

APPENDIX 1B

ADOPTED SCOPING OPINION – BRISTOL CITY COUNCIL



10 AUG 2009

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Date	29 th July 2009

Dear Ms Freyther,

Proposed resource recover centre at the Sevalco Site, Severn Road, Avonmouth

Scoping Opinion- Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Thank you for providing the opportunity to comment on the environmental scoping report dated June 2009, relating to the Proposed resource recovery centre at the Sevalco Site in Avonmouth.

I am writing to inform you of the formal scoping opinion of the Local Planning Authority under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations, 1999.

The scoping opinion includes a number of topic areas, which will be incorporated with a future environmental statement. I can confirm that the topic areas are suitable and I have consulted the relevant internal departments within the Council and external bodies on the scoping report. The comments from these consultees are included below:

Air Quality

The air quality team consider that the scoping approach is satisfactory, but would like to point out that in reference to paragraph 4.5, the site does not fall within an Air Quality Management Zone, as this was revoked in 2008.

It is also noted that there is another proposal for an EFW plant on the ICI site in South Gloucestershire, proposed by SITA. The air quality assessment in the environmental statement for both plants should take account of the possibility of cumulative impacts from both e.g. plumes combining under certain meteorological conditions.

Cultural Heritage

The City Archaeologist has confirmed that a desk-based assessment will be required as a first step in assessing the potential archaeological significance of the site. The previous development of the site may have caused a major impact, as well as contamination, but it is

premature to presume that little of archaeological interest will be found (para 6.16). The Avonmouth area has been the subject of considerable archaeological works in recent years and as a result our understanding of the archaeology of the area has increased enormously. There is potential, for example, for the survival of waterlogged prehistoric sites, while also a Roman site was excavated in the late 1970's immediately to the north.

A trawl of all relevant Historic Environment Record data should be made, to include comparable sites in the immediate vicinity. The desk-based work should include a visual survey of the current buildings and installations to assess their potential impact upon below-ground archaeological survival. The assessment should thereby assess the potential for survival of similar sites, such as those found at the Cabot Park development, the nearby Crooks Marsh Roman site, or the Seabank prehistoric and early medieval occupation site.

The site should therefore be seen in the context of a highly rich archaeological area, which has been disrupted to an as yet unknown extent by recent industrial development.

Landscape and visual impact

The Landscape Team have reviewed the contents of the scoping report and consider that it lists all the main elements required for the initial contents of the Environmental Statement. There are some details, which would be helpful to have further clarification and definition: Section 5.0 'Description of Development' omits any description of the nature of the development in terms of built or landscape elements, apart from descriptions of the nature of operations on the site. Section 6.14 'Landscape and Visual' suggests aspects that will give rise to potential impacts being "erection of new buildings and chimney stack". It is suggested that the applicant indicates the broad scale or size of the buildings (i.e. building mass and height) and potential height of the chimneystack. Section 6.14 'Landscape and Visual' is also lacking definition in terms of the study area and a suggested list of visual receptor locations. Assuming the development is of similar scale to the current land use, the far-reaching views will require visibility analysis. The site and adjacent land areas (particularly Severn Road and Ableton Lane) contain significant blocks of vegetation including large mature trees, verges and hedgerows that need to be considered as part of the visibility analysis and screening. A tree condition survey should also be undertaken. The perimeter of the site also contains mature stands of Japanese Knotweed that will require management.

Natural England have stated that they are pleased to note an assessment of the landscape character of the area will be undertaken, based upon IEMA Guidelines for Landscape and Visual Impact Assessment (2002), including identifying the loss of visual amenity space from the public area, identifying the predicted visibility of the proposed Energy from Waste Facility (EfW) and Materials Recycling Facility (MRF), and assessing the residual landscape and visual impacts arising from these components. It has been noted that further potential cumulative effects associated with the EfW/MRF will also be assessed.

Land quality

Natural England considered that it is important that the potential impact of the land is to be identified, by considering the varying impacts of pre and post-construction, and how the disturbance upon the site will be addressed. They acknowledge that further quantitative assessment and consultation will also be determined in terms of ground remediation.

The proposal site also incorporates a Regionally Important Geological Site (RIGS). Regionally Important Geological and Geomorphological Sites (RIGS), designated by locally developed criteria, are currently the most important places for geology and geomorphology outside statutorily protected land such as Sites of Special Scientific Interest (SSSI). The designation of RIGS is one way of recognising and protecting important Earth science and

landscape features for future generations to enjoy. Natural England recommend that further investigations/ studies are conducted to establish and identify any potential impacts and or mitigation strategies that may need to be applied.

The Council Pollution Control team will require a full remediation statement to be submitted prior to the commencement of any development on the site. (Please review the contents of Pollution Control memo, which is attached to this letter, to understand the level of work that would be required)

Ecology

Natural England are pleased to note an assessment of the potential damage to the designated wildlife sites and the loss of habitat will be carried out in relation to the site preparation, construction and operation of the facility. The issues likely to be of interest are the water network around the site and the proximity to the Severn Estuary international site.

They also recommend that a list of potential impacts to be investigated be extended to include any damage to habitats of conservation importance lying outside of designated wildlife sites and also to any impacts upon protected, rare and notable species. In particular consideration of any impacts upon species of principle importance for the conservation of biodiversity in England (see Section 41 of the Natural Environment and Rural Communities Act, 2006) that may occur in the area.

Particular attention should be afforded to oxides of nitrogen and sulphur dioxide. If there is any other combustion products with potential to harm wildlife, such as, for example, dioxins, then these should be considered and either assessed or ruled out, with appropriate justification. Natural England also believe that other areas that we believe require particular attention are: Any water discharges or abstractions affecting the estuary; potential for polluted groundwater or surface water to cause contamination to the estuary and/or local watercourses and the potential for construction or operational noise disturbance to affect birds on the foreshore.

It would also be helpful were the Environmental Statement to clearly set out any likely significant effects - on internationally designated sites (both alone and "in combination" with other plans and projects) under a specific subject heading.

The Bristol City Ecology team is concerned with the potential ecological intrinsic interest of the site itself. The site appears to support a range of habitats including grassland, scrub / woodland, open and marshy ground, reedbed and open water that are likely to be of value for a range of wildlife. Protected species including badgers, bats, water voles, reptiles and nesting birds may be present. The site may also be of value to other species including invertebrates and small mammals.

Given the close proximity of the Severn Estuary, estuarine bird species associated with the Severn Estuary, including SPA listed species may also be utilising the site - particularly the water bodies present. As such there is potential for a functional link with the Severn Estuary, with birds from the estuary potentially visiting the site either to feed, breed, rest or roost.

The report also states that dispersion monitoring will be extended to include any European designated ecological sites within 10km of the site. It would also be valuable to know the potential impact of air quality on nearby Sites of Nature Conservation, which can also be considered potentially sensitive receptors.

The potential impacts should also recognise the potential impact on protected, locally notable or BAP species both on and adjacent to the site

The potential damage to designated wildlife sites should also recognise the potential harm to species that they support. I therefore recommend the following amendment:

Potential damage to designated wildlife sites or harm to species that they support

In reference to paragraph 6.12 a desktop study is also important and data on protected, notable, BAP and rare species considers both species present on the site and surrounding land.

The scope of the desk top study states that SLR's ecology team are familiar with ecological sensitivities in the Avonmouth area and list 'the potential presence of water voles and the proximity to the Severn Estuary', but the consultants need to be aware that a full ecological survey and assessment of the site will be required.

The following paragraph also mentions that an extended phase 1 habitat survey of the site has been undertaken (although no dates are provided). It goes on to say that an appraisal of the likelihood of any protected species being associated with the site and habitats present was carried out.

However, no further details are provided and it is not clear what the site will be assessed for, no details are provided about habitats present on the site, or surveys that will be carried out for protected or other species. It is therefore very difficult to assess the scope of survey work being carried out. This information should have been provided.

You are advised to undertake the following surveys on this site to properly assess the potential impacts of this development.

- Water vole survey
- Badger survey
- Bat survey - foraging survey over the site, and a bat survey of any buildings, structures or trees present likely to support roosting bats
- A breeding bird survey
- A winter bird survey (particular note should be made of any estuarine bird species present)
- An invertebrate survey (terrestrial and aquatic)
- A reptile survey
- An assessment of the potential use of water bodies by great crested newts and subsequent follow up survey as relevant

It is also possible that water shrews are present on this site, as they have been recorded elsewhere recently in Avonmouth. An assessment is needed of their likely presence and a subsequent survey should be carried out as appropriate.

All surveys should be carried out at an appropriate time of year and following best practice guidelines.

These surveys are in addition to a vegetation survey of the site. It is not clear when the extended phase 1 habitat survey was conducted. It is important that is conducted at an appropriate time of year and that a full species list is provided for the different habitats present.

The surveys must inform the development of this site and provide both options for mitigation and compensation. The potential presence of SPA bird species on the site must be

properly assessed and a functional link determined. If present, there could be a direct impact on the Severn Estuary, which depending on species and numbers present could be considered significant. If this is the case there may be the need to consider an appropriate assessment of this application under the Habitat Regulations 1994.

The Ecology team also acknowledge the impact on ecological interests in nearby water bodies are noted, but it is considered that it is not clear what these impacts are likely to be. However they should consider likely contamination of water bodies and the potential impact on habitats and species present. It should also consider potential impacts on water levels. Fluctuations in water levels could potentially harm water voles that may be present by inundation of their burrows.

The Ecology team also express concerns with the potential light pollution. This should be considered in relation to impacts on wildlife, most notably bats. In addition noise pollution should also consider potential disturbance to wildlife both on and adjacent to the site.

The Environment Agency has no biodiversity objections in principle to the proposals as submitted, provided that the following recommendations are considered:

Air quality modelling should take into consideration any Natura 2000 sites within 15 km of the proposed development area. Particular attention should be paid to the Avon Gorge Woodlands Special Area for Conservation (SAC), where the Critical Load for Nutrient Nitrogen is already greatly exceeded. Loadings of NO_x should also be considered for the salt marsh habitat designated for the Severn Estuary SAC. Further to this, an impact assessment that combines all of the similar plans and projects around the Avonmouth area should be carried out.

Surface water run-off should be managed using a Sustainable Drainage System (SuDs) in order to reduce the pollution risks. Surface water run-off should not be allowed to intercept drains that discharge directly to the Severn Estuary.

The proposed site is surrounded by several Rhines and drains, which are thought to be used by water voles. Therefore a water vole survey will be required before construction commences. If water voles or signs of water voles are found in the Rhines surrounding the site then an exclusion zone should be set up prior to construction at least five metres from the water course with appropriate fencing. Measures to prevent pollutants entering the water course, such as an oil trap, should be in place at all times during construction. Furthermore, steps should be taken where possible, to enhance the areas around the Rhines in accordance to PPS9 1(ii) to increase the suitability of water vole habitat.

Natural England have also made reference to the West of England Partnership Preferred Options - Consultation Document, (January 2009), the Waste Planning Strategy for the West of England, defines that under Recovery, Policy 3, and given the site's close proximity to the Severn Estuary, that a Habitats Directive Assessment and Strategic Flood Risk Assessment would be required in accordance with the Habitat's Directive and Regulation.

These assessments are also confirmed in the Sustainability Appraisal (SA), October 2008, and the conclusions fed into the development of the Preferred Options. The SA also states that the Mitigation of Effects should consider impacts on the following criteria in addition to those already identified, and to avoid or mitigate effects or to compensate for loss:

- Built and historic environment generally, including Conservation Areas;
- Open Spaces, particularly the countryside and valued spaces including recreational space;
- Amenity; and

- Congestion

Transport

The scope of the transport section is appropriate but the Highways Team raise the following points: It would be beneficial if rail was used and also the Severn road has a 7.5t weight limit in Hallen, so all vehicles will have to access site via A403.

Environment Management

The Environment Agency considers that the following should be given consideration to the prevention of pollution during the construction phase. They would require a scheme for prevention of pollution during the construction phase to be submitted to and approved by the LPA. The scheme should include details of the following:

1. Site Security
2. Fuel oil storage, bunding, delivery and use
3. How both minor and major spillage will be dealt with
4. Containment of silt/soil contaminated run off.
5. Disposal of contaminated drainage, including water pumped from excavations
6. Site induction for workforce highlighting pollution prevention and awareness

An odour management plan should be considered should there be any likelihood of odours arising from operations.

Further details of the intended sewage treatment system. Any discharge to controlled waters will require discharge consent and this may not contain the same conditions as any previously issued consent.

The EA has also stated that any discharge from waste storage areas should be to foul sewer and we will require details of how this is to be achieved. If existing systems are to be re-used, a full drainage survey will be required to determine the integrity of the system.

Environment Planning Climate change and heat plan

The Environment Agency is encouraged to see that the Scoping Report identifies that the proposed facility could provide heat and power to the local community and national grid. This aspect should be explored further in future documentation. Local companies and facilities could be identified that could use the heat produced from the process.

Natural England is satisfied that a thorough strategy is identified to address these issues throughout the design of the proposal. However, the potential impacts don't include any investigation into the potential spillages of pollutants from the waste process on a temporary or permanent basis. There are also no contingency measures configured to accommodate any potential spillages. They recommend that mitigation measures are developed and advised upon in due course.

Water

The Environment Agency are satisfied with the proposals in section 6.13 for an assessment of groundwater conditions at the site. The report also states that dispersion monitoring will be extended to include any European designated ecological sites within 10km of the site. It would also be valuable to know the potential impact of air quality on nearby Sites of Nature Conservation, which can also be considered potentially sensitive receptors.

Natural England welcomes the use of sustainable drainage. Carefully designed above ground "soft" systems can offer significant benefits for biodiversity and amenity in addition to ameliorating effects on water quality and quantity.

The Environment Agency advises the applicant that under Planning Policy Statement 25 (PPS25) a Sequential Test will be required to demonstrate the site is suitable for development within flood zone 3. Where the proposal is for 'Major' development (such as this) the Environment Agency will object on the lack of evidence of the Sequential Test.

The Sequential Test is a requirement of PPS25 and the Planning Authority must be satisfied that it has been demonstrated and the Exception Test applied too. In each case the LPA must have a demonstrable Sequential Test, and Exception Test where appropriate, as part of the planning application. If they do not and they are challenged then this could clearly be an issue for them and could possibly lead to judicial review.

Under PPS25 a Flood Risk Assessment (FRA) must be submitted to support the planning application. The FRA should consider all forms of flooding including tidal, fluvial and surface water. A Strategic Flood Risk Assessment has been produced for the Avonmouth/ Severnside area, which is available at the following link:

[http://www.southglos.gov.uk/ Resources/Publications/PTE/09/0200/PTE-09-0113](http://www.southglos.gov.uk/Resources/Publications/PTE/09/0200/PTE-09-0113).

You are also advised to consult the Lower Severnside Internal Drainage Board who have information on surface water drainage and fluvial flooding in the area. They can be contacted on 01454 413340.

I hope the above information has been helpful and is sufficient to allow you to review your initial scoping submission. For completeness I have attached the correspondence received by the Local Planning Authority to this letter.

Please contact me on the above number should you have any further queries.

Yours sincerely,



Development Management.