

**KETTERING
BOROUGH COUNCIL
CONSULTATION
RESPONSE ON
REQUEST FOR
SCOPING OPINION
UNDER REGULATION
13 OF THE TOWN
AND COUNTRY
PLANNING
(ENVIRONMENT
IMPACT
ASSESSMENT)
(ENGLAND AND
WALES)
REGULATIONS 2011
(SI 2011 NO.1824)**

**Proposed
Development:
Scope and content of
an application for an
energy from waste
plant
(Northamptonshire
County Council
reference
12/00001/SCO)**

Location:
Magnetic Park,
Desborough

Adopted by:

**KETTERING
BOROUGH COUNCIL
Ref: KET/2012/0132**

Date: 27/03/2012

Contents

Section

- 1 INTRODUCTION
- 2 SCOPING
- 3 SITE DESCRIPTION
- 4 PROPOSED DEVELOPMENT
- 5 HISTORY
- 6 CONSULTATION
- 7 ENVIRONMENTAL STATEMENT CONTENT
- 8 ASSESSMENT
- 9 MITIGATION
- 10 NON-TECHNICAL SUMMARY

1. Introduction

Northamptonshire County Council as Waste Planning Authority has received a request for a formal Scoping Opinion under the Environmental Impact Assessment Regulations 2011. Kettering Borough Council has been consulted as part of this process as the proposed development falls within its administrative boundary.

2. Scoping

Environmental Impact Assessment (EIA) is an assessment process that attempts to ensure that any significant effects on a range of environmental issues that might result from a particular development are understood as far as possible and taken into account prior to any planning decision being taken. 'Scoping' forms part of the overall EIA process, and is intended to identify all of the significant environmental effects that a development project might cause, so that those identified significant effects can be investigated in detail in the EIA.

Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 forms the basis for the scoping procedure by allowing a "*person mindful to make an EIA application*" to ask the relevant planning authority to state in writing their opinion as to the scope of

investigation and information to be provided in the Environmental Statement (ES) in the form of a Scoping Opinion.

The effects/impacts of a proposed development on a range of environmental topics should be assessed in terms of their characteristics (adverse, beneficial, neutral, direct, indirect, cumulative), scale (international, national, regional, district, local) and significance (long-term, short-term, irreversible, reversible, major, minor) together with their timing (pre-construction, construction, operation/occupation, decommissioning, and remediation).

Where the potential for significant environmental effects have been identified as part of a scoping exercise, the Environmental Statement (ES) comprising part of the EIA process should propose mitigation and monitoring measures.

3. Site Description

The site comprises an area of rough grassland measuring approximately 1.8Ha and stands within the established industrial development, Magnetic Park to the North of Desborough. The site is bordered to the north and west by Stoke Road and is surrounded by a number of commercial and industrial uses. Residential properties are located beyond the industrial estate to the south east.

4. Proposed Development

Consultation as to the scope and content of the Environmental Statement associated within an application for an energy from waste plant (Northamptonshire County Council reference 12/00001/SCO).

The proposed 'energy from waste' facility will convert municipal and/or commercial and industrial waste into heat and power for use by the surrounding houses and businesses as well as feeding electricity into the National Grid.

5. History

KET/2011/0545 – Warehouse with associated offices, car parking and service yard – APPROVED 02/02/2012

KET/2008/0334 – Production unit, offices and associated parking – APPROVED 26/06/2008

KET/2008/0332 – Extension to existing internal service road – APPROVED 17/06/2008

KET/2006/1136 – 3m landscaping bund to the east of The Grange industrial estate – APPROVED 04/04/2007

KET/2006/0735 – Road improvements to Harborough Road and Stoke Albany Road
– APPROVED 29/12/2006

KET/2006/0734 – Reserved Matters: Phase 1 of business park – APPROVED
29/12/2006

KET/2004/0760 – Outline: Business Park – APPROVED 29/11/2005

6. Consultation

All consultation is to be carried out by Northamptonshire County Council as the determining authority and the Scoping Opinion finally adopted will take into account the comments and opinions resulting from consultation with other statutory and non-statutory bodies. The Scoping stage forms part of the Environmental Impact Assessment (EIA) process.

7. Environmental Statement (ES) content

Reference should be made to Appendix 5 of '*Environmental Impact Assessment: A guide to procedures*' (DCLG, 2000) which includes a 'checklist' of matters to be considered for inclusion in an Environmental Statement and sets out a basic format for the preparation of the ES as follows:-

ES SECTION 1 - information describing the project
ES SECTION 2 - information describing the site and its environment
ES SECTION 3 - assessment of effects
ES SECTION 4 - mitigating measures
ES SECTION 5 - risk of accidents and hazardous development (if relevant)

It should be noted that the format for the ES is not defined however the following topics should be included:-

- EIA legislation and assessment methodology(ies)
- Alternatives (consideration of alternative sites)
- Alternative designs/layout/evolution of design
- Landscape and visual impact
- Socio-economics
- Construction, operation and decommissioning
- Waste
- Vehicular and pedestrian access and traffic assessment
- Ecology
- Noise
- Lighting
- Impact of development in respect of climate change/sustainability
- Flood risk, hydrology and water quality
- Archaeology
- The ES should also include a glossary of technical terms and acronyms

Reference should also be made to Appendix 4 of *'Environmental Impact Assessment: A guide to procedures'* (DCLG, 2000) which sets out the minimum statutory provisions with respect to the content of environmental statements, as set out in Parts I and II of Schedule 4 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011.

The applicant has provided an EIA Scoping Report which sets out their proposed approach to production of an Environmental Statement and this is generally robust. The Council does however wish to comment on the following matters.

The Transport Assessment should consider the following:

- Where will waste come from and how will it be transported to the site?
- Local, regional or national impacts? Local roads and strategic routes?
- Potential routing agreements.
- How much waste is generated by the process of creating electricity and how/where is this to be disposed of?

No detail has been provided as to the scale, massing and height of the proposed development and it is therefore difficult to ascertain the likely visual impacts. It is noted that the submitted Scoping Report suggests production of a Landscape and Visual Assessment as well as a Cultural Assessment. The assessment should consider impacts on the surrounding settlements and in particular, any conservation areas, listed buildings or other heritage assets.

8. Assessment

Determining the significance of any impact can be contentious as it may involve value judgements and expert interpretation. It is therefore prudent that significance is established using transparent methodologies based on defined, up to date and recognised standards, legislation, policy and expert opinion. The ES should therefore be explicit and specifically include reference to:-

- Methodologies utilised (for example by reference to established standards such as ISO, BS)
- Assumptions and underlying rationale
- Fact, interpretation of facts, opinions, judgements based on facts
- Characteristics and dimensions of the impacts – i.e.: nature, magnitude, extent, timing, duration, reversibility, likelihood and significance.
- Confidence limits associated with predictions

Environmental Baseline

The ES will need to establish accurate baseline information and provide an analysis of impacts for the life-cycle of the project from construction, through operation, (to de-commissioning if a finite life cycle is envisaged). This should include a comparison to the 'do-nothing' option. The environmental baseline should be established through consultation by the applicant with the relevant statutory and non-statutory bodies.

Cumulative Effects

Assessment needs to consider cumulative effects of impacts. Under EU and UK procedures, references to cumulative effects can be found in Annex IV of the amending EIA Directive, the Town and Country Planning EIA Regulations, and the Conservation (Natural Habitats & C.) Regulations 1994.

For the purposes of investigation, assessment and production of an ES it should therefore be noted that consideration of two types of cumulative impact will be required:-

- combined effects of different types of impacts, for example, noise, lighting and visual impacts on a particular receptor, and
- impacts from several developments which individually might be insignificant, but when considered together, could amount to a significant cumulative impact.

9. Mitigation

Mitigation measures proposed within the ES should be detailed within a schedule of environmental commitments that could assist in drafting planning conditions and/or S106 agreements. It is advised that a hierarchical approach is adopted in the consideration and development of mitigation measures in the following order:-

- a. avoiding adverse impacts, then
- b. minimizing or reducing impacts to as low as possible, then
- c. remedy or compensate adverse impacts that are unavoidable

10. Non-Technical Summary

A credible ES needs to demonstrate that it is well written, well structured, objective, transparent and scientifically rigorous. The non-technical summary should provide sufficient information for the non-specialist reader to understand the main environmental impacts of the proposal without reference to the main ES. The non-technical summary should be a separate stand-alone document which includes a summary of the description of the development, the main alternatives considered, the aspects of the environment likely to be significantly affected by the development, the likely significant impacts and the mitigation measures to be implemented. It should include or make appropriate reference to maps and diagrams which, at a minimum, illustrate the location of the application site, the footprint of the proposed development, and the location of relevant key features.