

## Edward Bright

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**From:** McKeown, Peter <Peter.McKeown@carterjonas.co.uk>  
**Sent:** 12 April 2019 16:49  
**To:** Edward Bright  
**Subject:** FW: EIA request for Asphalt plant at Celsa steel works

Good afternoon Ed,

Please see below from Justin jones.

Happy to discuss further.

Regards

Peter

**Peter McKeown** MRTPI  
Associate Partner

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One Station Square, Cambridge, CB1 2GA

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**From:** Jones, Justin <JusJones@cardiff.gov.uk>  
**Sent:** 11 April 2019 10:43  
**To:** McKeown, Peter <Peter.McKeown@carterjonas.co.uk>  
**Subject:** [Ext Msg] RE: EIA request for Asphalt plant at Celsa steel works

Dear Peter,

Sorry for the confusion. Here you go, sorry for the delay. We have a scoping opinion from SLR for the same development/site, which we have not issued as it only came in last week.

Regards,  
Justin Jones

Harsco Metals Group Ltd  
Bradmarsh Business Park  
The Point  
Bradmarsh Way  
Rotherham  
South Yorkshire  
S60 1BW

Dear Sir/Madam

### **LOCAL GOVERNMENT ACT 1972 SECTION 101 SCREENING OPINION**

**Application Number:** SC/19/00001/MJR  
**Location:** PROPOSED ASPHALT PLANT AT CELSA MANUFACTURING  
UK LTD, TREMORFA WORKS, 82 SEAWALL ROAD,  
TREMORFA, CARDIFF, CF24 5TH  
**Proposal:** CONSTRUCTION OF AN ASPHALT PLANT AT CELSA STEEL  
WORKS

In accordance with the powers delegated to me by the County Council under the above Act, my decision is as follows:

The above proposal has been screened with regard to the need for the preparation of an Environmental Statement to accompany any planning application as may be submitted, in accordance with regulation 6 (1) of the Town And Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

In accordance with the powers delegated to me by the County Council under the above Act, my decision is as follows:

### Screening Opinion

#### Summary Decision:

The proposal as described is, when taken cumulatively with other developments, considered likely to realise such significant environmental effects as to warrant the submission of an Environmental Statement to allow the Local Planning Authority to fully understand the environmental implications of the proposal.

#### Reasoning:

The reasons for this decision are that:

The proposed development does not fall within Schedule 1 of the Town And Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 ("The Regulations"), for which Environmental Impact Assessment would be mandatory.

The development is confirmed to be considered " Production and processing of metals" within Schedule 2 of the Regulations (category 5 (e)),

As such it is concluded that the applicable thresholds for requiring an Environmental Assessment would be met or exceeded and that the Environmental Impacts of the development as described are potentially to realise such significant environmental effects as to warrant the submission of an Environmental Statement.

The development proposal is just above the thresholds. However, Annex A to Circular 11/99 advises that the criteria and thresholds are "*only indicative*" and it is the location of the development that is crucially important in determining whether significant effects on the environment are likely. Furthermore, paragraph 44 states "*It should not be presumed that developments falling below these thresholds could never give rise to significant effects... The fundamental test to be applied in each case is whether that particular type of development and its specific impacts are likely, in that particular location, to result in significant effects on the environment.*"

Paragraph 36 of Circular 11/99 advises that "*...the more environmentally sensitive the location, the more likely it is that the effects will be significant and will require EIA.*" It has been established that the site is not in a 'Sensitive Area' nor is the site considered to be within an environmentally sensitive or vulnerable location.

Given its location in close proximity to the features of the Severn Estuary SAC, SPA, Ramsar and SSSI and the potential for cumulative effects of the proposed development with that of the existing steel works and the new biomass facility it is considered that the proposal could have an impact upon air quality within the area that may have more than local importance.

As required by Regulation 5(8) I would confirm that, in making my assessment, I have considered:

- (a) All the information provided within your planning application;
- (2) The available results of other environmental assessments carried out pursuant to Union legislation other than legislation implementing the requirements of the Directive
- (c) The selection criteria set out in Schedule 3 as follows:

#### The Characteristics of Development

The area covered by the proposed asphalt plant is estimated to be 10,022m<sup>2</sup>. The plant would have the capacity to produce 250 tonnes per hour of asphalt material. This Asphalt is produced by using slag ( a waste generated by the adjoining steel works) which has been crushed and screened to remove any metallic fraction leaving a 'quality' aggregate. This aggregate will be fed into the asphalt plant with the addition of bitumen to create a variety of specified asphalt.

The process involves the materials being rotated in a drier prior to being fed into internal hoppers within the plant. The steaming and the removal of dust and particulates would be discharged via chimney stack, a number of systems are proposed to ensure that the emissions are less than 25mg/m<sup>3</sup>.

The recovery of slag waste ensures that there is a reduce in landfill disposal and the need to source virgin materials is reduced.

It is intended the plant will operate under Celsa's environmental permit.

#### Location of Development

The site is in an area that is concentrated by heavy and light industry, with the main link road from the east to Cardiff Bay abutting the site. The nearest residential properties are located at the Roverway Travellers site, which is located 490 metres to the north east and Willows Avenue, located 470 metres to the north. To the south, sited approximately 220 metre away, is the Severn Estuary which is a European designated SAC, SPA, Ramsar area.

The site itself is currently used as storage of waste metal with parts of the site located within a flood plane, designated either flood zone B or C2 as defined on the DAM maps.

#### Scoping Opinion

An opinion is also sought from the Local Planning Authority on the likely information to be required in an Environmental Statement, known as a 'Scoping Opinion' request as defined in 14(1) of the Town And Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017

Consultation has been undertaken within the Council with the following comments received.

#### Ecology

In terms of ecology my only concerns in relation to these proposals are that they are close to the Severn Estuary, so they may have an impact upon the SAC, SPA, Ramsar and SSSI designations that protect the estuary.

This being the case, it is likely that I would advise that a Habitats Regulations Assessment be undertaken before any planning consent is granted. This will assess the impact of the proposed scheme upon the features of the international designations, both alone and in combination with other extant plans and projects in the area.

The likely concerns in this instance are:-

- Atmospheric pollution arising from operation of the asphalt plant causing deposition of toxic contaminants upon sensitive habitats
- Contaminated surface water run-off entering the estuary during construction and operation

- Mobilisation of existing ground contaminants by piling etc. such that they leach into the estuary, during construction
- Disturbance of overwintering and migratory wetland birds on the foreshore by noise, vibration and movement during construction

This would be a separate process to any EIA, although if an ES were produced, the data therein would be used to inform the HRA. In the absence of an ES, I would look for assessments of predicted aerial and water-borne pollution to be submitted with the application, and would consider these whilst taking advice from our colleagues in Shared Regulatory Services. I do not anticipate that any ecological surveys, such as bird surveys etc, will be required to inform the HRA.

Therefore whether or not the development is EIA development, will not have a great deal of impact upon the HRA.

In terms of screening for EIA, I would not say that the size or nature of the development is such that it is likely to have significant ecological impacts. Its location is close to a sensitive area in the form of the Severn Estuary (about 200 metres), so your screening will depend upon how you interpret the term 'sensitive area' in the context of Schedule 2 developments. On one hand no part of the red line boundary is within a site listed in the definition of 'sensitive area' in the EIA regs, but on the other hand the 'area' as a whole may be considered sensitive as it is close to the foreshore and any diffuse effects such as aerial pollution may leave the boundary of the site and affect a protected site.

#### Noise

The application would certainly elicit an acoustic assessment, air quality and odour assessment due to the potential scale of the development, and the potential for environmental amenity impact.

#### Air quality

From the submitted comments it is unclear how the implementation of such a proposal would impact upon traffic levels. Due to increased movements to and from the proposed development this has the potential to impact local road networks and influence a change in air quality levels at surrounding sensitive receptor locations. Could the applicant make it clear whether the proposed development and associated works will cause an increase in traffic movements upon the surrounding network?

It is disclosed in the screening letter that process steam and particulates will be emitted via an installed chimney stack. Please can the applicant provide evidence as to how the stack height has been calculated. Also have any preliminary assessments been undertaken to quantify the potential impacts associated with emitted pollutants from the process, and how this may impact upon local air quality, particularly at the sensitive receptor locations?

It would be good practise for the applicant to outline the working practises of the proposed site, such as operating hours

#### Contaminated Land

No comments received

#### Transportation

The documentation provided states the plant has the capability of 250tonnes of asphalt materials per hour and given the possible number of lorries used should the plant operate at capacity an Environmental Assessment should be supplied by the applicant,

External consultation have been received and their advice is outlined below:

#### Natural Resources for Wales (NRW)

The Applicant needs to fully consider all the potential impacts on the features of the Severn Estuary SAC, SPA, Ramsar and SSSI in the ES. The potential for cumulative effects of the proposed development will also need to be considered.

In particular, the potential for aerial emissions to cause pollution of the Severn Estuary during operation of the development will need to be considered. Therefore, a comprehensive air quality assessment will be required.

We assume there will be a combustion process at the site. If so, it is important to know what the net rated thermal input in Megawatts (MWth) is, as this will determine the appropriate screening distance from the emission source. We advise the Applicant, once the MWth of the site is confirmed, to contact us to clarify the most appropriate screening distance for the air quality assessment.

The Environment Agency's guidance Risk Assessment for your Environmental Permit can be used to assess the impacts of emissions on designated sites. Although this guidance is designed for environmental permitting, the method described is appropriate for developments such as this one. A list of pollutants that need to be assessed is provided in this guidance.

Impacts from dusts arising on designated sites should also be considered. Guidance on dust assessments are also from the Institute of Air Quality Management (IAQM).

The Applicant should also be aware of the Medium Combustion Plant Directive and the associated emission limit values that may apply to this process. Additional information is available from the IAQM and our website.

#### Land Contamination

The application site overlies and is surrounded by historic landfill sites. The Applicant will need to consider land contamination within the ES and the risks associated with the former land use. When preparing information for land contamination within the ES, the Applicant should follow the recommended guidance:

- the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination;
- WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017) for the type of information that we require to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health;
- groundwater protection pages on Gov.UK;
- British Standard for the Investigation of Potentially Contaminated Sites. Code of Practice (BS10175:2011).

#### Protected Species

The Applicant will need to consider ecological matters within the ES. A detailed description of the proposed works should be provided, with illustrations as appropriate. We recommend a Phase 1 habitat survey is undertaken, and this should be extended to consider the potential of the site to support legally protected species. This should guide the need for further specific surveys for such species. If further specific surveys are required, we recommend the ES includes detailed survey methodologies, survey constraints, results, detailed impact assessment of the proposals, and full details of all the mitigation measures that will be put in place to offset anticipated impacts.

We recommend surveys are carried out by a suitably qualified, experienced and where necessary, licenced ecologist, and in accordance published guidance where this exists. We recommend the Applicant seeks the advice of your Authority's ecologist in relation to the surveys, and records from the local biodiversity records centre, and any other relevant local interest groups (e.g. bat groups, ornithological groups etc) are obtained to inform the assessment of impacts of the proposals.

#### Welsh Water

We do not have any comments to make in respect of the screening opinion for the construction of an asphalt plant. We do however point out that the southern most parcel is crossed by a 2400mm

public combined sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. The required protection zone of 12 meters either side of the centre line of the sewer may impact upon the plant and we recommend that this is given appropriate consideration during the design and determination process.

#### Archaeological

The Council Archaeological advisors (GGAT) have reviewed the submitted details and state that in our opinion that the proposal is unlikely to encounter archaeological deposits, given that the current use of the site has involved ground disturbance.

#### Summary

In summary the Environmental Statement should include, as a minimum, those matters suggested by Natural Resources Wales. Additional assessments will be required i.e Traffic and Noise to be submitted as part of a planning application but as these are local issues they do not need to form part of an Environmental Statement.

Yours faithfully



**James Clemence**  
**HEAD OF PLANNING**

*Justin Jones BA(Hons), MSc, MSc, MRTPI*

Prif Gynllunydd | Principal Planner

Cynllunio, Trafnidiaeth a'r Amgylchedd | Planning, Transport and Environment

Cyngor Caerdydd | Cardiff Council

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Room 212, County Hall, Atlantic Wharf CARDIFF CF10 4UW

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**From:** McKeown, Peter [<mailto:Peter.McKeown@carterjonas.co.uk>]

**Sent:** 11 April 2019 09:54

**To:** Jones, Justin

**Subject:** RE: EIA request for Asphalt plant at Celsa steel works

Good morning Justin,

I trust you are well?

I have noted that the Screening Opinion was adopted by the Council on Tuesday. Are you able to share this response with me?

Thanks

Peter

**Peter McKeown** MRTPI  
Associate Partner

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**From:** Jones, Justin <[JusJones@cardiff.gov.uk](mailto:JusJones@cardiff.gov.uk)>  
**Sent:** 20 March 2019 10:56  
**To:** McKeown, Peter <[Peter.McKeown@carterjonas.co.uk](mailto:Peter.McKeown@carterjonas.co.uk)>  
**Subject:** [Ext Msg] RE: EIA request for Asphalt plant at Celsa steel works

Sorry Peter i thought I'd sent this on.  
I should be issuing my formal decision by the end of next week but it will state that an ES is required.

Regards,

*Justin Jones BA(Hons), MSc, MSc, MRTPI*  
Prif Gynllunydd | Principal Planner  
Cynllunio, Trafnidiaeth a'r Amgylchedd | Planning, Transport and Environment  
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Room 212, County Hall, Atlantic Wharf CARDIFF CF10 4UW

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**From:** McKeown, Peter [<mailto:Peter.McKeown@carterjonas.co.uk>]  
**Sent:** 20 March 2019 10:05  
**To:** Jones, Justin  
**Subject:** RE: EIA request for Asphalt plant at Celsa steel works

Good morning Justin,

Have you received any comments through from NRW regarding the above?

I can also confirm that we have taken SLR Consulting on board to assist with the co-ordination of the ES and we are currently preparing a scoping request. We are hoping to get this formally submitted in the coming days.

Thanks

Peter

**Peter McKeown** MRTPI  
Associate Partner

## Carter Jonas



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**From:** McKeown, Peter  
**Sent:** 26 February 2019 10:06  
**To:** 'Jones, Justin' <[JusJones@cardiff.gov.uk](mailto:JusJones@cardiff.gov.uk)>; 'jvernon@harsco.com' <[jvernon@harsco.com](mailto:jvernon@harsco.com)>  
**Subject:** RE: EIA request for Asphalt plant at Celsa steel works

Good morning Justin,

I trust you are well?

Have you received the comments through from NRW?

Thanks

Peter

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**From:** Jones, Justin <[JusJones@cardiff.gov.uk](mailto:JusJones@cardiff.gov.uk)>  
**Sent:** 18 February 2019 11:58  
**To:** 'jvernon@harsco.com' <[jvernon@harsco.com](mailto:jvernon@harsco.com)>  
**Cc:** McKeown, Peter <[Peter.McKeown@carterjonas.co.uk](mailto:Peter.McKeown@carterjonas.co.uk)>  
**Subject:** [Ext Msg] EIA request for Asphalt plant at Celsa steel works

Dear both

I've attached comments from our technical consultees in relation to the EIA as follows are there any comments you wish to make?

Transportation

The documentation provided states the plant has the capability of 250tonnes of asphalt materials per hour and given the possible number of lorries used should the plant operate at capacity an Environmental Assessment should be supplied by the applicant

Welsh Water

We do not have any comments to make in respect of the screening opinion for the construction of an asphalt plant. However, we would welcome further consultation at the scoping opinion stage if your screening assessment concludes that the planning application should be accompanied by an Environmental Statement.

We do however point out that the southern most parcel is crossed by a 2400mm public combined sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. The required protection zone of 12 meters either side of the centre line of the sewer may impact upon the plant and we recommend that this is given appropriate consideration during the design and determination process.

Noise/odour

The application would certain elicit an acoustic assessment, air quality and odour assessment due to the potential scale of the development, and the potential for environmental amenity impact.

Air quality

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preliminary assessments been undertaken to quantify the potential impacts associated with emitted pollutants from the process, and how this may impact upon local air quality, particularly at the sensitive receptor locations?

It would be good practise for the applicant to outline the working practises of the proposed site, such as operating hours etc.

### Ecology

In terms of ecology my only concerns in relation to these proposals are that they are close to the Severn Estuary, so they may have an impact upon the SAC, SPA, Ramsar and SSSI designations that protect the estuary.

This being the case, it is likely that I would advise that a Habitats Regulations Assessment be undertaken before any planning consent is granted. This will assess the impact of the proposed scheme upon the features of the international designations, both alone and in combination with other extant plans and projects in the area.

The likely concerns in this instance are:-

- Atmospheric pollution arising from operation of the asphalt plant causing deposition of toxic contaminants upon sensitive habitats
- Contaminated surface water run-off entering the estuary during construction and operation
- Mobilisation of existing ground contaminants by piling etc. such that they leach into the estuary, during construction
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This would be a separate process to any EIA, although if an ES were produced, the data therein would be used to inform the HRA. In the absence of an ES, I would look for assessments of predicted aerial and water-borne pollution to be submitted with the application, and would consider these whilst taking advice from our colleagues in Shared Regulatory Services. I do not anticipate that any ecological surveys, such as bird surveys etc, will be required to inform the HRA.

Therefore whether or not the development is EIA development, will not have a great deal of impact upon the HRA.

In terms of screening for EIA, I would not say that the size or nature of the development is such that it is likely to have significant ecological impacts. Its location is close to a sensitive area in the form of the Severn Estuary (about 200 metres), so your screening will depend upon how you interpret the term 'sensitive area' in the context of Schedule 2 developments. On one hand no part of the red line boundary is within a site listed in the definition of 'sensitive area' in the EIA regs, but on the other hand the 'area' as a whole may be considered sensitive as it is close to the foreshore and any diffuse effects such as aerial pollution may leave the boundary of the site and affect a protected site.

On balance I would not say that an EIA is needed from a purely ecological perspective.

NRW comments

**Should be with me on the 25th Feb.**

Regards,

*Justin Jones BA(Hons), MSc, MRTPI*

Prif Gynllunydd | Principal Planner

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Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg, Saesneg neu'n ddwyieithog. Byddwn yn cyfathrebu â chi yn ôl eich dewis, dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

Mae'n bosibl bod gwybodaeth gyfrinachol yn y neges hon. Os na chyfeirir y neges atoch chi'n benodol (neu os nad ydych chi'n gyfrifol am drosglwyddo'r neges i'r person a enwir), yna ni chewch gopio na throsglwyddo'r neges. Mewn achos o'r fath, dylech ddinistrio'r neges a hysbysu'r anfonwr drwy e-bost ar unwaith. Rhwch wybod i'r anfonwr ar unwaith os nad ydych chi neu eich cyflogydd yn caniatáu e-bost y Rhyngwyd am negeseuon fel hon. Rhaid deall nad yw'r safbwyntiau, y casgliadau a'r wybodaeth arall yn y neges hon nad ydynt yn cyfeirio at fusnes swyddogol Cyngor Dinas a Sir Caerdydd yn cynrychioli barn y Cyngor Sir nad yn cael sel ei fendith. Caiff unrhyw negeseuon a anfonir at, neu o'r cyfeiriad e-bost hwn eu prosesu gan system E-bost Gorfforaethol Cyngor Sir Caerdydd a gallant gael eu harchwilio gan rywun heblaw'r person a enwir.

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