Appendix 1- Key points either omitted from scoping report or detailed for clarification for inclusion within the Environmental Statement.

- Full Health Impact Assessment- the scope of which should be agreed with the following parties- NHS Hertfordshire, Environmental Health of Welwyn Hatfield Borough Council, Hertfordshire County Council

- NHS Hertfordshire are considered a key technical stakeholder and should be consulted in respect of the list number 1.6

- Full detail of the CHP plant- in relation to preparation, construction, operation and management of the plant. Locational detail in relation to the power lines for the CHP plant should be included

- Detail on what the bottom ash will constitute- 7.11.4- ‘inert nature’ of bottom ash will not produce harmful leachates. Conflicting again with this is 7.11.6- which says that there is the potential for further contaminants to arise during construction and operation- which will be addressed in the Environmental Statement- ensure full clarification of this aspect- Preliminary contaminated land assessment

- In respect of the unstable land- detail on what quantities of materials may be required for infilling. Note that infilling may change water run-off- attention should be paid to this in respect of SuDS

- Air Quality Report- full and detailed. Scope of which should be discussed further with the Environment Agency, Welwyn Hatfield District Council Environmental Health Department, NHS Hertfordshire and the County Council. The report should contain full emissions modelling also including extremes of operating, and attention given to Carbon Monoxide, Volatile Organic Compounds, Hydrogen Fluoride Poly Aromatic Hydrocarbons and full detail of the list of metals mentioned in chapter 7.5

- Detail regarding management of odour should be included

- In respect of Ecology- that full attention is paid to the response from Hertfordshire County Council and that this is incorporated into the ecology section

- The visual impact of the development- should be fully addressed and detailed- site currently houses 2/3 storey buildings- with low visual impact. Proposal is considerably larger.

- Impact on setting of listed buildings and scheduled monuments- it is suggested that an impact area of not less than 15km be considered

- Detailed Site Waste Management Plan required
• Detail on what wastes will be recovered as part of the recycling process and how these will be stored / processed on site

• Full Construction Management Plan is requested

• Detail of the Dust Management Plan requested

• In respect of lighting- detail on numbers of lights, type, Lux levels and directions should be included. Attention is also drawn in respect of effects of lighting on wildlife

• Litter Management Plan requested

• Noise surveys will take into account the topography- attention should be paid to natural attenuation, specifically in relation to the arboriculture report and removal of any existing trees on site. Note 7.3.3 bullet point regarding principle noise emissions should include air coolers, an assessment of noise impact upon the Southfield School, noise from the materials recycling facility. Building Bulletin 98 may be of assistance in the noise surveys

• Detail of what mitigation steps will be taken in the event of normal pollution control systems failing should be supplied

• Significance of climate change over operational lifespan of the proposal should be supplied.

• Detailed within this should also be details of extreme weather- high winds on the stack, 1-100 year flood on site

• Effects on tourism in the locality


• Junctions on the A1(M)

• Impact on interactions and cumulative effects

• Consideration of alternative sites, assessment of need, inclusive of reasons for plant site, size and technology
Appendix 2

New Barnfield Consultee Responses
Hello Jen,

Thank you for your email asking for comments on the Scoping Report for the above. As I informed you this is the first contact I have had with regard to this site since communicating with WYG (WYG Environment Planning Transport Ltd), who were acting on behalf of HCC. I'm afraid I am on leave until Monday 22nd November but my very initial comments on nothing more than a scan read of the report are as follows:-

- **1.6**: NHS Hertfordshire should be included as a key consultee.

- Initial comments made to WYG still apply – "The PCT noted that they were pleased to be involved in the process at this early stage, as this should ensure that health issues are fully taken into account, and obviously they will become involved at a later stage through the permitting process, where they would automatically require an HIA, so early consideration of the issues should help ensure that the later stages run as smoothly as possible."

- Effects on population will include possible detrimental effects on health. As this PCT has not been party to the Health Impact work mentioned in 7.1.3 the PCT requests a full Health Impact Assessment. The scoping of assessment should be agreed with all relevant parties.

- Other issues of concern may have already been addressed in any response from the District Council. The PCT has been working jointly on this issue with Mr P. Hill of the Welwyn Hatfield Council's Environmental Health Department, and feel sure he may have made comments on the air quality, contaminated land, noise and transportation issues raised in this report.

As stated I shall be back from annual leave on Monday 22nd November and if needed you can then contact me at the number below.

Kind Regards

Peter Wright
Public Health Partnership Manager
NHS Hertfordshire
PLEASE NOTE I AM BASED AT CHARTER HOUSE FULL TIME NOW
Charter House, Parkway, Welwyn Garden City, AL8 6JL
01707 369651
peter.wright@hertfordshire.nhs.uk
Proposed Energy Recovery Facility
New Barnfield Centre, Hatfield

Scoping Opinion stage
The Landscape Partnership Limited

1 Introduction

1.1 The Landscape Partnership were appointed by Hertfordshire County Council (HCC) in October 2010 to carry out a review of the ‘Request for a Scoping Opinion’ submitted by Barton Willmore on behalf of Veolia for a Energy Recovery Facility on land at New Barnfield, Hatfield. The Landscape Partnership were also appointed in January 2008 by Hertfordshire County Council to advise on landscape and visual matters on the same site before a request for scoping opinion had been made.

1.2 The initial appointment came through Simon Odell – (Head of Biological Records Centre & Landscape Land Management Group) with further contact via Brian Owen of County Development Unit.

1.3 The Request for a Scoping Opinion has been submitted in the form of a document setting out the intended approach and range of topics to be included. An outline of the facilities to be provided is set out in the project description of this report. No supporting materials are provided to illustrate the scheme at this stage. However it is indicated that the main building would occupy the eastern part of the site and not exceed 45m in height. The emissions stacks are not expected to exceed 100m. By any standard this would represent a substantial development. The type of development also falls within Schedule 1 of the EIA Regulations.

1.4 A previous site visit was made in January 2008 to scope the key issues for the original advice to the HCC. That site visit was undertaken by the same author of this report. A further visit has not been made at this stage.

1.5 The scope of this report concentrates on advice on Landscape and Visual Impact as set out in the Request for a Scoping Opinion. However additional comment is also provided with regard to aspects of Cultural Heritage, Lighting and Arboriculture as set out in the Request for Scoping Opinion.

1.6 The overall approach in the Request for a Scoping Opinion document is sound and reasonable. In respect of the landscape and visual section (7.4 – pages 35-36) the elements covered are acceptable. However we have identified a number of further aspects and details that should also be included in the LPA’s Screening Opinion to ensure that the information provided in the EIA is sufficient to make a judgement on the impact of the proposal.

1.7 The following sections provide our suggested draft wording for the HCC Scoping Opinion response.

2 Landscape and Visual Impact

2.1 The landscape and visual impact Chapter of the ES should follow the structure of: assessment methodology, baseline conditions, analysis of impacts, identification of likely significant effects, mitigation measures and residual effects and conclusions. Both the Landscape and Visual aspects of the study should include a transparent and repeatable methodology that sets out the basis for the assessment. This shall include a clear approach to the definitions for magnitude, sensitivity and significance and the subsequent interpretation and assessment of impacts and effects. The study should give consideration to the potential impacts and effects of the proposed development on both the landscape character and a range of visual receptor groups. Impacts should be identified as positive, neutral or negative,
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New Barnfield Centre, Hatfield

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short term or long term and permanent reversible. The report should be supported by tables, drawings and photographs.

2.2 The full details of the proposed development including the landscape design should be included in the planning application and set out in the earlier sections of the EIA which cover the Project Description. These features would form the basis of the assessment of the impact of the proposals and should include:

• A full topographical survey including built and natural features
• Full tree survey for the site area and boundaries. The survey shall be produced to BS 5837 (2005) Trees in Relation to Construction and include tables, report and drawings. The report should include identification of any protected trees or hedgerows on or adjacent to the site.
• An Arboricultural Impact Assessment report which shall include: identification of trees either directly or indirectly affected by the proposal, a tree protection plan and method statement for tree retention.
• Layout, plans, elevations, materials and colours of the proposed built forms and engineering works.
• Details of any proposed, levels earthworks and contours
• Details of lighting proposals
• Programme for development including phasing
• Offsite construction works, including impacts on highways
• Landscape proposals for the site – including areas of hard and soft landscape treatment, site boundaries and effect on adjacent rights of way
• Planting proposals for the site including species, densities and plant sizes
• Offsite landscape proposals including impacts arising from highway works, contributions to the Watling Chase Community Forest or mitigation /compensatory measures affecting wildlife sites

2.3 The Landscape and Visual impacts that would arise from consideration of alternative sites should also be included within the assessment. This should either be in the Alternative Site Assessment Report or as an Appendix to the LVIA. It is not anticipated that the level of detail would be as extensive as for the site proposed site but there should be a clear comparison of the relative impacts of the major topics of Landscape and Visual Impacts covered for the main proposal.

2.4 The LVIA chapter should specifically include and address the following:

a) Guidance

The Chapter should be in accordance with current guidelines including:

• Guidelines for Landscape and Visual Impact Assessment – Second Edition 2002 (Landscape Institute and Institute of Environmental Assessment)

• Landscape Character Assessment- Guidance for England and Scotland (2002) and the accompanying Topic Papers - including Topic Paper 6. (Countryside Agency/Scottish Natural Heritage)

• Landscape Institute Advice Note 01/09 - Use of photography and photomontage in landscape and visual assessment. NB the use of 50mm lens views shall be used for photomontages. In addition single frame photomontages shall be produced for locations as agreed with the LPA using an equivalent 70mm lens (for viewpoints < 1.5km from the site) and a 75mm lens (for viewpoints > 1.5km from the site).
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b) National Policy, Local Planning Policy and relevant guidance. Consideration of landscape and visual impact in policy terms should include:

National Planning Policy
PPS2 - Green Belt
PPS7 Sustainable Development in Rural Areas

Welwyn Hatfield District Plan 2005
RA 6 – Green Belt
RA10 – Landscape Regions and Character Areas
RA11 – Watling Chase Community Forest
RA25 – Public Rights of Way
RA26 – Bridleways
D1 – Quality of Design
D2 – Character and Context;
D8 – Landscaping; and
R17 – Trees, Woodland and Hedgerows
R20 – Light Pollution
R28 – Historic Parks and Gardens

Hertfordshire Waste Local Plan
WLP33 – Landscape Intrusion
WLP34 – Impact on landscape features of local importance
WLP36 – Impact on listed buildings, parks and gardens
WLP39 – Rights of Way

Hertfordshire Waste Core Strategy and Waste Development Policies – Preferred Options 2
Policy 10 – Road Transport and Traffic
Policy 11 – Sustainable Design, Construction and Demolition
Policy 12 – General Criteria for Assessing Waste Planning Applications
Policy 13 – Buffer Zones
Policy 14 – Rights of Way
Policy 16 – Protection of Hertfordshire’s Historic and Environmental Assets
Policy 17 – Protection and Mitigation

Watling Chase Community Forest – Forest Plan Review 2001
WCCF1 - To regenerate the environment of the Green Belt and equivalent areas, where it is public policy to keep it open, and help to ensure that it is permanently green and open.
WCCF2 - To improve the landscape of the area, including reclamation of derelict land, to create a visually exciting and functionally diverse environment.
WCCF11 - To improve the environment near housing and local industry and to increase the value of properties and businesses.

c) Landscape Impact

- The baseline landscape context of the site should include consideration of the relevant National Character Areas and District Scale Landscape Character Areas (as identified in the Welwyn Hatfield Local Plan). District Landscape Character Areas (LCAs) not within or
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directly adjacent to the site but which may be affected should also be included i.e. LCAs 28, 29, 30, 46, 51 and 54. The study should also identify and describe local character area sub divisions that apply to the site and its more immediate environment including areas of townscape character in Hatfield and Welham Green. The study should include recording the local patterns of landform, vegetation, land uses, built features or detractors.

- The study should establish the relative sensitivity of the LCAs at each scale, their capacity to accommodate the proposal and the likely effects of the development on the character areas. The study should identify and include impacts on any landscape related designations including Registered Parks and Gardens (e.g. Hatfield Park and Gobions).

- The ES should identify the key characteristics and landscape elements of the site and each of the local landscape character areas. The study should provide an assessment of the impacts on these landscape units and features, whether direct or indirect.

- Impacts should be considered for the various stages including construction, at completion, and in the medium (c.10 years) and longer term (c. 20 years) following the implementation of mitigation measures. Any offsite impacts e.g. arising from access improvements should also be considered.

d) Visual Impact

The extent of visual impact of the proposed development should be established, initially through the use of a Zone of Theoretical Visibility (ZTV) which should then be tested in the field. ZTV studies should be carried out separately for both the flue stacks and main buildings and cover an area up to 15km from the site. ZTV studies should allow for the screening effect of existing buildings and woodland blocks with any assumptions on screening provided stated.

The visual impacts arising from the development should be assessed for the following receptor groups. The assessment should allow for the screening effects of vegetation in both winter and summer situations and also include for the impact of lighting associated with the development.

- **Residential Properties** – The residential impacts on the settlements of Hatfield, Welham Green and Marshmoor should be considered in detail. This should include both properties closer to the site and also other residential locations within the settlements that may also have views e.g. on account of elevated location. Impacts on other settlements and individual properties within the ZTV should also be considered.
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- **Schools** – The impact on users of schools including their grounds should be considered. In particular the impact on Southfield school should be considered in detail.

- **Employment Land** – The impact on receptors at their place of work which should include locations to the east of the site e.g. Tesco’s and Mitsubishi.

- **Open Space** – The impact on areas of public open space should be assessed including Welwyn Hatfield Cemetery, Colney Heath and other accessible areas of public open space.

- **Formal sports recreation areas** – The impact on users of sports pitches, including Hertfordshire University sports fields, golf courses and associated facilities.

- **Rights of Way** – The impact on users of all types of rights of way should be included. This should include those in closer proximity to the site and also those at greater distance within the ZVT where there are likely to be views to elements of the development.

- **Road & Rail** - Views from users of road and rail, including main and local routes.

- **Tourist sites** – The impact on visitor and tourist sites including Hatfield House and Park.

- **Historic and Culturally designated sites** – The visual impact on the setting of designated features including listed buildings, nationally and locally registered parks and gardens, scheduled monuments and conservation areas should include (but not limited to): Hatfield House, The Palace Hatfield Park, St Ethedreda’s, North Mymms House, Hatfield Park, Tyttenhanger Park, Gobions and Hatfield Conservation Area. The ZVT should form the basis for assessing likely the extent of impacts. (NB. A separate study of cultural heritage features including an assessment of their value and significance in accordance with PP55 and the impact should be included in the Cultural Heritage Chapter of the EIA).

**Representative viewpoints and supporting visual material**
In addition to the coverage of impacts on the above receptor groups a number of representative viewpoint locations should be selected to illustrate the impact of the development. The locations chosen should be informed by the extent of the ZVT and subsequent site visits. The location of each viewpoint, including micro-siting should be agreed with the LPA in advance of a detailed assessment of impact at each viewpoint. The viewpoints should cover a range of locations from close, middle and long distance. A number of photomontages and cross sections should be produced from the viewpoints as agreed with the LPA. The photomontages shall be produced in accordance with the ‘guidance’ and note above regarding lenses. The assessment and accompanying photomontages and cross sections should include details at construction, completion, and medium to longer term allowing for any proposed mitigation measures and any offsite works.

e) **Mitigation and Landscape Proposals**
Development of the site proposals including siting, design and mitigation proposals should seek to minimise the impact and provide positive improvements to the local landscape character. The landscape mitigation proposals shall be described and how they respond to the assessed landscape and visual impacts. The ways in which the scheme design has been modified to avoid, reduce and minimise the impacts should be described. Any residual
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impacts should also be stated. The significant impacts shall be clearly identified following mitigation.
In environmental statement technical document paragraph 7.2 sets out the details and process of Transport Assessment. Highway authority is overall satisfied with the process set out in the methodology. Any application of this nature the transport assessment should concentrate on

- Number of HGV movements
- Hours of operation
- Cumulative impact of HGVs
- Routing arrangements
- How the developer propose to ensure that the routing arrangements are maintained at all times.

Impact of noise and vibration of HGVs on the local road network.

Study area

- Depending on the number of lorries and routing at some point we may need to involve Highways agency, but not at present.
- In relation to the above site there is some local concern over the number of lorry movements. This is mainly due to the Tesco Distribution depot. At the time when the planning permission was granted Welwyn Hatfield Council no restrictions were imposed on the number of lorry movements and hours of operation.

I trust the information is adequate.

Vetti
Yours faithfully

Brian Owen
Development Control Manager
County Development Unit
Hertfordshire County Council

Tel: 01992 556 266
Fax: 01992 556 202

Save money, energy, trees and the environment - only print this e-mail if you really have to.

Scoping opinion for
New Barnfi...
Thanks Brian,

there was a plan attached to the email, however this only shows the current site not any proposed building extent.

With regards to rights of way, we would be interested in having a footpath linking Bunchleys Pond and North Mimms FP 21 and RB 23 on the northern boundary of the site to replace a current permissive footpath.

Therefore studies of the Definitive Map, permissive path, pending paths, ROWIP and commons and village greens layers would need to be carried out to enable an informed decision to be made.

Ian England.
Definitive Map Officer
Hertfordshire County Council
CHN 103
01992 556185
www.hertsdirect.org/row

Ian, I've checked with Zoe and I hope we sent you a copy of the documentation we have. This does have some plans attached, I don't have any others. However the enquiry is just in relation to a scoping request, i.e. asking what studies should be undertaken in order to inform a decision about environmental effects. It is not at this stage about whether or not the development should or should not happen. So what should be looked at in order to inform decisions about rights of way?

Brian Owen
Development Control Manager
County Development Unit
CHN216
tel 01992 556255

Brian, could I see a plan of the extent of the proposed new development please, there is currently a permissive footpath crossing the site and we would be interested to suggest a new right of way be allowed for in the development area.

Regards,
Ian.

Definitive Map Officer
Dear Brian,

Thank you for consulting me.

I agree that the Historic Environment should be 'Scoped in'.

The information provided should include an evaluation of the site and should consist of trial trenches to test the results of a geophysical survey of the site.

Regards,

Andy Instone
County Planning Archaeologist

Postal Point EMG CHN108
Historic Environment Unit
Environment Dept.
Hertfordshire County Council
County Hall
Hertford SG13 8DN

www.hertsdirect.org

01992 555241
Yours faithfully

Brian Owen
Development Control Manager
County Development Unit
Hertfordshire County Council

Tel: 01992 556 266
Fax: 01992 556 202

Save money, energy, trees and the environment - only print this e-mail if you really have to.
Mr Brian Owen
Development Control Manager
County Development Unit
Hertfordshire County Council
County Hall
Peggs Lane,
Hatfield, Herts SG13 8DN

Dear Mr Owen

RE: CONSULTATION ON SCOPING OPINION
PROPOSAL: NEW ENERGY RECOVERY FACILITY
ADDRESS: NEW BARNFIELD CENTRE, HATFIELD

Thank you for the request for our comments on the above Scoping Opinion ('Request for a Scoping Opinion' dated September 2010 and submitted by Barton Willmore) which has been received by Hertfordshire County Council.

This document, provided under the terms of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999, will form the basis of our comments.

This scoping opinion document comprises of seven chapters with chapter 7 providing the 'Environmental Statement Technical Disciplines'. Within this chapter are the following subject headings:

7.3 Noise and Vibration
7.5 Air Quality
7.7 Hydrology and Hydrogeology
7.8 Geotechnical
7.11 Land Contamination.

These areas have particular relevance to the Borough Council and each of these headings have been considered separately, following internal consultations including the Council’s Environmental Health Department and Licensing Service. These comments will be general and also specific to the paragraphs in the Scoping Opinion document.

Circular 02/99 provides guidance on the regulations and states that an EIA should include:

A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
The contents of the submitted document have therefore been judged under these factors.

7.3 Noise and Vibration

Paragraph 7.2.8
Assessment of road traffic should include issues of litter from vehicles.

Paragraph 7.3.1
In addition to National Planning Policy 24 consideration should also be given to the World Health Organisation (WHO) Guidelines for Community Noise 1999.

Paragraph 7.3.8
The baseline noise survey should also take into account existing low frequency noise levels around the site. Any changes can be agreed as detailed within Section 7.3.9

Paragraph 7.3.12
Consideration should also be given to BS 6472 -1:2008 Guide to evaluation of human exposure to vibration in buildings.

Section 7.3.14
In addition to BS 4142:1997 consideration shall also be given with regards to findings of the WHO Guidelines for Community Noise and BS 8233:1999. A noise assessment shall also consider the potential impact of low frequency noise.

7.5 Air Quality

In order that a representative data set is produced, relevant pollutants related to adverse effects on health should be assessed against background information. Any background survey should be based on scientifically sound principles taking into account relevance of sampling points, uncertainties in analysis, and seasonal variation. With this in mind, specific comments on the document are as follows:

Paragraphs 7.5.2 and 7.5.3
These provide no details of the survey associated with the prolonged data set

Paragraph 7.5.4
Diffusion tube survey... why 10-15 locations and where are they? Diffusion tube surveys vary in accuracy related to location, analysis laboratory and meteorological conditions, in order to produce meaningful data this information should be agreed prior to any survey being undertaken.

PM10's again question use of the word "suitable", who judges?
Sampling of soils...4-5 locations, where, what depth, what's included in the analysis suite (for example PCB's?)

Paragraphs 7.5.10 and 7.5.11
Do not include PAH's (as quoted in HPA report The Impact on Health of Emissions to Air from Municipal Waste Incinerators 2009)
Paragraph 7.5.11
We would like agreement from HPA that USA model is the most appropriate as it is not mentioned in the above mentioned report on Health Effects of Waste Incineration.

Paragraphs 7.5.12
What are "abnormal operating conditions"?

7.7 Hydrology and Hydrogeology

Comments from the Environment Agency will be key in advising on drainage, flood risk and ground waters, as well as related conservation issues.

In addition, the Strategic Flood Risk Assessment prepared by Scott Wilson for the Borough Council is relevant. This documentation, including Table 11-1: Flood Risk Guidance Table and other relevant mapping data can be viewed on the Borough Council's website: www.welhat.gov.uk/index.aspx?articleid=832 under 'SFRA'.

7.8 Geotechnical (Land Stability)

Advice given by the Borough's Building Control Service to WSP on 30/01/08 is still appropriate. A copy of this conversation is attached to this letter.

The 'Wider Hatfield Risk Assessment Risk Review' prepared by Hyder Consulting (UK) Limited (29 Bressenden Place, London SW1E 5DZ Tel: 0870 000 3006 www.hyderconsulting.com) is a relevant document for historic chalk mining activities in Hatfield. Although the proposed development site is, however, outside the survey area undertaken by the Hyder study, this may still be a useful reference document.

7.11 Land Contamination

In order to characterise the site, baseline data on land contamination is required. This should take the initial form of a Phase 1 investigation progressing if necessary in accordance with the guidance found in CLR 11. In order to fulfil the criteria mentioned above of including flora and fauna this section should also include an Ecological Risk Assessment.

Paragraph 7.11.5 states "based on site observations"? As a large proportion of the site is covered by hard standing it is difficult to envisage what these observations were.

It should be noted that some of the documents referred to in 7.11.8 have been replaced as follows:
CLR10 with CLEA SR3 (2008)
CLR 9 with CLEA SR2 (2008)
We would also recommend the inclusion of the following as base documents:
Climatic Factors

Climatic Factors are significantly influenced by CO2 emissions, we would therefore expect to see details of the CO2 outputs from the proposal (including traffic movements) in order that likely impacts can be judged. Any data produced should be extrapolated forward until 2020 to take into account the effects of improving technology.

The report contains few, if any, mention of prevailing meteorological conditions (e.g. wind direction, wind speed, average precipitation). This should be provided along with their interrelationships with other factors mentioned in the report.

Health Impact

Effects on population will include possible detrimental effects on health. As this Authority has not been party to the Health Impact work mentioned in 7.1.3 it would seem reasonable to ask for a Health Impact Assessment. The scoping of assessment should be agreed with all relevant parties.

Odour

There is no reference to odour assessment and control. This may be conditioned under any permit granted by the Environment Agency together with other atmospheric pollution matters.

Consultees

In light of the health aspects mentioned above and the need for guidance on toxicological methodology it is suggested that the Primary Care Trust and the Health Protection Agency (or their equivalents arising from the imminent government review) are included amongst the list of consultees (at paragraph 1.6).

The trans boundary nature of air pollutants and the climatic factors related to the production of CO2 dictate it would also be advisable to include neighbouring Local Authorities in the consultation if this has not already been done.

Socio-Economic Matters - Data Sources

In regards to the socio-economic matters set out in the report, the set of data sources to be used needs to be refined. As the site is in the East of England region, information from the
South East England Intelligence Network is unlikely to be relevant. Similarly, the East of England Regional Economic Strategy should be referred to instead of the South East RES.

Other sources of information that are likely to prove useful, as well as those listed in the proposal, include:

- APHO / Department of Health Profile data
- Home Office Crime Statistics
- Other ONS data including population forecasts
- CLG housing stock and affordability data
- CLG Gypsy and Traveller Statistics
- Land registry house price data

Reference Material of particular relevance used in preparing these comments

- Welwyn Hatfield LDF Sustainability Appraisal Scoping Report, Appendix 4, March 2008 (this has references to various other useful sources of data).
- The Impact on Health of Emissions to Air from Municipal Waste Incinerators – Health Protection Agency – September 2009
- Incineration and Climate Change – Friends of the Earth
- Circular 02/99: Environmental impact assessment – DCLG
- Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

Other Local Documents of relevance are:

- New Barnfield Resource Centre Master Planning Brief (prepared by the County Council and approved by Welwyn Hatfield Council in June 2000).
- Welwyn Hatfield Landscape Character Assessment – April 2005 (prepared on behalf of both the County Council and Welwyn Hatfield Council). The site is located in Landscape Character Area No.29 – Mimmshall Valley.
- Planning History Records for this site (available on request to the Planning Department).

Summary

The above comments refer to sections of the scoping opinion which have a particular interest to Welwyn Hatfield Borough Council and are not therefore an exhaustive analysis of every part of this document where other consultees have particular areas of particular knowledge.

As already noted above, there are recommendations of further consultees to be added to the list in paragraph 1.6 of the Scoping Opinion Document. It is strongly suggested, as already mentioned, that other adjoining Local Authorities should be consulted, as the implications of
such a development are not necessarily restricted to the boundaries of Welwyn Hatfield Borough Council.

Consultations with the Environment Agency will be particularly important in regards to Air Quality and Odour from the future emissions arising from the incineration of waste within the ERF as these are likely to be controlled by the need of a permit issued by the Environment Agency. Such a permit is likely to result in the Environment Agency being responsible for future enforcement of any breaches of this permit and as such the Borough Council will be limited in any action it could take over future potential nuisances from this operational part of the proposed development.

The above comments are not intended to convey the Council's views on the planning merits of the proposed development, but are simply to assist in determining the scope of the Environmental Statement that is required to accompany any future planning application for an Energy Recovery Facility.

Please contact do not hesitate to contact Mr Peter Jefcoate on the above direct telephone number if you have any questions concerning the above.

Yours sincerely,

Chris Conway
Director (Strategy and Development)

Useful Links
National website for submission of planning applications and planning advice
www.planningportal.gov.uk

Welwyn Hatfield Council's website
www.welhat.gov.uk/planning
Project Number | 12264264
--- | ---
Site | New Barnfield
Name of External Caller / Receiver | Barry Dawson – Building Control Manager (BCM)
Company | Welwyn Hatfield BC
Phone No. | 01707 357502
Name of Internal Caller / Receiver | Matt Whalley
Date | 30.01.08
Time | 10.30

Details:

**MW** – requested info relating to ground stability / mining issues at site.

Barry commented:

- he was unaware of any significant historical mining / ground stability issues at the site;
- he mentioned that WHBC had done a desk-based mining study of the area to the north of South Way bypass and in areas of subsidence or suspected mining activities intrusive investigations were undertaken;
- none of this work was undertaken to the south of the Southway bypass as this area was not considered to be at risk;
- most of the features investigated related to man-made cavities and not solution features. However, due to the presence of gravel deposits and chalk deposits these features may be present in the area; and,
- it is not possible to determine the depth to the chalk deposits as it undulates across the area and in some areas is very shallow / outcropping and at depth in others.

**MW** – suggested proposed methodology for further assessment would include desk-based assessment to be undertaken in combination with contamination desk-based assessment. Further consultation with WHBC BCM and review of relevant ground condition reports for the area held by WHBC BCM. Based on findings of desk study, and if required, intrusive investigations would be undertaken to assess potential risks at site.

Barry confirmed that the proposed approach would be acceptable to assess potential risks associated ground conditions.
Dear Brian

Please find attached our response to the scoping report.

Please contact me if you have further queries,

Regards

Rachel

Rachel Keen
Major Projects Officer
Planning Liaison
Tel: 01707 632406

Environment Agency, Apollo Court, 2 Bishop Square Business Park, St Albans Road West, Hatfield, Herts. AL10 9EX

We can provide advice and guidance on your development. Click here to find out more.

With attachment.

Zoe Cook
County Development Unit
Hertfordshire County Council

Tel: 01992 556 266
Fax: 01992 556 202

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Dear Sir/Madam

The County Planning Authority has received a request for a formal scoping opinion under the environmental impact assessment regulations on 27 September 2010 for the above development.
I wish to consult you in respect of the scoping opinion and enclose a copy of the scoping request. Please could you review the scoping request and consider whether the key effects of the development are addressed and how they relate to the area likely to be affected by the development.

I would also ask that you review the methods of assessment and data collection to see if these are likely to cover the interests of your authority.

As you may be aware there is a five week timescale for this authority to respond to the request and I would ask that you provide a reply as outlined above or any other comments you may wish to make on the scoping request as soon as possible or by 21 October 2010 at the latest.

Yours faithfully

Brian Owen
Development Control Manager
County Development Unit
Hertfordshire County Council

Tel: 01992 556 266
Fax: 01992 556 202

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Dear Brian

New Barnfield Centre, Hatfield


Thank you for consulting us on this scoping opinion on 4 October. Generally we are satisfied with the elements identified in the report.

The flood risk assessment for the site should make use of the Welwyn Hatfield Strategic Flood Risk Assessment and comply with the recommendations within this document.

Providing the drainage strategy complies with the following requirements we will not raise an objection to the proposal at the planning application stage:

- Greenfield runoff rates - these are between 2 and 8 litres per second per hectare but should be calculated specifically for the site following the IH 124 methodology.
- On-site attenuation up to and including the 1 in 100 year plus climate change critical storm.

Optimum use of SuDS - consideration should be given to incorporating green roofs, ponds and wetlands into the surface water drainage design. Any barriers to the use of the most sustainable SuDS should be clearly set out.

There is good potential for ecological enhancement through this development given that the site has protected species. Additional ponds with appropriate management would help to minimise the impact of this proposal.

7.7.1 - Groundwater levels on site should be provided as part of the EIA so that any potential impacts on groundwater flow can be identified and mitigated.

Although it is not expected to be one of the most significant issues for the development in this location a chapter on contaminated land would be expected. The scoping opinion correctly identifies the relevant guidance. Our new Guiding Principles for Land Contamination is available from our website and should be referenced.
With regards to air quality, we are satisfied that this has been included in the scoping report. This is something that we do not look at as part of a planning application, but would need to be considered for the Environmental Permit. We would strongly urge any development that requires an Environmental Permit to submit the two applications at the same time to ensure that we see all relevant information for both applications within the same time frame.

I understand that this is one of two sites that will come forward as the final site for the waste solution. We would be keen to engage at an early stage to ensure that our requirements are met. We may have issues over a waste facility in the Harper Lane location, depending on where on the site it is proposed, due to groundwater sensitivity and potential land contamination.

Yours sincerely

Rachel Keen
Major Projects Officer

Direct dial 01707 632406
Direct e-mail rachel.keen@environment-agency.gov.uk
Dear Brian Owen

Please find attached EEDA's comments in relation to the above consultation, your letter dated 4th October.

Thank you for consulting EEDA.

Regards

Tracey Mahoney
Planning Assistant
East of England Development Agency
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Visit our website http://www.eeda.org.uk
Reply to: Natalie Blaken
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Your ref:

Brian Owen
Development Control Manager
Environment and Commercial Services
County Development Unit
CHN216, County Hall
Hertford
Herts SG13 8DN

20th October 2010

Dear Mr Owen

Energy Recovery facility, New Barnfield Centre, Hatfield: Scoping Report

Thank you for the opportunity to comment on the proposed Scoping Report in relation to this development (your letter dated 4th October).

EEDA receives a number of requests of this kind, as a statutory consultee, and our experience to date suggests a number of points on scoping reports which your authority may wish to consider.

EEDA’s principal role is to improve the East of England region’s economic performance. Our main concern with scoping reports is therefore that they address whether or not the proposal to which they refer will help deliver, and provide the spatial framework for sustainable economic development and regeneration in the East of England.

In our experience, scoping reports usually provide only limited reference to the ‘socio-economic’ impacts of the proposed proposal. EEDA considers that they usually need to be expanded to identify the wider socio-economic issues, benefits and costs.

EEDA supports a region that is internationally competitive with a global reputation for innovation and business growth that harnesses and develops the talents and creativity of all and is at the forefront of a low carbon and resource efficient economy. In this context the following issues are likely to be important based upon the evidence base to the Regional Economic Strategy and should be considered in the Sustainability Scoping Report:

- support the development of basic business infrastructure (eg power and water supply and treatment) to support housing and economic growth
- support measures to raise employment rates and the profile of higher-value employment across the arc by overcoming barriers to employability and raising basic and higher-level skills and participation in deprived wards
EEDA notes that the Scoping Report has been updated to take account of the recent announcements on the revocation of the Regional Spatial Strategy. However, EEDA would advocate that the evidence base to the East of England Plan and the Regional Economic Strategy, Inventing our Future: Collective action for a sustainable economy, 2008 (rather than the SEEDA plan) is still valid intelligence and research to inform the Scoping Report.

The baseline information should be updated to consider:

- The Local Economic Assessment prepared by Hertfordshire County Council;
- The relative decline in the IMD position between 2004 and 2007 indices

By addressing these key elements of RES the Sustainability Appraisal will provide the context needed to appraise whether the proposal will help maintain the prosperity of the East of England, enhancing its regional competitiveness and giving support to business growth.

If you would like to discuss any of these matters in further detail, please do not hesitate to contact me at the above address.

Yours sincerely

Natalie Blaken
Head of Planning
Dear Sir

SCOPING REPORT FOR ENERGY RECOVERY FACILITY, NEW BARNFIELD CENTRE, HATFIELD

Thank you for consulting the Highways Agency in respect of the scoping opinion in response to the scoping request relating to the above development proposal.

I respond with regard to Section 7.2 Transport, Traffic and Movement of the Request for a Scoping Opinion document dated September 2010: Barton Wilmore.

Given the nature of the development and its proximity (1km) to junction 2 of the A1(M) Trunk Road, the Highways Agency cannot be expected to cater for unrestrained growth generated by the development proposal.

Therefore the Highways Agency would expect to see some analysis of traffic impact arising from the proposal onto Junction 2 of A1(M), if only to prove whether the impact is material or otherwise.

The methodology for the analysis would need to be agreed in the form of a Scoping Note prior to such work taking place.

Yours faithfully

Chris Shaw
Senior Network Manager
Network Delivery and Development East
Email: chris.shaw@highways.gsi.gov.uk
New Barnfield Energy Recovery facility Scoping Option.doc

Graham Goodall, CEnv MIEEM
Senior Ecologist
Hertfordshire Biological Records Centre
Environment & Commercial Services Dept
County Hall Hertford  SG13 8DN
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1. HBRC database.

1.1 Sites.
The proposed development site does not have any statutory, national designations, nor is it identified as a county Wildlife Site. However, part of the site is identified as an Ecology Database Site (EDS69/035); it consists of semi-improved neutral grassland and contains two ponds that support Great Crested Newts – European Protected Species.

An area to the north of the site is identified as a Wildlife Site (WS69/008); grassland west of Travellers Lane. It contains a pond that supports Great Crested Newts – European Protected Species.

An adjoining area to the south of the site is identified as a Wildlife Site (WS69/040); grassland north of Dellsome Lane. It supports semi-improved neutral grassland with good species diversity (>5 neutral grassland indicator species). The site also contains a pond, which may support Great Crested Newts, but HBRC do not have any records to support this.

1.2 Protected species.
Ponds within and adjacent to the proposed development site support Great Crested Newts, which are European Protected Species.

2. Veolia Environmental Services.

7.6 Ecology and Nature Conservation.
The report states (para: 7.6.3) that "surveys found evidence of the presence of bats, great crested newts, reptiles, invertebrates and birds; no evidence of badger, water vole or otter was found."

The report also states (para: 7.6.5) that "Further surveys will be required and this additional information will be utilised, and the need for any further surveys will be established."
3. Biodiversity; Conservation law and policy.

3.1 Local Authority legal duties.
Local Authorities have a legal duty to have regard to the purpose of conserving biodiversity under Section 40(1) of the Natural Environment & Rural Communities Act 2006.

"every public authority must in exercising its functions have regard...to the purpose of conserving biodiversity"

This duty includes restoring and enhancing biodiversity.

Regulation 9(5) of The Conservation (Natural Habitats &c. Regulations 2010), otherwise known as the Habitats Directive, states:

"a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitat Directive so far as they may be effected by the exercise of those functions"

Local Planning Authorities (LPA) should engage with the Habitats Directive by:
- Considering whether an European Protected Species (EPS) criminal offence is likely to be committed by the development proposal.
- If yes, consider whether the 3 "derogation" tests will be met and whether Natural England (NE) is likely to grant an EPS licence.

Regulation 41 contains the main offences for EPS animals:
Deliberately capture, kill or injure an EPS.
- Deliberately take or destroy EPS eggs.
- Deliberately disturb an EPS, including any disturbance that is likely:
  a) to impair their ability:
   1. to survive, to breed or reproduce, or to rear or nurture their young, or
   2. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
  b) to affect significantly the local distribution or abundance of the species to which they belong.

3.2 Planning policy PPS9.
The presence of a protected species is a material consideration, where a proposed development could result in harm to the species or its habitat.

The government Circular 06/2005 and accompanying PPS 9 states:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision".

Therefore, planning decisions should aim to maintain, restore or enhance biodiversity.
4. Protected habitats.
Plant communities of high nature conservation interest are protected from damage by development by their designation as designated sites:
- Special Areas of Conservation (SAC)
- Special Protected Areas (SPA)
- Sites of Special Scientific Interest (SSSI)
- National Nature Reserve (NNR)
- Local Nature Reserve (LNR)
- County Wildlife Site (CWS)

Some of the UK BAP habitats and Habitats of Principal Importance in England are protected under Section 41 of the NERC Act 2006; eg. ponds.

Whilst not strictly protected, government policy is that the LPA should take measures to protect and enhance these habitats.

5. Protected species; wildlife legislation and planning policy.

5.1 European Protected Species.
Great Crested Newts and all species of bat are protected under both European and national legislation and are a material consideration in the determination of a planning application, that if implemented would be likely to result in harm to the species.

European Protected Species (EPS), specifically bats, are covered by case-law, as of June 2009 (known as 'the Woolley Judgment'). This judgment clarified that in granting planning permission the LPA has a statutory duty to apply the three tests contained in the species protection provision of the Conservation of Habitat and Species Regulations 2010. In order to discharge this duty the LPA will need to ask the applicant for appropriate information (via an ecological survey report or other documentation) and apply the three stage test.

The three tests are as follows:
- The NEED TEST: the development proposal must be for imperative reasons of overriding public interest or for public health and safety.
- The SATISFACTORY ALTERNATIVE TEST: there must be no satisfactory alternative; eg. an alternative type of development or different site.
- The ECOLOGICAL TEST: the favourable conservation status of the species in their natural range must be maintained.

The first two tests are considered to be planning decisions taken by the Planning Officer and their LPA.

The third test requires expert ecological knowledge and should consider the following points:
- Will the species' population be maintained at a favourable conservation status in its natural (local) range?

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1 R (on the application of Simon Woolley) v East Cheshire Borough Council 2009 EWHC1227. Further information on the Woolley judgment is available via http://www.planningofficers.org.uk/media/www/documents/LPAProtectedSpeciesDuty.pdf
• What proposals – mitigation strategies and plans - has the developer offered to offset any potential harm to the species and loss of breeding site, and/or feeding habitat?

• Do not expect a response from Natural England unless there is a "significant impact"; eg. loss of bat roost, medium/large population of Great Crested Newts, loss of Hazel Dormouse habitat, loss of Otter breeding site.

The LPA needs to engage with the provisions of the Habitats Directive. **Engagement means:**

1. The LPA must consider whether under the regulations, an EPS criminal offence is likely to be committed by the development proposal.

2. If yes, the LPA must consider whether the 3 'derogations' tests will be met.

3. The LPA need to determine whether Natural England is likely/not likely to grant an EPS licence.

4. However, the LPA cannot guarantee what the NE decision will be to an EPS licence application.

The LPA will need to apply the 3 derogation tests prior to making a decision on the planning application. Otherwise there is a risk that any planning permission granted could be legally challenged by a third party and subsequently quashed.

It is also of note that in the Woolley judgment, the court held that this duty cannot be discharged by the LPA imposing a condition on the consent that requires the developer to obtain a licence from Natural England.

5.2 Protected Species.

5.2.1 Reptiles
Reptiles – Common Lizard, Slow Worm, Grass Snake, and Adder – are all protected by the Wildlife and Countryside Act 1981 from:

- intentional killing
- injury
- selling

Reptile habitats are not protected in the same way as 'fully' protected species such as GCN.

All reptiles are identified as Priority Species in the UK Biodiversity Action Plan (BAP) and as a result, are recognised as Species of Principal Importance in England under Section 41 of the NERC Act 2006.

Therefore, the LPA should consider the conservation of these species when determining planning applications. Mitigation for these species is not subject to licensing by Natural England; however, best practice strategies for their protection must be used.

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As a result, the LPA may impose a planning condition or obligation for the provision of a mitigation strategy, including habitat enhancement and translocation. It should be noted however, that releasing reptiles into unsuitable habitat could constitute an offence under the Animal Welfare Act 2006.

5.2.2 Breeding birds
All British wild birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. This makes it an offence to:
- kill, injure or take a wild bird;
- take, damage or destroy the nest of any wild bird whilst that nest is in use or being built;
- take or destroy the egg of any wild bird;
- possess or control any live or dead wild bird or any part of, or anything derived from a wild bird, or an egg or any part of the same.

The Countryside and Rights of Way Act 2000 strengthened the protection afforded under the WCA 1981, by adding an offence of "reckless" disturbance.

Some species are given additional protection under Schedule 1 of the Wildlife and Countryside Act and Annex 1 of the European Community Directive on the Conservation of Wild Birds (79/409/EEC), which makes it an offence to intentionally or recklessly disturb species whilst they are nest building, in, on or near a nest with eggs or young, or disturb the dependant young of such a species.

Species applicable to Hertfordshire are:
- Bittern
- Kingfisher
- Barn Owl
- Hobby
- Little ringed plover
- Quail
- Cetti's warbler
- Woodlark
- Black redstart.

5.2.3 Invertebrates
Invertebrates are important in their own right and provide an important food source for other wildlife, such as bats, Dormouse, Badger and birds.

There are over 400 species of invertebrate on the UK BAP and they are identified as Species of Principal Importance in England under Section 41 of the NERC Act 2006. The LPA should consider the conservation of these species, if they occur on a development site, when determining planning applications.

Suitable habitats for invertebrates include:
- ponds, ditches, reedbeds and other wetland habitats
- woodland, hedgerows and scrub
- grasslands
- bare, sandy banks
- brownfield sites
- log piles with dead and rotting wood
5.2.4 Badger
No signs of badgers were found on the site. However, we take the view that their absence/presence needs to be continually assessed. Badgers are protected by the Protection of Badgers Act 1992. It is illegal to kill, injure or take a badger or to interfere with their setts.

The development site and the adjacent Wildlife Sites should be surveyed by appropriately qualified and experienced ecologists. They should assess these sites and the habitats and species they support and a written report should be produced and submitted to the LPA.

Surveys must be conducted at an appropriate time of year: March – October.

The surveys should cover the following:

6.1 Habitats:
- All buildings, particularly if they are to be demolished.
- Hedgerows.
- Trees and shrubs.
- Grassland.
- Ponds.

6.2 Protected species:
- Great crested newts.
- Bats.
- Birds.
- Reptiles.
- Invertebrates.
- Badgers.

The habitat and species reports should include the following information:
- What habitats and species are present within the surveyed area?
- What are the population levels for each species?
- Assess the importance of those habitats and species populations at a local level.
- What impact is the proposed development likely to have on habitats and species, including the adjacent County Wildlife Sites?
- What can be done to mitigate against any impacts?
- Is the impact necessary or acceptable?
- Are any criminal offences likely to be committed as a result of the development?
- How can the 3 derogation tests be met?
- Are any protected species licences required from Natural England?
- Is Natural England likely to issue a Protected Species licence?
- Submit a strategy for monitoring the condition of habitats, including the adjacent County Wildlife Sites, and species populations post-development.
7. CONCLUSIONS.

- The proposed development could have an impact on protected species, and European Protected Species (EPS) in particular.
- A criminal act involving EPS could occur as a result of the proposed development.
- The LPA will have to deliver the requirements of the Habitats Directive 2010 and consider the 3 derogation tests.
- The LPA will need to engage with and deliver its legal biodiversity (NERC) duty.
- The LPA will need to ensure that there is no detrimental impact on the adjacent County Wildlife Sites.
- The LPA will need to take measures to protect and enhance Priority BAP habitats and the species they support.
- The LPA will need to apply PPS 9 to its planning decision.
- The LPA will probably have to apply ecological conditions to its planning decision.
- Therefore, the LPA will need to ensure that the applicant enables them to deliver all the above legal duties by supplying sufficient ecological information for a fully informed planning decision to be made.
- If the LPA consider that insufficient ecological information has been submitted with the Outline or Full Planning application, then the application should not be validated.

8. Other environmental considerations.

The LPA should consider the following issues with regard to their potential detrimental impact on the local environment.

- Numbers of vehicle movements associated with the facility.
- Noise – traffic and from the plant.
- Dust.
- Ground-water pollution.
- Leachate control.
- Treatment of waste from the plant.
- Flood lighting.
- Emissions from the plant. It should be noted that with prevailing south-west winds, emissions from the plant will drift north-eastwards over Hatfield Park and across country towards Hertford.

Graham Goodall. BSc (Hons). MIEEM. CEnv.
Senior Ecology Officer.
Hertfordshire Biological Records Centre.

October 2010.
Dear Sir/Madam,

Please find attached Natural England’s consultation response regarding the Scoping Opinion request for the above proposed development.

<<Col-7450 Energy Recovery Facility, New Barnfield Centre, Hatfield.doc>>

Gordon Wyatt
Planning and Conservation Lead Adviser

Four Counties Team, East of England Region

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Scoping Opinion: Energy Recovery Facility, New Barnfield Centre, Hatfield

Thank you for your letter of 4 October 2010 regarding the above proposed development.

Natural England is generally happy with the proposed scope of the Environmental Statement (ES).

If you have any queries relating to the content of this letter, please contact me at the above address.

Yours faithfully

Gordon Wyatt
Planning & Conservation Lead Advisor
Government Team, Four Counties Area

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E-mail: gordon.wyatt@naturalengland.org.uk