From: [redacted]
To: [redacted]
Subject: Woodham Rd. David Davies Road , Barry Docks application for wood fired renewabel energy plant
Date: 05 June 2015 11:28:00
Attachments: Issued direction letter 231209.pdf

[redacted]

We are unable to provide a formal decision on which project category the development falls, as only a court can provide such a ruling, but your interpretation of the technological process associated with the development and conclusion that it does not fall within Schedule 1 of the Regulations, but should be considered as Schedule 2 development is similar to the conclusion reached in the Welsh Government's screening direction for planning application 2008/01203/FUL (see attachment).

[redacted]

REGARDS
[redacted]
Decisions Branch - Cangen Benderfyniadau
Planning Directorate - Y Gyfarwyddiaeth Gynllunio
Department for Natural Resources - Adran Cyfoeth Naturiol
Cathays Park - Parc Cathays
Cardiff, CF10 3NQ - Caerdydd, CF10 3NQ
e-mail/e-bost: [redacted]
Tel: [redacted] **GTN:** [redacted]
Fax: [redacted]

From: [redacted]
Sent: 04 June 2015 15:54
To: [redacted]
Subject: RE: Woodham Rd. David Davies Road , Barry Docks application for wood fired renewabel energy plant

Hi [redacted]

Thank you for the email.

The application was considered a Schedule 2 development and despite exceeding some of the thresholds it was considered that the development was not significantly different to that approved in 2010 by appeal and therefore, the environmental effects meant it was not considered to need an EIA.

The Friends of the earth objectors have outlined that they think the development comes under a schedule 1 development. In particular, what is outlined below

Annex 1(10) of the EIA Regs covers:

Waste disposal installations for the incineration or chemical treatment as

defined in Annex IIA to Directive 75/442/EEC under heading D9 of non hazardous waste with a capacity exceeding 100 tonnes per day.

It would appear from your email that you also consider it to be a Schedule 2 11(b) development. For clarification, could you confirm if you think the development would fall within a schedule 2 or the above indicated schedule 1? The application outlines that the technological process does not incinerate the wood waste but 'boils off' the synthetic gas. As such, my view is that it is not an incinerator plant.

Kind regards

[redacted]
Planning and Transportation Services
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Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.

From: [redacted]
Sent: 04 June 2015 14:59
To: [redacted]
Subject: Woodham Rd. David Davies Road , Barry Docks application for wood fired renewabel energy plant

[redacted]

We are unable to provide a second opinion as it is the responsibility of LPAs to provide a screening opinion on any planning applications that are considered to comprise Schedule 1 or 2 development. The Regulations (Reg 7(1)) require the screening opinion to be provided within 3 weeks of receipt of the planning application. When LPAs are uncertain about the likely environmental effects of the proposal, advice can be sought from bodies such as Natural Resources Wales.

Your e-mails indicate that your LPA considers the scheme to comprise Schedule 2 development but that EIA is not required. It's not clear whether a formal screening opinion has been published and placed on the planning register, but this should be done before the application is determined.

In terms of the type of development and its categorisation for the purposes of the EIA Directive, it may be helpful to note that the European Commission has published a document, "*Interpretation of definitions of project categories of annex I and II of the EIA Directive*", which states that, "….for the purposes of the EIA Directive, the term the term 'disposal' is interpreted to include 'recovery'. So, for example, development falling within paragraph 11(b) of Schedule 2 (installations for the disposal of waste) will include energy recovery from waste disposal facilities.

Interpretation of definitions of project categories of annex I and II of the EIA Directive (Ctrl +click to follow link)

[redacted]

REGARDS

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From: [redacted]
Sent: 03 June 2015 10:13
To: [redacted]
Cc: [redacted]
Subject: Woodham Rd. David Davies Road , Barry Docks application for wood fired renewabel energy plant

[redacted]

Apologies for contacting you directly but we currently have a new application for the above site which was previously considered at appeal (decision letter enclosed). The council has screened this new application and has decided that an EIA is not required. However the case officer is getting bombarded by correspondence regarding the need for an EIA from FoE and others.

Is there any way that WG can give us a second opinion on the need for EIA or not? as the case officer is finding that this is like wading through treacle and I know your section should be able to assess the need very quickly and easily.

Thanks

[redacted]y
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****
Mae'n bosibl bod y neges hon yn cynnwys deunydd sy'n freiniol, yn gyfrinachol neu wedi'i warchod gan hawlfraint. Gan hynny, nid oes hawl i chi ei defnyddio o gwbl onibai ei bod wedi'i bwriadu ar eich cyfer, neu eich bod yn gyfrifol am ei throsglwyddo i'r sawl y'i bwriadwyd ar ei gyfer. Byddech yn torri rheol petaech yn gwneud hynny, a gallai hefyd fod yn erbyn y gyfraith. A fyddech gystal felly, â dileu'r neges, a rhoi gwybod i'r sawl a'i hanfonodd drwy anfon ateb ato . Ni chewch fod yn hollol sicr na chaiff eich neges ei chodi gan rywun arall pan fyddwch yn cyfathrebu â neges e-bost arferol ar y rhyngrwyd. Gan hynny, byddem yn eich cynghori'n daer i beidio ag anfon unrhyw wybodaeth mewn neges e-bost a allai eich blino petai'n cael ei datgelu. Cymerir yn ganiataol nad oddi wrth y Cyngor nac â sêl ei fendith ychwaith y cafwyd unrhyw farn, casgliad na gwybodaeth arall yn y neges hon nad yw'n berthnasol i waith swyddogol Cyngor Bro Morgannwg.

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