

Mr Jerry Smith
Dorset Council - Minerals and Waste
Development Control
County Hall
Colliton Park
Dorchester
Dorset
DT1 1XJ

Our ref: WX/2020/134578/01-L01
Your ref: WP/20/00692/DCC
Date: 02 November 2020

Dear Mr Smith

CONSTRUCTION OF AN ENERGY RECOVERY FACILITY WITH ANCILLARY BUILDINGS AND WORKS INCLUDING ADMINISTRATIVE FACILITIES, GATEHOUSE AND WEIGHBRIDGE, PARKING AND CIRCULATION AREAS, CABLE ROUTES TO SHIP BERTHS AND EXISTING OFF-SITE ELECTRICAL SUB-STATION, WITH SITE ACCESS THROUGH PORTLAND PORT FROM CASTLETOWN. PORTLAND PORT, CASTLETOWN, DORSET

Thank you for consulting the Environment Agency on the above mentioned planning application. Please note that our comments below are under our role and remit as a consultee to the planning process.

We have though, for your information, provided additional advice in regards to the Environment Agency's Environmental Permitting role for this proposed development.

We have **no objection** to the proposed development subject to the following **conditions and informatives** being included in any planning permission granted.

Environmental Permitting and Planning

The table below summarises which issues would be covered by the permitting process and so would be the Environment Agency's responsibility to regulate, and which are planning matters and fall under your Authority's remit when determining the application.

| Planning (<i>List is not exhaustive</i>) - Dorset Council | Permitting - Environment Agency |
|---|--|
| Benefit to local economy | Emissions to air from regulated activities |
| Location | Pollution to Surface and Groundwater |
| Visual Impact | Noise Pollution from permitted activities |
| Flood Risk | Dust Control from permitted activities |
| Other environmental concerns | Pest Control from permitted activities |
| Operating Hours | Fire Risk from permitted activities |
| Traffic Management to and from site, etc. | Odour Control from permitted activities |

Planning has a role to play in managing amenity issues such as noise, dust, odour, pest control issues, etc., and your Environmental Health Department can advise you on this.

Environment Agency
Rivers House, Sunrise Business Park, Higher Shaftesbury Road, Blandford, Dorset, DT11 8ST.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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Please note that an environmental permit cannot always prevent, eliminate or eradicate all such issues. Some issues need careful management and the use of [Best Available Techniques \(BAT\)](#) will ensure such issues are minimised.

If granted planning permission, the proposed development will require a bespoke environmental permit from the Environment Agency under the Environmental Permitting (England & Wales) Regulations. The developer is aware of this and has held pre-application discussions with us.

INFORMATIVE

This activity will require a Permit under the Environmental Permitting Regulations. The Environment Agency is required to consider all forms of pollution when issuing an Environmental Permit. If a permit is issued for this site, it will require the operator to take all appropriate measures to prevent or minimise the emissions from the activity. However, this does not mean that there will be no emissions from these activities. Further information can be found at: <https://www.gov.uk/guidance/a1-installations-environmental-permits>

Flood Risk

We have no flood risk objection subject to the development being undertaken in accordance with the submitted FRA (prepared by awp, Revision: 'Final' dated 27th August 2020) with particular reference to Appendix D: Proposed Site Plan (drawing number 262701B-TOR-XX-XX-DR-A-P004), and Proposed Sections_Sheets 1 and 2 (drawing numbers 262701B-TOR-XX-XX-DR-A-P014 and 262701B-TOR-XX-XX-DR-A-P015).

The latter two drawings demonstrate that the proposed site is within Flood Zone 1 and, due to the proposed finished site and floor levels, would not be at risk from flooding during design tidal flood events. We would advise you to ensure that any planning approval granted is tied to the above documents and/or layout and finished levels by way of suitable planning condition(s).

You are also advised to ensure appropriate consultation with the Lead Local Flood Authority over matters relating to site surface water management.

NOTE TO LPA

Access and Egress

The National Planning Policy Framework Planning Practice Guidance states that [Access](#) considerations should include the voluntary and free movement of people during a '[design flood](#)', as well as the potential for evacuation before a more extreme flood. Access and egress must be designed to be operational for changing circumstances over the lifetime of the development.

The Council's Emergency Planners should be consulted in relation to flood emergency response and evacuation arrangements for the site, including in regards to the broader issue of safe access/egress and evacuation to and from Portland. We recommend that the applicant prepare a Flood Warning and Evacuation Plan for future occupants. We do not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood event. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users registered for this service further information can be found at: <https://fwd.environment-agency.gov.uk/app/olr/home>

Contamination

We have reviewed the 'Geoenvironmental & Geotechnical Desk Study' by Arup, dated June 2020 and chapter 8 of the Environmental Statement, entitled 'ground conditions and water quality'.

The previous use of the proposed development site as presents a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters, in the form of coastal waters, are particularly sensitive in this location.

The hydrogeology of the site is of very low resource value and of low sensitivity. However it needs to be demonstrated that contamination, if present, does not pose a risk to the wider water environment, particularly during construction and as a result of changing the conditions at the site through the development. Piling is also another potential risk. We recommend below some conditions that assume that there may be a viable pollutant linkage that could connect the site to the controlled water receptors further afield.

In light of the above, the proposed development will be acceptable if planning conditions are included requiring the submission of a remediation strategy.

CONDITION

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON

To protect controlled waters and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of

water pollution in line with paragraph 170 of the National Planning Policy Framework.

CONDITION

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON

To protect controlled waters and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

CONDITION

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

REASON

To protect controlled waters and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

CONDITION

Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

REASON

To protect controlled waters and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

Biodiversity

We can advise your Authority that due to the proximity of conservation designations and associated species Natural England will lead on Biodiversity impacts of the proposed development.

Pollution Prevention

CONDITION

No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON

To prevent pollution of the local water environment in accordance with National Planning Policy.

INFORMATIVE

The submitted CEMP must include safeguarding measures to deal with the following pollution risks:

- the use of plant and machinery
- wheel washing and vehicle wash-down and disposal of resultant dirty water
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Surface water drainage

INFORMATIVE

The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. There must be no discharge of foul or contaminated drainage from the site into the local water environment.

Waste

INFORMATIVE

If any waste is to be removed from the site then the applicant needs to ensure that sufficient testing has been undertaken in line with [Waste classification technical guidance](#) WM3. This is to ensure all waste on the site is correctly classified and disposed of accordingly to a suitably authorised facility.

If any hazardous waste is to be removed offsite the site operator must ensure that consignment notes are completed correctly in accordance with the legislation. If the applicant requires more specific guidance it is available on our website: <https://www.gov.uk/government/publications/hazardous-waste-consignment-note>.

If the applicant require more specific guidance it is available on our website: <https://www.gov.uk/how-to-classify-different-types-of-waste>

Please can you send us a copy of the decision notice issued for this application for our records.

Please quote our reference on any future correspondence regarding this matter.

Please contact us if you have any queries.

Yours sincerely

MICHAEL HOLM
Planning Advisor - Sustainable Places

cc TERENCE O'ROURKE LTD