

For the attention of Philip Forster

21/12/2018

Dear Philip,

TOWN AND COUNTRY PLANNING ACT 1990
DEDDF CYNLLUNIO GWLAD A THREF 1990

**PROPOSAL:
ERECTION OF 9.9 MW GAS FIRED POWER STATION AND ASSOCIATED
INFRASTRUCTURE
LOCATION:
Land at the Corner of Oak Road and Abbey Road, Wrexham Industrial Estate,
Wrexham**

Thank you for consulting Natural Resources Wales (NRW) with additional information about the above, which was received on 18/12/2018.

We recommend that that you should only grant planning permission if the scheme can meet the following conditions listed below. These would address significant concerns that we have identified. Therefore, we would not object provided you attach the conditions to the planning permission.

Summary of Conditions

Condition 1: The submission and implementation of detailed great crested newt avoidance and mitigation measures based on the RAMS to the satisfaction of the LPA. This shall include but not limited to proposals outlined the ecological submission together with
(a) Details concerning the erection and maintenance of one way barrier fencing throughout the construction phase of the proposals;
(b) Habitat creation and enhancement proposals; and
(c) Long term habitat management proposals

Condition 2: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

Condition 3: ECA: Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA

Protected Sites and aerial emissions

NRW notes the guidance used in assessing the impacts on sensitive habitats and generally agrees with the overall conclusions (Dispersion Modelling Assessment (Ref AQ106349R5))

As stated the screening distance for N2K sites and Ramsar sites is 10km. However, there are 2 Special Areas of Conservation (Johnstown Newt Sites and River Dee and Bala Lake) and 1 Ramsar (Midland Meres and Mosses Phase 2) within this screening distance. There is no explanation why these sites have not been included in the assessment. As these are sites of international importance a formal record of impacts is required

Requirement 1: Assessment of the impacts on the protected sites identified within the 10km screening radius.

NRW requires that an addendum be produced assessing the impacts on the protected sites identified within the 10km screening radius. Based on the current report, clarification is needed to ascertain what the risks are, if any, to the protected sites..

Protected Species

The application is supported by ecological submission: (Reference : Salisbury, J. (2018). Preliminary Ecological Appraisal: Oak Road, Wrexham. REC. Unpublished).

Great Crested Newt

The application site is located within the environs of Wrexham Industrial Estate. This overall site is considered to support a nationally important population of the great crested newt.

Great crested newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 and they classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

The Regulations allow the approval of a scheme that would be likely to result in disturbance or harm to GCN, but only if satisfy an appropriate Habitats Directive derogation purpose and two tests before a licence can be issued from Natural Resources Wales.

In the case of development, the applicable derogation purpose is:

“Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment.”

Furthermore, the licence can only be issued by NRW on condition that there is:

“no satisfactory alternative”, and that

“the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

Paragraph 6.3.7 of TAN5 states that your Authority should not grant planning permission without having satisfied itself that the proposed scheme either would not impact adversely on any GCNs on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

We consider that there is a low risk of the species utilizing the site for sheltering or resting purposes. However, it could potentially be used as ‘stepping stone’ for dispersal purposes. We consider that the development and its subsequent operation is not be likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN’s within and in the environs of the Industrial Estate

However, we advise that any subsequent consent is subject to the imposition of the following planning condition or obligation (such as a Section 106 Agreement or a unilateral undertaking):

Condition 1: The submission and implementation of detailed great crested newt avoidance and mitigation measures based on the RAMS to the satisfaction of the LPA. This shall include but not limited to proposals outlined the ecological submission together with
(a) Details concerning the erection and maintenance of one-way barrier fencing throughout the construction phase of the proposals;
(b) Habitat creation and enhancement proposals; and
(c) Long term habitat management proposals

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect GCN on this site, you would need a revised ecology report that takes account of such changes. Please consult us again if any updated or revised ecology report concludes that the proposal is more likely to have an adverse impact on the GCN population and/or alters the detail or implementation of mitigation measures.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

NRW would refer the Planning Authority to the letter from the Welsh Government to Chief Planning Officer’s dated 01 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

Otter

We consider the assessment in respect of otter to be satisfactory. We consider the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of otter

Bats

We consider the assessment in respect of bats to be satisfactory. We consider the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local populations of bat. We welcome implementation of external lighting recommendations as specified in Section 6.4.1 of the ecological report.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases. We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 2: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

We consider that this assessment must include

- (i) appropriate measures to control any INNS on site; and
- (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

Ecological Compliance Audit

We advise that any future consent includes the imposition of a condition that requires the submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

Condition 3: ECA: Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA

The purpose of the Ecological Compliance Audit is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The Audit shall identify Key Performance Indicators (KPI's) that are to be used for the purposes of assessing and evidence compliance

Protected Sites and aerial emissions - Dispersion Modelling Assessment – Technical Addendum

There are 2 Special Areas of Conservation (Johnstown Newt Sites and River Dee and Bala Lake) and 1 Ramsar (Midland Meres and Mosses Phase 2) within this screening distance. NRW has reviewed the information in the above addendum. The process

contribution to the relevant pollutants of concern at the designated sites are all below 1% of the critical levels and critical loads. The emissions and deposition from this development are not likely to be significant to the scientific features of the designated sites.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>)

). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice to Applicant

Environmental Permitting

The operator needs to satisfy (based on aggregated net rated thermal input) the requirements of The Environmental Permitting (England and Wales) Regulations 2016, as amended including SI 2018 No. 110 The Environmental Permitting (England and Wales) (Amendment) Regulations 2018 on implementing the requirements of the Medium Combustion Plant Directive and new controls on Specified Generators to come into effect from 20 December 2018.

Pollution Prevention

The applicant is advised to follow the guidance within the Guidance for Pollution Prevention 6 'working at construction and demolition sites':

<https://www.sepa.org.uk/media/60125/ppg-6-working-at-construction-and-demolition-sites.pdf>

Any work which is to take place should be done so with pollution prevention in mind. Pollution prevention advice and guidance can be found via this link:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Should any pollution occur during the construction or operational phase, Natural Resources Wales should be notified via the incident hotline – 03000 65 3000.

Waste

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Yn gywir / Yours sincerely,

Daniel Davies

Daniel Davies

Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales