

## **Wadsworth Parish Council's Summary of the Planning Inspectorate's response to Calderdale Energy Park's Environmental Impact Assessment Scoping Report**

Wadsworth Parish Council submitted their response to the Planning Inspectorate (PI) on the 29 September, the last date for submission, and the PI published their response on the 10 October. This summary will give an overview of the PI response and also highlights those areas which were raised in the WPC response.

Just to be clear, the PI response can make no judgement on the merits of the proposal, it focuses on ensuring that the Environmental Impact Assessment (EIA) takes into account all relevant factors. The assessment leads to the Environmental Statement (ES), which needs to be presented with the actual application. A Habitats Regulation assessment will also need to be done, but that is separate from the EIA process.

In the WPC response it was argued that given the lack of detail, clarity and numerous errors in the Scoping Report, it should be rejected out of hand. Unfortunately, the PI did not agree, stating in section 1.0.3:

'The applicant provided the necessary information to inform a request under EIA regulation 10(3) in the form of a Scoping Report...'

This is despite mentioning later in section 2 'OVERARCHING COMMENTS', 11 specific cases of lack of detail or clarity and 6 specific errors.

However, the PI did seem to have picked up on most of the parish council's concerns, citing lack of detail or clarity in a lot of their comments. They also seemed to realise that blanket bogs are a complex habitat with many interlinking factors, and this is also mentioned several times in the comments. Overall, short of rejecting it as the parish council wanted, the council probably could not have expected more from the PI. They have probably done the best they can given the poor material to work from. It will be interesting to see what the next step for the developers is, given that they now have a lot more assessments to carry out than they had hoped for.

The PI response consists of three sections.

### **Section 1. INTRODUCTION**

As to be expected this is just an explanation of what the scoping opinion is and its limitations. One thing that is important to note that although in section 3 they have rejected almost half of the developers requests to scope matters out, this doesn't prevent the developers consulting with the statutory bodies and getting their agreement that matters could be scoped out, as long as this is explained in detail in the Environmental Statement.

### **Section 2. OVERARCHING COMMENTS**

In section 2.0.1, the initial 'Overarching comment', the final sentence reads:

'It should be noted that if the proposed development materially changes prior to submission of the DCO application, the applicant may wish to consider requesting a new scoping opinion.'

Given we think the proposal may well change again this needs to be born in mind. With the experience of responding to this report, and seeing the PI response, the council should be able to respond in a more focussed manner.

Section 2 goes on to list areas with lack of detail, including construction details for turbine and crane hardstandings, BESS, underground cable details, and errors including mislabelled roads,

inaccurate distances and directions of towns from the turbine area, and referencing the wrong planning Act for EIA mitigation.

2.1.5 mentions the use of following NatureScot guidance documents, saying:

‘These are proposed to be used where there is no comparable guidance in England and where it represents the most up to date guidance relevant to the assessment.’

We challenged this in the WPC response as NatureScot guidance recommends siting infrastructure on shallow peat (<0.3m in England) whereas the latest scientific guidance recommends that no depth of peat is suitable for infrastructure. So, it will come down to what is the accepted latest scientific guidance. 2.1.10 also refers to the Scottish guidance.

2.1.8 deals with an important aspect of the application, the use of the ‘Rochdale Envelope’ approach – these are the Inspectorate’s full comments:

‘The Inspectorate notes the applicant’s intention to apply a ‘Rochdale Envelope’ approach to maintain flexibility within the design of the proposed development. The Inspectorate expects that at the point an application is made, the description of the proposed development will be sufficiently detailed to include the design, size, capacity, technology, and locations of the different elements of the proposed development or where details are not yet known, will set out the assumptions applied to the assessment in relation to these aspects. This should include the footprint and heights of the structures (relevant to existing ground levels), as well as land-use requirements for all elements and phases of the development. The description should be supported (as necessary) by figures, cross-sections, and drawings which should be clearly and appropriately referenced. Where flexibility is sought, the ES should clearly set out and justify the maximum design parameters that would apply for each option assessed and how these have been used to inform an adequate assessment in the ES.’

Unfortunately the PI has accepted the use of the Rochdale Envelope, whereas we argued that the details of the project were so vague as to make the use of the Rochdale Envelope problematical, and that the real reason they have gone for this approach is that, basically, they haven’t really got a clue what they want to build, or if they have, they don’t actually want to tell us. No transparency at all.

### **Section 3. ENVIRONMENTAL ASPECT COMMENTS**

This section covers the chapters in detail and is presented in table format, with the rows dealing with matters that the applicant has asked to be scoped out at the beginning, along with the PI’s comments, and then rows where the PI has just commented on the scoping report. Overall, the developer asked for 62 areas to be scoped out of the EIA, the PI accepted 32 of these, rejected 25 and put conditions on 5.

In this section Wadsworth Parish Council only responded in detail to chapters 6 to 10, as these were the areas identified by respondents to the parish survey as causing most concern.

#### **3.1 Ornithology**

Three items were requested to be scoped out, with the PI agreeing one, rejecting one and making conditions on one, which was the developer’s request to scope out non-target species. We had queried the latter and objected to the language used such as ‘given the low potential for significant habitat loss, the limited scale of land take...’ and the dismissive attitude to Golden Plover. The PI’s comments were that:

‘The Scoping Report does not explain this approach in relation to sensitive receptors within the study area...’

and goes on to say that there needs to be justification for how sensitive receptors have been identified, and this should be agreed with the relevant consultation bodies.

The PI reject the 'where possible' approach to baseline surveys, saying:

'The EIA should be based upon baseline information gathered for the whole of the order limits and any areas beyond the order limits where significant effects are considered likely for all species year round.'

Also that baseline information, survey species and methodologies should be agreed with relevant consultation bodies. We queried the breeding season quoted in the SR, and the PI have said these need to be agreed with the relevant consultation bodies. Regarding the habitat description, the PI have picked up on the discrepancies between different chapters and have made it clear this should be consistent and agreed with the relevant consultation bodies.

### **3.2 Biodiversity**

Only two areas were asked to be scoped out, badgers and dormice, both agreed by the PI. We did not object to these.

Our comments on this chapter mainly centred around the reports total lack of understanding or acceptance of the:

'hydrological and ecological connections across the protected blanket bog habitat and interrelated mosaic of peatland habitats, which mean that the highly likely adverse effects on the integrity of the protected SAC and SPA would extend far beyond the infrastructure footprint. Table 6.4 misleadingly implies that such adverse impacts would only result from the actual infrastructure "land take."'

The PI seem to have picked up on this, as in the comments they repeat that the habitat classifications should be accurate and agreed with the consultation bodies, and also that:

'The ES should consider the potential for the construction, operation and decommissioning of the proposed development to change habitat presence and composition, for example as a result of dewatering of peat. The ES should assess the consequential impact of altering supporting habitat for species within the red line boundary.'

### **3.3 Hydrology, Hydrogeology, Geology and Peat**

Six areas were requested to be scoped out, four accepted, but flood risk from the cable routes and erosion and sedimentation during operation were not, citing that the area is predominately blanket bog (noting the inconsistencies mentioned earlier).

This obviously is the area that causes concern locally, the risk of flooding in the valley. The PI's comments are quite clear that the assessment should cover this issue, they state:

'The study area for the EIA should be wide enough to ensure that it encompasses all water features that have the potential to be significantly impacted by the proposed development. Sufficient cross-referencing within the ES should ensure all hydrological links, ecological and human receptors are considered in determining this. The study area should consider present conditions and future changes. Where possible, the study area should be agreed with relevant consultation bodies.'

With regards to the Hebden Bridge Flood Alleviation Scheme they have this to say:

'The ES and Flood Risk Assessment (FRA) should clearly set out any information

available in relation the Hebden Bridge Flood Alleviation Scheme along with how this has been taken into account in the ES and FRA.’

Another point worth making about Hydrology is that the Natural England response was submitted late, although this was mentioned in their main response. It is on the PI website but it might be worth confirming with the PI that this has been or will be taken into account.

### **3.4 Carbon and Climate Change**

The PI had little to say about this, nothing was requested to be scoped out, and what comments they made were not really helpful.

This is all rather disappointing, as the carbon impact of developments on peat is a major factor, and the statements in the developers scoping opinion were vague and outdated – they say they will use the Scottish carbon calculator to calculate the carbon cost, but this was taken out of use over a year ago as it was deemed it was no longer fit for purpose given new studies and the changing make up of electricity in the grid. We need to press them on how they do intend to fulfil the requirements around carbon and climate change.

### **3.5 Landscape and Visual**

The developers asked for four areas to be scoped out – ALL were rejected, two because of lack of detail to make any judgement on (which was a common theme in the PI’s comments).

A lot of the PI’s comments in this section backed up ours and other consultees concerns. Reference was made to including the effect on the Nidderdale National Landscape area, and the selection of viewpoints to demonstrate the visual impact. A point was also made as to how the impacts on habitats due to damage to the hydrology of the area could affect the landscape, again a point that was made in our response to this chapter.

### **Remaining chapters**

Chapters 11 and onwards deal with issues such as cultural heritage, access, traffic, noise, tourism, human health and aviation. In total over these chapters there were 47 requests to scope matters out, 25 of which were accepted, 18 rejected and 4 with conditions.

The final section dealt with environmental aspects to be scoped out, five in total with only one accepted, transboundary effects (other countries). The four rejected were to do with agricultural land (mainly cable corridor routes), land contamination, major accident/disaster and materials and waste.

Regarding land contamination this is what the PI said:

‘The Inspectorate also recognises comments made in this Scoping Opinion pertaining to soil stability and changes in soil as a result of all phases of proposed development. The Inspectorate notes comments from Calderdale Council (appendix 2 of this Scoping Opinion) on the potential for contamination, use of borrow pits and hydrological changes. Noting the potential for unknown significant effects at this time, the Inspectorate does not agree to scope this matter out.’

Regarding major accidents and disasters:

‘Furthermore, it notes the potential for landslides following disturbance of peat deposits. Until the peat landslide hazard and risk assessment has been undertaken, mitigation required is unknown.

In addition to the above, the summer has seen a number of wildfires which is highlighted by Heptonstall Parish Council in its consultation response. The applicant is requested to consider

and assess the risk of the proposed development in increasing the risk of fire and the impacts on the proposed development of such a fire.

The Inspectorate deems that there are a number of matters which have not been assessed at this stage which may give rise to effects where the effectiveness of mitigation is not certain. Noting this, the Inspectorate is not content to scope this matter out at this time.'

Regarding materials and waste:

'The Inspectorate considers that insufficient information has been provided on the expected waste arisings associated with the proposed development. As such, the Inspectorate is currently not in a position to scope this matter out. The ES should provide an assessment of waste and materials across all phases of the proposed development. This should include a detailed description of waste streams, including expected quantities of waste arisings and any monitoring measures required to ensure compliance.'

Overall then it would seem that the developers have a lot more work to do before they can progress to the next stage, the statutory consultation which was penned in for January next year. It is hard to see how this can go ahead, as it will need to be based on a much firmer development plan and updated documentation, else it will be as pointless as the non-statutory consultation in the spring of 2025. However, we still need to be prepared in case they do try and continue with the published timescale.