**Promoter Meeting Note**

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<th>File reference</th>
<th>EN010004 – Resource Recovery Facility, Brig y Cwm</th>
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<tr>
<td>Status</td>
<td>Final</td>
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<tr>
<td>Author</td>
<td>Simon Butler / Mark Wilson</td>
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**Meeting with Covanta**

<table>
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<th>Meeting date</th>
<th>15 October 2009</th>
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**Attendees (IPC)**

- Mark Wilson (Case Leader)(MW)
- Simon Butler (Senior EIA and Land Rights Advisor)(SB)

**Attendees (non IPC)**

- Anne Dugdale – Project Director Covanta (AD)
- Chris LeCointe – Operational Director RPS

**Location**

IPC Meeting Room, Bristol

**Meeting purpose**

Introductory meeting requested by Covanta to outline the scope of the proposed scheme at Brig y Cwm and understand the implications of the Planning Act 2008 on their proposals.

**Summary of outcomes**

**Introduction to Project by Covanta (AD)**

Covanta indicated that they will be looking to make an application for Development Consent in March / April 2010. This is an estimated timeframe.

**MW** confirmed that applications submitted on or after March 1st 2010 will be the responsibility of the IPC.

The EfW facility will generate more that 50 MW of electricity. The facility will have a waste capacity of 750,000 tonnes/year (70-80 MW).

- Type of waste – Non-hazardous municipal and/or commercial and industrial waste primarily derived from Wales.
- The facility will be fed by waste brought to the site via rail freight (75%) and road (25%). Waste will be fed directly to the site via series of Transfer Stations located at various rail freight depots off site. Existing rail infrastructure will allow waste to be brought directly onto the EfW site – using existing railway...
lines connecting the site to Aberthaw Power Station. Discussions are ongoing with site owners to secure Transfer Station facilities off site.

Merthyr Tydfil Council Borough Council is looking for development consent of an EfW facility, and to include a CHP plant.

Covanta are currently in discussion with Western Power with regards to electrical connection to local utilities networks.

- The Site is located on an operational Open Cast Mine (Ffos y Fran) which is owned by Miller Argent. Arrangements to acquire the land from Miller Argent are in progress.
- Max building height will be in the region of 43m above Ground Level.
- Topography – area of old mine workings – Miller Argent currently in Stage 3 of a Reclamation Scheme which is due to last for another 15 years. Covanta will be looking to integrate EfW into the Reclamation Scheme.

Covanta’s current approach to Consultation.

No formal consultation has been carried out. However, the promoter has undertaken the following steps to engage and consult:

- Public Exhibition – carried out locally including a 3 day exhibition.
- Meeting with Merthyr Tydfil CBC (and Caerphilly CBC) but no confirmation of meeting
- CCW – consulted on survey work and established additional work required
- WAG – Consulted on Different levels – Rail/Waste/Policy
- Covanta has submitted their representation to the Local Development Plan in April for change of use to waste facility – examination will take place in December 2009 for allocation of waste management facility.
- Covanta will be arranging Community Liaison Panels for all projects as a forum for local discussion.

Some of the issues surrounding the scheme included:

- Landscape and Visual – stack height
- Air quality in relation to ecology within 15km
- MW asked if the Brecon Beacons National Park overlooks the site
• Traffic (local haulage routes)
• Delivery of regional planning policy and waste strategy for Wales

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<th>Record of any advice given</th>
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<td>Covanta indicated that they will be looking to make an application for Development Consent in March / April 2010. MW confirmed that applications submitted on or after March 1st 2010 will be the responsibility of the IPC. MW explained that it would be preferable for Covanta not to rush their application in order to submit it before March 1st 2010 and explained the benefits of submitting it to the IPC in terms of increased certainty of decision-making timescales.</td>
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Public Rights of Way - S136 was discussed and resolved.

Whether there the IPC would require experts to help assess specialist and technical data in the ES – SB indicated this was covered by the IPC in-house team and that technical expertise will be acquired where appropriate and at the request of the Commission.

**Scope of Environmental Assessment**

Covanta asked if they needed to consider the grid connections as part of the EIA. SB stated that when determining your significant impacts you would need to consider the direct and indirect impacts which would include grid connections and associated changes/improvements made to power lines.

**Rights to Common Land**

There is no need to acquire third party land. The site, 20 ha in total will be acquired from Miller Agent, not including a small area of Common Land –in the region of 0.2 ha. This is associated with the widening of an access road. However, Covanta requested confirmation on the policy around Common Land. MW provided written detail on feedback.

**Consultation**

Covanta have already started consultation with various Bodies and held a Public Exhibition.

MW directed Covanta to the ‘Prescribed forms and Procedures; Regulation 12 Transitional Matters’ – this states that consultation is undertaken between October 1st 2007 and 2009 and that the consultation is publicised in such a way that it substantively accords with Regulation 4. It was agreed that the consultation to date and the manner in which it had been publicised would not meet the tests
Fees
There was a general discussion about fees for IPC applications. Covanta asked if the IPC were aware or knew how who would decide whether applications should be assessed by Single or Panel Commissions. MW suggested that this would depend on a number of things including the level of interest on the scheme (written representations) and the complexity of the issues.

Specific decisions/follow up required?

Q1 Would a proposal for development consent which includes CHP (Combined Heat and Power) be considered part of the main development or associated development.

What are the main rules applying to ‘Associated Development’ in Wales, the effect this has on the consenting process and the scope of EIA assessment?
Potential associated development for Brig y Cwm EfW would include connection to the grid, transfer stations at other rail depot sites and road improvement. (SB/MW)

The Act does not allow for grid connections and transfer stations to be considered as potential associated development in Wales and would have to be submitted under a separate application. Applicants would have to refer to Part 3 of the Planning Act 2008 in order to determine whether the grid connection application was a Nationally Significant Infrastructure Project in its own right.

It is unlikely that a CHP connection, where its feasibility is still not proven, would be regarded as a constituent part of the generating station development (and thus form part of the NSIP for which development consent is sought). Covanta should seek their own legal opinion on this matter and present representations to the IPC if it wishes to include the CHP element within the application.

Q2 How would a successful Legal Challenge on any NPS, following its publication in March 2010, affect the timing of a decision on development consent which is submitted prior to the challenge? And, how would this affect the decision making powers given to the IPC Commissioner.

A legal challenge to a NPS must be lodged within a 6-week window from its publication The impact on the timing of the decision making process would depend on how far the examination had reached at that point and the extent of the challenge made. If the NPS were quashed following the challenge the IPC would complete its examination and
make a recommendation to the SoS. The SoS would then determine the application.

Q3 The date at which the IPC start accepting applications for development consent is 1st March 2009. Can DECC continue to receive applications up to this date under S36 of the Electricity Act. (SB/MW)

Any application submitted before 1st March 2010 will be dealt with under the old regime. In this case Section 36 of the Electricity Act, dealt with by DECC.

Q4 What other consents are wrapped up in the new IPC consenting process? Does it include Environmental Permitting and European Protected Species? (SB/MW)

It does include consents for Licenses to manage European Protected Species but doesn’t affect the Environment Agency’s Environmental Permitting process.

Circulation List

<table>
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<th>Jonathan Bore</th>
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<tr>
<td>Vincent Maher</td>
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<td>Mark Wilson</td>
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<td>Simon Butler</td>
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<td>Helen Adlard</td>
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<td>Tracey Page</td>
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