrastructure is developed, there may be an impact on marine navigation in the area and this should be fully considered in the Environmental Statement for this project.
- The applicant should note that if the intake and/or outfall pipes located on the river bed of the Mersey Estuary are deemed hazardous to marine navigation, they will need to be marked with appropriate aids to navigation.

Kind regards,

Steve Vanstone
Navigation Services Officer

From: Environmental Services [mailto:EnvironmentalServices@infrastructure.gsi.gov.uk]
Sent: 14 August 2012 12:11
To: Navigation Directorate
Cc: Nick Dodson
Subject: Alexandra Docks Biomass Project Scoping Consultation

Dear Sir or Madam

Please find attached correspondence regarding the scoping consultation for Alexandra Docks Biomass project.

Kind regards
Hannah

<<120814_EN010037_Letter to stat consultees-Scoping Letter and Reg 9 Notification.xml.pdf>>

Hannah Pratt
EIA and Land Rights Advisor
National Infrastructure Directorate,
The Planning Inspectorate,

Temple Quay House,
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BS1 6PN

Direct Line: 0303 444 5001

Helpline: 0303 444 5000

Email: Hannah.Pratt@infrastructure.gsi.gov.uk

Web: www.planningportal.gov.uk/planninginspectorate

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Inspectorate's National Infrastructure Planning portal)

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From: [Hughes, Elizabeth](#)
To: [Environmental Services;](#)
Subject: Environmental Impact Assessment - Alexandra Dock Biomass Project
Date: 21 August 2012 08:37:05

FOR THE ATTENTION OF HANNAH PRATT.

We have no comments on the above, thanks Liz

Regards

Liz

Elizabeth Hughes
PA to the Director of Strategy and Planning
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elizabeth.hughes@thewaltoncentre.nhs.uk

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APPENDIX 3

Presentation of the Environmental Statement

APPENDIX 3

PRESENTATION OF THE ENVIRONMENTAL STATEMENT

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2264) (as amended) sets out the information which must be provided for an application for a development consent order (DCO) for nationally significant infrastructure under the Planning Act 2008. Where required, this includes an environmental statement. Applicants may also provide any other documents considered necessary to support the application. Information which is not environmental information need not be replicated or included in the ES.

An environmental statement (ES) is described under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) as a statement:

- a) 'that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and of any associated development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile; but
- b) that includes at least the information required in Part 2 of Schedule 4'.

(EIA Regulations Regulation 2)

The purpose of an ES is to ensure that the environmental effects of a proposed development are fully considered, together with the economic or social benefits of the development, before the development consent application under the Planning Act 2008 is determined. The ES should be an aid to decision making.

The SoS advises that the ES should be laid out clearly with a minimum amount of technical terms and should provide a clear objective and realistic description of the likely significant impacts of the proposed development. The information should be presented so as to be comprehensible to the specialist and non-specialist alike. The SoS recommends that the ES be concise with technical information placed in appendices.

ES Indicative Contents

The SoS emphasises that the ES should be a 'stand alone' document in line with best practice and case law. The EIA Regulations Schedule 4, Parts 1 and 2, set out the information for inclusion in environmental statements.

Schedule 4 Part 1 of the EIA Regulations states this information includes:

- '17. *Description of the development, including in particular—*

- (a) *a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;*
 - (b) *a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;*
 - (c) *an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development.*
18. *An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.*
19. *A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.*
20. *A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:*
- (a) *the existence of the development;*
 - (b) *the use of natural resources;*
 - (c) *the emission of pollutants, the creation of nuisances and the elimination of waste,*
- and the description by the applicant of the forecasting methods used to assess the effects on the environment.*
21. *A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.*
22. *A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.*
23. *An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information'.*

EIA Regulations Schedule 4 Part 1

- 4.18 The content of the ES must include as a minimum those matters set out in Schedule 4 Part 2 of the EIA Regulations. This includes the consideration of 'the main alternatives studied by the applicant' which the SoS recommends could be addressed as a separate chapter in the ES. Part 2 is included below for reference:

4.19 Schedule 4 Part 2

- A description of the development comprising information on the site, design and size of the development
- A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects
- The data required to identify and assess the main effects which the development is likely to have on the environment
- An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects, and
- A non-technical summary of the information provided [*under the four paragraphs above*].

Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the SoS considers it is an important consideration *per se*, as well as being the source of further impacts in terms of air quality and noise and vibration.

Balance

The SoS recommends that the ES should be balanced, with matters which give rise to a greater number or more significant impacts being given greater prominence. Where few or no impacts are identified, the technical section may be much shorter, with greater use of information in appendices as appropriate.

The SoS considers that the ES should not be a series of disparate reports and stresses the importance of considering inter-relationships between factors and cumulative impacts.

Scheme Proposals

The scheme parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES which should support the application as described. The SoS is not able to entertain material changes to a project once an application is submitted. The SoS draws the attention of the applicant to the DCLG and the Planning Inspectorate's published advice on the preparation of a draft DCO and accompanying application documents.

Flexibility

The SoS acknowledges that the EIA process is iterative, and therefore the proposals may change and evolve. For example, there may be changes to the scheme design in response to consultation. Such changes should be addressed in the ES. However, at the time of the application for a DCO, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes.

It is a matter for the applicant, in preparing an ES, to consider whether it is possible to assess robustly a range of impacts resulting from a large number of undecided parameters. The description of the proposed development in the ES must not be so wide that it is insufficiently certain to comply with requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.

The Rochdale Envelope principle (see *R v Rochdale MBC ex parte Tew (1999)* and *R v Rochdale MBC ex parte Milne (2000)*) is an accepted way of dealing with uncertainty in preparing development applications. The applicant's attention is drawn to the Planning Inspectorate's Advice Note 9 'Rochdale Envelope' which is available on the Advice Note's page of the National Infrastructure Planning website.

The applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. Where some flexibility is sought and the precise details are not known, the applicant should assess the maximum potential adverse impacts the project could have to ensure that the project as it may be constructed has been properly assessed.

The ES should be able to confirm that any changes to the development within any proposed parameters would not result in significant impacts not previously identified and assessed. The maximum and other dimensions of the proposed development should be clearly described in the ES, with appropriate justification. It will also be important to consider choice of materials, colour and the form of the structures and of any buildings. Lighting proposals should also be described.

Scope

The SoS recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and local authorities and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

Physical Scope

In general the SoS recommends that the physical scope for the EIA should be determined in the light of:

- the nature of the proposal being considered
- the relevance in terms of the specialist topic

- the breadth of the topic
- the physical extent of any surveys or the study area, and
- the potential significant impacts.

The SoS recommends that the physical scope of the study areas should be identified for each of the environmental topics and should be sufficiently robust in order to undertake the assessment. This should include at least the whole of the application site, and include all offsite works. For certain topics, such as landscape and transport, the study area will need to be wider. The extent of the study areas should be on the basis of recognised professional guidance and best practice, whenever this is available, and determined by establishing the physical extent of the likely impacts. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given.

Breadth of the Topic Area

The ES should explain the range of matters to be considered under each topic and this may respond partly to the type of project being considered. If the range considered is drawn narrowly then a justification for the approach should be provided.

Temporal Scope

The assessment should consider:

- environmental impacts during construction works
- environmental impacts on completion/operation of the development
- where appropriate, environmental impacts a suitable number of years after completion of the development (for example, in order to allow for traffic growth or maturing of any landscape proposals), and
- environmental impacts during decommissioning.

In terms of decommissioning, the SoS acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment, as well as to enable the decommissioning of the works to be taken into account, is to encourage early consideration as to how structures can be taken down. The purpose of this is to seek to minimise disruption, to re-use materials and to restore the site or put it to a suitable new use. The SoS encourages consideration of such matters in the ES.

The SoS recommends that these matters should be set out clearly in the ES and that the suitable time period for the assessment should be agreed with the relevant statutory consultees.

The SoS recommends that throughout the ES a standard terminology for time periods should be defined, such that for example, 'short term' always refers to the same period of time.

Baseline

The SoS recommends that the baseline should describe the position from which the impacts of the proposed development are measured. The baseline should be chosen carefully and, whenever possible, be consistent between topics. The identification of a single baseline is to be welcomed in terms of the approach to the assessment, although it is recognised that this may not always be possible.

The SoS recommends that the baseline environment should be clearly explained in the ES, including any dates of surveys, and care should be taken to ensure that all the baseline data remains relevant and up to date.

For each of the environmental topics, the data source(s) for the baseline should be set out together with any survey work undertaken with the dates. The timing and scope of all surveys should be agreed with the relevant statutory bodies and appropriate consultees, wherever possible.

The baseline situation and the proposed development should be described within the context of the site and any other proposals in the vicinity.

Identification of Impacts and Method Statement

Legislation and Guidelines

In terms of the EIA methodology, the SoS recommends that reference should be made to best practice and any standards, guidelines and legislation that have been used to inform the assessment. This should include guidelines prepared by relevant professional bodies.

In terms of other regulatory regimes, the SoS recommends that relevant legislation and all permit and licences required should be listed in the ES where relevant to each topic. This information should also be submitted with the application in accordance with the APFP Regulations.

In terms of assessing the impacts, the ES should approach all relevant planning and environmental policy – local, regional and national (and where appropriate international) – in a consistent manner.

Assessment of Effects and Impact Significance

The EIA Regulations require the identification of the 'likely significant effects of the development on the environment' (Schedule 4 Part 1 paragraph 20).

As a matter of principle, the SoS applies the precautionary approach to follow the Court's² reasoning in judging 'significant effects'. In other words

² See *Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw* (Waddenzee Case No C 127/02/2004)

'likely to affect' will be taken as meaning that there is a probability or risk that the development will have an effect, and not that a development will definitely have an effect.

The SoS considers it is imperative for the ES to define the meaning of 'significant' in the context of each of the specialist topics and for significant impacts to be clearly identified. The SoS recommends that the criteria should be set out fully and that the ES should set out clearly the interpretation of 'significant' in terms of each of the EIA topics. Quantitative criteria should be used where available. The SoS considers that this should also apply to the consideration of cumulative impacts and impact inter-relationships.

The SoS recognises that the way in which each element of the environment may be affected by the proposed development can be approached in a number of ways. However it considers that it would be helpful, in terms of ease of understanding and in terms of clarity of presentation, to consider the impact assessment in a similar manner for each of the specialist topic areas. The SoS recommends that a common format should be applied where possible.

Inter-relationships between environmental factors

The inter-relationship between aspects of the environments likely to be significantly affected is a requirement of the EIA Regulations (see Schedule 4 Part 1 of the EIA Regulations). These occur where a number of separate impacts, e.g. noise and air quality, affect a single receptor such as fauna.

The SoS considers that the inter-relationships between factors must be assessed in order to address the environmental impacts of the proposal as a whole. This will help to ensure that the ES is not a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the proposed development. This is particularly important when considering impacts in terms of any permutations or parameters to the proposed development.

Cumulative Impacts

The potential cumulative impacts with other major developments will need to be identified, as required by the Directive. The significance of such impacts should be shown to have been assessed against the baseline position (which would include built and operational development). In assessing cumulative impacts, other major development should be identified through consultation with the local planning authorities and other relevant authorities on the basis of those that are:

- under construction
 - permitted application(s), but not yet implemented
 - submitted application(s) not yet determined
 - projects on the National Infrastructure's programme of projects
-

- identified in the relevant development plan (and emerging development plans - with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited, and
- identified in other plans and programmes (as appropriate) which set the framework for future development consents/approvals, where such development is reasonably likely to come forward.

Details should be provided in the ES, including the types of development, location and key aspects that may affect the EIA and how these have been taken into account as part of the assessment.

The SoS recommends that offshore wind farms should also take account of any offshore licensed and consented activities in the area, for the purposes of assessing cumulative effects, through consultation with the relevant licensing/consenting bodies.

For the purposes of identifying any cumulative effects with other developments in the area, applicants should also consult consenting bodies in other EU states to assist in identifying those developments (see commentary on Transboundary Effects below).

Related Development

The ES should give equal prominence to any development which is related with the proposed development to ensure that all the impacts of the proposal are assessed.

The SoS recommends that the applicant should distinguish between development for which development consent will be sought and any other development. This distinction should be clear in the ES.

Alternatives

The ES must set out an outline of the main alternatives studied by the applicant and provide an indication of the main reasons for the applicant's choice, taking account of the environmental effect (Schedule 4 Part 1 paragraph 18).

Matters should be included, such as *inter alia* alternative design options and alternative mitigation measures. The justification for the final choice and evolution of the scheme development should be made clear. Where other sites have been considered, the reasons for the final choice should be addressed.

The SoS advises that the ES should give sufficient attention to the alternative forms and locations for the off-site proposals, where appropriate, and justify the needs and choices made in terms of the form of the development proposed and the sites chosen.

Mitigation Measures

Mitigation measures may fall into certain categories namely: avoid; reduce; compensate or enhance (see Schedule 4 Part 1 paragraph 21); and should be identified as such in the specialist topics. Mitigation measures should not be developed in isolation as they may relate to more than one topic area. For each topic, the ES should set out any mitigation measures required to prevent, reduce and where possible offset any significant adverse effects, and to identify any residual effects with mitigation in place. Any proposed mitigation should be discussed and agreed with the relevant consultees.

The effectiveness of mitigation should be apparent. Only mitigation measures which are a firm commitment and can be shown to be deliverable should be taken into account as part of the assessment.

It would be helpful if the mitigation measures proposed could be cross referred to specific provisions and/or requirements proposed within the draft development consent order. This could be achieved by means of describing the mitigation measures proposed either in each of the specialist reports or collating these within a summary section on mitigation.

The SoS advises that it is considered best practice to outline in the ES, the structure of the environmental management and monitoring plan and safety procedures which will be adopted during construction and operation and may be adopted during decommissioning.

Cross References and Interactions

The SoS recommends that all the specialist topics in the ES should cross reference their text to other relevant disciplines. Interactions between the specialist topics is essential to the production of a robust assessment, as the ES should not be a collection of separate specialist topics, but a comprehensive assessment of the environmental impacts of the proposal and how these impacts can be mitigated.

As set out in EIA Regulations Schedule 4 Part 1 paragraph 23, the ES should include an indication of any technical difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

Consultation

The SoS recommends that any changes to the scheme design in response to consultation should be addressed in the ES.

It is recommended that the applicant provides preliminary environmental information (PEI) (this term is defined in the EIA Regulations under regulation 2 'Interpretation') to the local authorities.

Consultation with the local community should be carried out in accordance with the SoCC which will state how the applicant intends to consult on the

preliminary environmental information (PEI). This PEI could include results of detailed surveys and recommended mitigation actions. Where effective consultation is carried out in accordance with Section 47 of the Planning Act, this could usefully assist the applicant in the EIA process – for example the local community may be able to identify possible mitigation measures to address the impacts identified in the PEI. Attention is drawn to the duty upon applicants under Section 50 of the Planning Act to have regard to the guidance on pre-application consultation.

Transboundary Effects

The SoS recommends that consideration should be given in the ES to any likely significant effects on the environment of another Member State of the European Economic Area. In particular, the SoS recommends consideration should be given to discharges to the air and water and to potential impacts on migratory species and to impacts on shipping and fishing areas.

The applicant's attention is also drawn to the Planning Inspectorate's Advice Note 12 'Development with significant transboundary impacts consultation' which is available on the Advice Notes Page of the National Infrastructure Planning website

Summary Tables

The SoS recommends that in order to assist the decision making process, the applicant may wish to consider the use of tables:

Table X to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts.

Table XX to demonstrate how the assessment has taken account of this Opinion and other responses to consultation.

Table XXX to set out the mitigation measures proposed, as well as assisting the reader, the SoS considers that this would also enable the applicant to cross refer mitigation to specific provisions proposed to be included within the draft Development Consent Order.

Table XXXX to cross reference where details in the HRA (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

Terminology and Glossary of Technical Terms

The SoS recommends that a common terminology should be adopted. This will help to ensure consistency and ease of understanding for the decision making process. For example, 'the site' should be defined and used only in

terms of this definition so as to avoid confusion with, for example, the wider site area or the surrounding site.

A glossary of technical terms should be included in the ES.

Presentation

The ES should have all of its paragraphs numbered, as this makes referencing easier as well as accurate.

Appendices must be clearly referenced, again with all paragraphs numbered.

All figures and drawings, photographs and photomontages should be clearly referenced. Figures should clearly show the proposed site application boundary.

Bibliography

A bibliography should be included in the ES. The author, date and publication title should be included for all references. All publications referred to within the technical reports should be included.

Non Technical Summary

The EIA Regulations require a Non Technical Summary (EIA Regulations Schedule 4 Part 1 paragraph 22). This should be a summary of the assessment in simple language. It should be supported by appropriate figures, photographs and photomontages.