

From: Butts, Hywel (ESNR-Planning)
Sent: 23 July 2019 18:14
To: PS Deputy Minister Housing & Local Gov; Hemington, Neil (ESNR-Planning)
Cc: DS Deputy Minister Housing & Local Gov
Subject: RE: Bilateral with the FM
Attachments: Routine Ministerial Briefing - Barry Biomass 20190723.docx

Kate

Please find attached a briefing note. Please let me know if anything further is required.

Many thanks

Hywel

Hywel Butts
Pennaeth y Gangen Rheoli Datblygu / Head of Development Management Branch
Y Gyfarwyddiaeth Gynllunio / Planning Directorate
Ffôn / Tel: 0300 025 1619 / 07825 690522

From: PS Deputy Minister Housing & Local Gov <PSDMHLG@gov.wales>
Sent: 23 July 2019 15:11
To: Hemington, Neil (ESNR-Planning) <Neil.Hemington@Gov.Wales>; Butts, Hywel (ESNR-Planning) <Hywel.Butts@gov.wales>
Cc: DS Deputy Minister Housing & Local Gov <DSDMHLG@gov.wales>; PS Deputy Minister Housing & Local Gov <PSDMHLG@gov.wales>
Subject: Fwd: Bilateral with the FM

Hi Neil and Hywel,

Please see the below, are you able to provide the Deputy Minister with an update by 11:00 tomorrow morning please.

Thanks,
Kate
Sent from my iPhone

Begin forwarded message:

From: PS FirstMinister <PS.FirstMinister@gov.wales>
Date: 23 July 2019 at 15:07:52 BST
To: PS Deputy Minister Housing & Local Gov <PSDMHLG@gov.wales>
Cc: PS FirstMinister <PS.FirstMinister@gov.wales>, "DS FirstMinister (OFMCO)" <DS.FirstMinister@gov.wales>, DS Deputy Minister Housing & Local Gov <DSDMHLG@gov.wales>
Subject: Bilateral with the FM
Hi Kate

Just to give you a heads up that the FM wants to discuss the Barry Incinerator with the DM at their meeting tomorrow. He's looking for an update on where things stand.

Thanks.

Rose Stewart
Prif Ysgrifennydd Preifat i Brif Weinidog Cymru
Senior Private Secretary to the First Minister of Wales
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Routine Ministerial Briefing

To: 1. Neil Hemington
2. Deputy Minister for Housing and Local Government

From: Hywel Butts, Planning Directorate

Date: 24/07/2019

Subject: Biomass UK No. 2 Ltd, Barry - Update for Meeting with First Minister

A Written Statement was issued on 15 May which explained we continue to consider whether the planning application submitted by Biomass UK No.2 Ltd under section 73 of the Town and Country Planning Act 1990 (reference number 2017/01080/FUL) to the Vale of Glamorgan Council must be subject to Environmental Impact Assessment (EIA). We continue to consider matters in light of representations made.

It went on to explain, as part of the consideration we have identified a potential breach of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 ("the EIA Regulations") in relation to planning application 2015/00031/OUT.

If there has been a breach of the EIA Regulations we have a duty of sincere co-operation under European Law which requires us to exercise any powers available to us under domestic law to remedy any breach that may have occurred if taking such measures is lawful and proportionate.

Before the statement was issued, officials had written to the developer requesting details of the practical consequences in terms of costs and delay if Welsh Ministers made an order requiring operations to cease while an EIA was completed. This was to ensure the fullest information was made available before you are provided with advice on the decision. In response the developer offered to voluntarily submit an environmental statement.

The written statement therefore explained we consider that compiling and consulting upon an environmental statement would assist with remedying any breach of the EIA Regulations. The consultation will allow all interested parties to consider and comment on a single comprehensive document, which would reflect the requirements for environmental statements as described in regulations applying EIA to Town and Country Planning.

The developer anticipates completing an environmental statement by 2 August. We would then arrange a public consultation of the material, asking whether the public considers the document satisfactorily describes the likely significant impacts of the development.

The consultation would last for 30 days, reflecting the requirements of the EIA Regulations. As many people are on holiday during August, consideration will have to be given to undertaking consultation during September so more people have the opportunity to respond. Separate advice will be provided on this when greater certainty is available on the

submission date of the information. Such consideration will need to take into account that further testing of the plant is anticipated during August which may generate smoke and therefore attract further public comment. The company wants to begin full operation of the plant from October.

Since the written statement was issued, following a meeting with Jane Hutt AM acting in her constituency role, officials met representatives of Docks Incinerator Action Group to explain as much as possible the terms used in the written statement. The group remains highly sceptical of the consultation exercise as currently proposed as in their view it has no basis in law. It will however ensure all of the potential environmental impacts which could arise from the development are collated and that communities have the opportunity to consider and respond to that information.

HYWEL BUTTS