

SUNNICA ENERGY FARM

EN010106

Volume 6

Environmental Statement

6.2 Appendix 16G: Relevant Legislation and Policy for the Other
Environmental Topics

APFP Regulation 5(2)(a)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and
Procedure) Regulations 2009



Planning Act 2008

**The Infrastructure Planning
(Applications: Prescribed Forms and
Procedure) Regulations 2009**

Sunnica Energy Farm

Environmental Statement

Appendix 16A: Relevant Legislation and Policy for the Other Environmental Topics

| | |
|---|----------------------------------|
| Regulation Reference: | Regulation 5(2)(a) |
| Planning Inspectorate Scheme Reference | EN010106 |
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1 Introduction

1.1 Purpose of this appendix

- 1.1.1 This ES appendix identifies and describes the legislation, policy and supporting guidance considered relevant to the assessment of the likely significant effects of the Scheme on:
- a. Glint and Glare (Section 2);
 - b. Ground Conditions (Section 3);
 - c. Major Accidents and Disasters (Section 4);
 - d. Telecommunications, Television Reception and Utilities (Section 5); and
 - e. Waste (Section 6).
- 1.1.2 Legislation and policy are considered at national and local levels.
- 1.1.3 This ES appendix does not assess the Scheme against legislation and policy. Instead the purpose of considering legislation and policy in the EIA is twofold:
- a. to identify legislation and policy that could influence the sensitivity of receptors (and therefore the significance of effects) and any requirements for mitigation; and
 - b. to identify legislation and policy that could influence the methodology of the EIA. For example, a policy may require the assessment of an impact or the use of a specific methodology.
- 1.1.4 The following sections identify and describe the legislation, policy and supporting guidance considered specifically relevant to the above-mentioned topics assessment.
- 1.1.5 The Scheme's proposed energy generating technology is not currently specifically referenced by a National Policy Statement (NPS) however in lieu of a technology specific NPS, the EIA takes account of the following NPSs, which are considered to be matters that will be important and relevant to the Secretary of State's decision as to whether to grant a DCO for the Scheme:
- a. Overarching National Policy Statement for Energy (EN1) (Ref 1),
 - b. National Policy Statement for Renewable Energy Infrastructure (EN-3) (Ref 2), and
 - c. National Policy Statement for Electricity Networks Infrastructure (EN-5) (Ref 3).
- 1.1.6 The NPSs set out the Government's energy policy, the need for new infrastructure and guidance for determining an application for a DCO. The NPSs include specific criteria and issues which should be covered by applicants' assessments of the effects of their scheme, and how the decision maker should consider these impacts.
- 1.1.7 The Government is currently reviewing and updating the Energy NPSs. It is doing this in order to reflect its policies and strategic approach for the energy system

that is set out in the Energy White Paper (December 2020), and to ensure that the planning policy framework enables the delivery of the infrastructure required for the country's transition to net zero carbon emissions. As part of the Energy NPS review process, the Government published a suite of Draft Energy NPSs for consultation on 6 September 2021. These include the following Draft NPSs, which are expected to be important and relevant to the Secretary of State's decision, and have therefore been taken into account by the EIA:

- a. Draft Overarching National Policy Statement for Energy (EN-1) (Draft NPS EN-1),
- b. Draft National Policy Statement for Renewable Energy (EN-3) (Draft NPS EN-3), and
- c. Draft National Policy Statement for Electricity Networks Infrastructure (EN-5).

2 Glint and Glare

2.1 National Legislation, Policy and Guidance

Legislation

2.1.1 There is no legislation relevant to the glint and glare assessment.

Policy

2.1.2 The suite of relevant energy NPSs and the NPPF do not expressly mention glint and glare, however reference is made in NPS EN-1 to safeguarding aviation interests affected by energy developments. For the Scheme this would include the impacts of glint and glare. The relevant NPS requirements associated with this receptor that influence the glint and glare assessment, together with an indication of where in the ES chapter the information is provided to address these requirements, are provided in **Table 2-1**.

Table 2-1 Relevant NPS requirements for the glint and glare assessment

| Relevant Paragraph/Policy Reference | Policy Requirement | Where in the ES chapter is information provided to address this |
|-------------------------------------|---|--|
| NPS EN-1 | | |
| Paragraph 5.4.10 | Where the proposed development may have an effect on civil or military aviation and/or other defence assets an assessment of potential effects should be set out in the ES (see Section 4.2). | This is taken account in the glint and glare assessment, which is included in Appendix 16A of the Environmental Statement [EN010106/APP/6.2] and a summary is presented in Section 16.3 of Chapter 16: Other Environmental Topics of the Environmental Statement [EN/010106/APP/6.1]. |
| Paragraph 5.4.11 | The applicant should consult the MoD, CAA, NATS and any aerodrome – licensed or otherwise – likely to be affected by the proposed development in preparing an assessment of the proposal on aviation or other defence interests. | Consultation has been undertaken with the Ministry of Defence and the glint and glare assessment is included in Appendix 16A of the Environmental Statement [EN010106/APP/6.2] and a summary is presented in Section 16.3 of Chapter 16: Other Environmental Topics of the Environmental Statement [EN/010106/APP/6.1]. The assessment includes aviation activity associated with RAF Mildenhall, RAF Lakenheath and Cambridge Airport |
| Paragraph 5.4.12 | Any assessment of aviation or other defence interests should include potential impacts of the project upon the operation of CNS infrastructure, flight patterns (both civil and military), other defence assets and aerodrome operational procedures. It should also assess the cumulative effects of the project with other relevant projects in relation to aviation and defence. | This is taken account in the glint and glare assessment, which is included in Appendix 16A of the Environmental Statement [EN010106/APP/6.2] and a summary is presented in Section 16.3 of Chapter 16: Other Environmental Topics of the Environmental Statement [EN/010106/APP/6.1]. |
| Paragraph 5.4.13 | If any relevant changes are made to proposals during the pre-application and determination period, it is the responsibility of the applicant to ensure that the relevant aviation and defence consultees are informed as soon as reasonably possible. | Consultation has been undertaken throughout and the consultees notified when relevant design changes were made. |

| Relevant Paragraph/Policy Reference | Policy Requirement | Where in the ES chapter is information provided to address this |
|-------------------------------------|--|--|
| Paragraph 5.4.14 | <p>The [Secretary of State] should be satisfied that the effects on civil and military aerodromes, aviation technical sites and other defence assets have been addressed by the applicant and that any necessary assessment of the proposal on aviation or defence interests has been carried out. In particular, it should be satisfied that the proposal has been designed to minimise adverse impacts on the operation and safety of aerodromes and that reasonable mitigation is carried out. It may also be appropriate to expect operators of the aerodrome to consider making reasonable changes to operational procedures. When assessing the necessity, acceptability and reasonableness of operational changes to aerodromes, the [Secretary of State] should satisfy itself that it has the necessary information regarding the operational procedures along with any demonstrable risks or harm of such changes, taking into account the cases put forward by all parties. When making such a judgement in the case of military aerodromes, the [Secretary of State] should have regard to interests of defence and national security.</p> | <p>This is taken account in the glint and glare assessment, which is included in Appendix 16A of the Environmental Statement [EN010106/APP/6.2] and a summary is presented in Section 16.3 of Chapter 16: Other Environmental Topics of the Environmental Statement [EN/010106/APP/6.1].</p> |

Draft National Policy Statements

- 2.1.3 It is considered that the relevant Draft NPSs do not contain requirements that differ from the requirements of the NPSs outlined in **Table 2-1**.

Guidance

- 2.1.4 National Planning Practice Guidance (NPPG) ‘Renewable and low carbon energy’ suggests that for large scale ground mounted solar photovoltaic farms local planning authorities will need to consider the proposal’s effect on landscape of glint and glare and on neighbouring uses and aircraft safety.
- 2.1.5 No further guidance is provided to inform glint and glare assessments.

2.2 Local Legislation, Policy and Guidance

Policy

- 2.2.1 The following local policy is relevant to the assessment of the ground conditions effects of the Scheme.

| Relevant Document | Relevant policies |
|---|---|
| East Cambridgeshire District Council Local Plan Adopted April 2015. | Policy ENV6: Renewable Energy Development |

Other Guidance

- 2.2.2 Railway Assessment Guidelines on signal positioning and visibility provides guidance with respect to the effects of solar glare on train drivers and railway signals.
- 2.2.3 The UK Civil Aviation Authority (CAA) issued interim guidance relating to Solar Photovoltaic Systems (SPV) on 17 December 2010 and was subject to a CAA information alert 2010/53. This interim guidance recommends “*as part of a planning application, the SPV developer provide safety assurance documentation (including risk assessment) regarding the full potential impact of the SPV installation on aviation interests*”.
- 2.2.4 Guidance on assessing glint and glare impacts from solar developments on aviation has been produced by the United States Federal Aviation Administration for the assessment of solar developments near aerodromes. Guidance regarding assessment methodology is set out in the ‘Technical Guidance for Evaluating Selected Solar Technologies on Airports’ published in 2010 and its 2013 update entitled ‘Interim Policy, FAA Review of Solar Energy System Projects on Federally Obligated Airports’.

3 Ground Conditions

3.1 National Legislation, Policy and Guidance

Legislation

- 3.1.1 There are six key legislative drivers for dealing with risks to human health and the environment from ground conditions, namely:
- Part 2A of the Environmental Protection Act (EPA) 1990 (the Contaminated Land Regime) (Ref 5);
 - The Water Resources Act 1991 (Ref 6);
 - Water Act 2003 (Ref 8);
 - Building Act 1984 (Ref 9);
 - The Building Regulations & c (Amendment) Regulations 2015 (Ref 10); and
 - Planning Act 2008 (Ref 11).
- 3.1.2 In the UK, Part 2A of the EPA (Ref 11), as introduced by Section 57 of the Environment Act 1995 (Ref 12) provides the legislative framework within which site data is to be assessed. Under Part 2A, sites are identified as 'contaminated land' if they are: causing harm to human health; if there is a significant possibility of causing significant harm to human health; if the site is causing significant harm, or there is a significant possibility that it causes harm to non-human receptors; or there is pollution of controlled waters (i.e. both surface and groundwaters).
- 3.1.3 The Water Act 2003 (HMSO, 2004) introduced a revision to the wording of the EPA, which requires that if a site is causing or could cause significant pollution of controlled waters it may be determined as contaminated land. Once a site is determined to be "contaminated land" then remediation is required to render significant pollutant linkages insignificant (i.e. the source-pathway-receptor relationships that are associated with significant harm to human health and/or significant pollution of controlled waters), subject to a test of reasonableness.
- 3.1.4 The Water Resources Act 1991 (HMSO, 1991) provides statutory protection for controlled waters (streams, rivers, canals, marine environment and groundwater) and makes it an offence to discharge to controlled waters without the permission or consent of the regulators of these areas.
- 3.1.5 The Building Act 1984 (HMSO, 1984) and the Building Regulations & c (Amendment) Regulations 2015 (HMSO, 2015) are the two key legislative drivers when considering structural and design aspects of a development in terms of geotechnical properties of the ground. The Building Act 1984 requires that buildings are constructed so that ground movement caused by swelling, shrinkage, freezing, landslip or subsidence of the sub-soils will not impair the stability of any part of the building.
- 3.1.6 Other legislation of relevance to this topic includes:
- Environmental Permitting (England and Wales) Regulations 2016 (Ref 13) (as amended);

- b. Hazardous Waste (England and Wales) Regulations 2005 (Ref 14);
- c. Contaminated Land (England) Regulations 2006 (Ref 15);
- d. Environmental Damage (Prevention and Remediation) Regulations 2015 (Ref 16); and
- e. Anti-Pollution Works Regulations 1999 (Ref 17).

Policy

National Policy Statements

- 3.1.7 The relevant NPS requirements, together with an indication of where in the ES chapter the information provided to address these requirements in relation to ground conditions, are provided in **Table 3-1**.

Table 3-1 Relevant NPS requirements for the ground conditions assessment

| Relevant NPS paragraph reference | Requirement of the NPS | Where in the ES chapter is information provided to address this |
|----------------------------------|---|---|
| | NPS EN-1 | |
| Paragraph 4.10.1 | Issues relating to discharges or emissions from a proposed project which affect air quality, water quality, land quality and the marine environment, or which include noise and vibration may be subject to separate regulation under the pollution control framework or other consenting and licensing regimes. | This is considered in the Phase 1 Ground Conditions Preliminary Environmental Risk Assessment (PERA) included in Appendix 16B of the Environmental Statement [EN010106/APP/6.2]. A summary of the assessment is provided in Section 16.4 of Chapter 16: Other Environmental Topics of the Environmental Statement [EN010106/APP/6.1]. |
| Paragraph 4.10.2 | The planning and pollution control systems are separate but complementary. The planning system controls the development and use of land in the public interest. It plays a key role in protecting and improving the natural environment, public health and safety, and amenity, for example by attaching conditions to allow developments which would otherwise not be environmentally acceptable to proceed, and preventing harmful development which cannot be made acceptable even through conditions. Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the releases of substances to the environment from different sources to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment or human health | This is considered in the Phase 1 Ground Conditions Preliminary Environmental Risk Assessment (PERA) included in Appendix 16B of the Environmental Statement [EN010106/APP/6.2]. A summary of the assessment is provided in Section 16.4 of Chapter 16: Other Environmental Topics of the Environmental Statement [EN010106/APP/6.1]. |
| Paragraph 4.10.3 | In considering an application for development consent, the [Secretary of State] should focus on whether the development itself is an acceptable use of the land, and on the impacts of that use, rather than the control of processes, emissions or discharges themselves. The [Secretary of State] should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator. It should act to complement but not seek to duplicate them. | This is considered in the Phase 1 Ground Conditions Preliminary Environmental Risk Assessment (PERA) included in Appendix 16B of the Environmental Statement [EN010106/APP/6.2]. A summary of the assessment is provided in Section 16.4 of Chapter 16: Other Environmental Topics of the Environmental Statement [EN010106/APP/6.1]. |
| Paragraph 4.10.4 | Applicants should consult the Marine Management Organisation (MMO) on nationally significant projects which would affect, or would be likely to affect, any relevant marine areas as defined in the Planning Act 2008 (as amended by s.23 of the Marine and Coastal Access Act 2009). The IPC consent may include a | It is not anticipated that the Scheme would have any effects on the marine environment. |

| Relevant NPS paragraph reference | Requirement of the NPS | Where in the ES chapter is information provided to address this |
|----------------------------------|--|---|
| | deemed marine licence and the MMO will advise on what conditions should apply to the deemed marine licence. The IPC and MMO should cooperate closely to ensure that energy NSIPs are licensed in accordance with environmental legislation, including European directives. | |
| Paragraph 4.10.5 | Many projects covered by this NPS will be subject to the Environmental Permitting (EP) regime, which also incorporates operational waste management requirements for certain activities. When a developer applies for an EP, the relevant regulator (usually EA but sometimes the local authority) requires that the application demonstrates that processes are in place to meet all relevant EP requirements. In considering the impacts of the project, the IPC may wish to consult the regulator on any management plans that would be included in an EP application. | Environmental Permits will be sought prior to construction where relevant. |
| Paragraph 4.10.6 | Applicants are advised to make early contact with relevant regulators, including EA and the MMO, to discuss their requirements for environmental permits and other consents. This will help ensure that applications take account of all relevant environmental considerations and that the relevant regulators are able to provide timely advice and assurance to the IPC. Wherever possible, applicants are encouraged to submit applications for Environmental Permits and other necessary consents at the same time as applying to the IPC for development consent. | The Environment Agency have been consulted throughout the pre-application stage. |
| Paragraph 4.10.7 | <p>The [Secretary of State] should be satisfied that development consent can be granted taking full account of environmental impacts. Working in close cooperation with EA and/or the pollution control authority, and other relevant bodies, such as the MMO, Natural England, the Countryside Council for Wales, Drainage Boards, and water and sewerage undertakers, the [Secretary of State] should be satisfied, before consenting any potentially polluting developments, that:</p> <ul style="list-style-type: none"> ● the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework; and ● the effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable, particularly in relation to statutory environmental quality limits. | Effects on ground conditions and potential contamination is considered in the Phase 1 Ground Conditions Preliminary Environmental Risk Assessment (PERA) included in Appendix 16B of the Environmental Statement [EN010106/APP/6.2] . A summary of the assessment is provided in Section 16.4 of Chapter 16: Other Environmental Topics of the Environmental Statement [EN010106/APP/6.1] . |

| Relevant NPS paragraph reference | Requirement of the NPS | Where in the ES chapter is information provided to address this |
|----------------------------------|--|---|
| Paragraph 4.10.8 | The [Secretary of State] should not refuse consent on the basis of pollution impacts unless it has good reason to believe that any relevant necessary operational pollution control permits or licences or other consents will not subsequently be granted. | N/A |
| Paragraph 5.10.8 | Applicants should also identify any effects and seek to minimise impacts on soil quality taking into account any mitigation measures proposed. For developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination. | Effects on ground conditions and potential contamination is considered in the Phase 1 Ground Conditions Preliminary Environmental Risk Assessment (PERA) included in Appendix 16B of the Environmental Statement [EN010106/APP/6.2] . A summary of the assessment is provided in Section 16.4 of Chapter 16: Other Environmental Topics of the Environmental Statement [EN010106/APP/6.1] . |

Draft National Policy Statements

- 3.1.8 It is considered that the relevant Draft NPSs do not contain requirements that differ from the requirements of the NPSs outlined in **Table 3-1**.

National Planning Policy Framework (NPPF)

- 3.1.9 The NPPF sets out the Government's planning policies for England and how these should be applied.
- 3.1.10 The relevant NPPF paragraphs, together with an indication of where in the ES chapter the information is provided to address these requirements, are provided in **Table 3-2**.

Table 3-2 Relevant NPPF requirements for the ground conditions assessment

| Relevant NPPF paragraph reference | Requirement of the NPPF | Where in the ES chapter is information provided to address this |
|-----------------------------------|--|--|
| Paragraph 174 | <p>Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <p>a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);</p> <p>.....</p> <p>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and</p> <p>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</p> | <p>Section 16.4 in Chapter 16: Other Environmental Effects of the ES [EN010106/APP/6.1] outlines the mitigation measures pertaining to ground conditions.</p> |
| Paragraph 183 | <p>Planning policies and decisions should ensure that:</p> <p>a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);</p> <p>b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and</p> <p>c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.</p> | <p>A PERA is included in Appendix 16B: Ground Conditions Phase 1 Preliminary Environmental Risk Assessment of the ES [EN010106/APP/6.2].</p> |

Guidance

3.1.11 Other relevant policy, standards and guidance include the following:

- a. Environment Agency, (2009); Updated technical Background to the CLEA model; Science Report: SC050021/SR3 (Contaminated land exposure assessment (CLEA) spreadsheet based tool) (Ref 18)
- b. Environment Agency Remedial Targets Methodology: Hydrogeological Risk Assessment for Land Contamination (Ref 19);
- c. Human Health Toxicological Assessment of Contaminants in Soil, Science Report SC050021/SR2 (Ref 20);
- d. Environment Agency, 2020; Land Contamination: Risk Management (Ref 21);
- e. Environment Agency, 2010; Guiding Principles for Land Contamination (GPLC) 1, 2 and 3 (Ref 22)
- f. Construction Industry Research and Information Association (CIRIA) Guidance C532, 'Control of Water Pollution from Construction Sites' (Ref 23);
- g. The Chartered Institute of Environmental Health (CIEH) Local Authority Handbooks (Ref 24);
- h. British Standard (BS) 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings (Ref 16-27); and • CIRIA Guidance C665, 'Assessing Risks Posed by Hazardous Ground Gases to Buildings' (Ref 25).

3.2 Local Legislation, Policy and Guidance

Policy

3.2.1 The following local policy is relevant to the assessment of the ground conditions effects of the Scheme.

| Relevant Document | Relevant policies |
|---|---|
| East Cambridgeshire District Council Local Plan Adopted April 2015. | Policy EN7: Biodiversity and Geology Policy ENV9: Pollution |
| Forest Heath and St Edmundsbury Local Plan: Joint Development Management Policies Document (last updated February 2015) | Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance Policy DM14: Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards |
| Forest Heath District Council Core Strategy Adopted 2010 | Policy CS2: Natural Environment |

4 Major Accidents and Disasters

4.1 National Legislation, Policy and Guidance

Legislation

- 4.1.1 The EIA Regulations (Ref 26) require consideration to be given to the risks of major accidents and disasters.
- 4.1.2 The Directive and domestic Regulations cite two specific directives as examples of risk assessments to be considered within EIA. These are the Directive 2012/18/EU of the European Parliament and of the European Council (which deals with major accident hazard registered sites) (Ref 27) and the Council Directive 2009/71/Euratom (which deals with nuclear sites) (Ref 28). Neither of these Directives is relevant to the Scheme.

Policy

- 4.1.3 As the energy NPSs were published in 2011, they pre-date the existing EIA Regulations, which include the requirement to consider major accidents and disasters in EIA and, therefore, no specific provisions for the major accidents and disasters assessment are made within the NPSs or the Draft NPSs.
- 4.1.4 Although not directly relevant to energy developments, the NPPF does refer, at paragraph 95, to the fact that:

“planning policies and decisions should promote public safety and take into account wider security and defence requirements by:

a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and

b) recognising and supporting development required for operational defence and security purposes and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.”

Guidance

- 4.1.5 Guidance on the methodology for assessing major accidents and disasters in EIA are provided by the Institute of Environmental Management Assessments (IEMA) in their 'Primer', which is intended to introduce the concept of the topic and to offer an initial appreciation on methodology that could be adopted (Ref 29).

5 Telecommunications, Television Reception and Utilities

- 5.1.1 There is no legislation, policy or guidance considered relevant to the assessment of telecommunications, television reception and utilities.

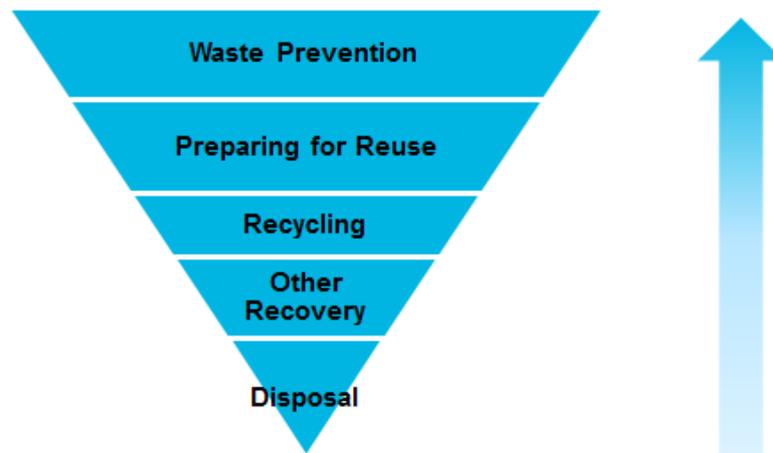
6 Waste

6.1 National Legislation, Policy and Guidance

Legislation

- 6.1.1 The Waste Framework Directive 2008/98/EC (Ref 30) provides a framework for the management of waste across the European community. The revised Directive (2018) (Ref 31) introduces new provisions in order to boost waste prevention and recycling as part of the Waste Hierarchy. All Member States are required to adopt this approach.
- 6.1.2 The Waste (England and Wales) Regulations 2011 (as amended) (Ref 32) transpose the Waste Framework Directive 2008/98/EC in England and Wales and require waste prevention programmes and waste management plans that apply the Waste Hierarchy (**Plate 6-1**). The Waste Hierarchy will be adopted throughout the construction, operation and decommissioning phases of the Scheme.

Plate 6-1 The Waste Hierarchy



- 6.1.3 The requirement originally under Section 34 of the Environmental Protection Act 1990 (Ref 33) and in the Waste (England and Wales) Regulations 2011 (Amended 2014) places a duty on producers and holders of waste to:
- Prevent illegal disposal, treatment or storage of waste;
 - Handle their waste safely;
 - Know whether the waste is hazardous or non-hazardous;
 - Store waste securely in a manner that prevents release of the waste;
 - Provide an accurate written description of the waste in order to facilitate the compliance of others with the Duty and avoidance of the offences under Section 33 of the Environmental Protection Act 1990: via a compulsory system of Controlled Waste Transfer Notes (WTNs) which controls the transfer of waste between parties; and
 - Ensure anyone dealing with their waste has the necessary authorisation.

- 6.1.4 The Hazardous Waste Regulations (England and Wales) 2005 (amended in 2016) (Ref 33) places a requirement on producer of the waste to:
- Classify the waste;
 - Separate hazardous waste from other general waste streams;
 - Use authorised businesses to collect, recycle or dispose of your waste; and
 - Complete relevant hazardous waste consignment note.
- 6.1.5 Under the Control of Pollution (Amendment) Act 1989 (Ref 34), it is a criminal offence for anyone not registered as a carrier, to transport Controlled Waste.

Policy

- 6.1.6 The National Planning Policy for Waste (NPPW) published in 2014 outlines the Government's detailed waste planning policies. It identifies that one of the ways planning can deliver the UK's waste ambitions is through the *"delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy" and 'helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment"*.
- 6.1.7 At paragraph 8 the NPPW expects local planning authorities to ensure that in determining planning applications for non-waste development: *"the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities; new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. The handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal."*

National Policy Statements

- 6.1.8 The relevant NPS requirements, together with an indication of where in the ES chapter the information provided to address these requirements in relation to waste, are provided in **Table 6-1**.

Table 6-1 Relevant NPS requirements for the waste assessment

| Relevant NPS paragraph reference | Requirement of the NPS | Where in the ES chapter is information provided to address this |
|----------------------------------|--|--|
| | NPS EN-1 | |
| Paragraph 5.14.6 | The applicant should set out the arrangements that are proposed for managing any waste produced and prepare a Site Waste Management Plan. The arrangements described and Management Plan should include information on the proposed waste recovery and disposal system for all waste generated by the development, and an assessment of the impact of the waste arising from development on the capacity of waste management facilities to deal with other waste arising in the area for at least five years of operation. The applicant should seek to minimise the volume of waste produced and the volume of waste sent for disposal unless it can be demonstrated that this is the best overall environmental outcome. | This is considered in Section 16.6 of Chapter 16: Other Environmental Topics of the Environmental Statement [EN010106/APP/6.1]. A Construction Resource Management Plan (CRMP) will be produced prior to construction. Further details of waste management are also provided in Appendix 16C: Framework Construction Environmental Management Plan of this Environmental Statement [EN010106/APP/6.2]. |

Draft National Policy Statements

- 6.1.9 Those paragraphs relevant to waste included in the Draft NPSs but not in the NPS presented in **Table 6-1** above are provided in **Table 6-2** below.

Table 6-2 Relevant Draft NPS requirements for the waste assessment

| Relevant NPS paragraph reference | Requirement of the NPS | Where in the ES chapter is information provided to address this |
|----------------------------------|--|--|
| | NPS EN-1 | |
| Paragraph 5.15.7 | Where possible, applicants are encouraged to source materials from recycled or reused sources and use low carbon materials, sustainable sources and local suppliers. Construction best practices should be used to ensure that material is reused or recycled onsite where possible. | This is considered in Section 16.6 of Chapter 16: Other Environmental Topics of the Environmental Statement [EN010106/APP/6.1] . A Construction Resource Management Plan (CRMP) will be produced prior to construction. Further details of waste management are also provided in Appendix 16C: Framework Construction Environmental Management Plan of this Environmental Statement [EN010106/APP/6.2] . |

7 References

- Ref 1 Department of Energy and Climate Change (2011) Overarching National Policy Statement for Energy (EN-1)
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