

09/10/2015

Er sylw / For the attention of: Janet Sutherberry

Annwyl / Dear Janet Sutherberry,

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

BWRIAD / PROPOSAL:

Erection Of Emergency Standby Electricity Generation Facility, Comprising 14 No Diesel Generator Units, Transformers, Diesel Storage Tanks, Boundary Treatment Including Acoustic Screening, Access Improvements And Associated Works.

LLEOLIAD / LOCATION:

Land South of Existing substation, Plas Bennion Road, Penycae, Wrexham, LL14 6RN (SJ291437)

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 05/10/2015

Natural Resources Wales brings together the work of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales, as well as some functions of Welsh Government. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, used and enhanced, now and in the future.

NRW does not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed.

Air Quality

We understand that the combined electrical output of this proposal is stated to be 20MWe. Following correspondence with the developer (Edward Buckingham – 05/10/2015) we note that the thermal input (MWth) of the engines aggregated at their maximum continuous rating equates to 46.5MWth. We therefore believe that the proposal would require an Environmental Permit under Part B of The Environmental Permitting (England and Wales) Regulations 2015 (as amended) which should be obtained from the local authority.

Protected sites

The proposal is within 2 kilometres of the following protected sites

- Johnstown Newt sites Special Area of Conservation (SAC)

We advise that the proposal may have implications for the SAC listed above and you should carry out a test of likely significant effects under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). We can help you reach a conclusion on likely significant effects. If that assessment concludes there is likely to be a significant effect, we can also advise on the further, appropriate assessment that would be required under the Regulations.

We remind you that, as a competent authority for the purposes of the 2010 Regulations, your authority must not normally agree to any plan or project unless you are sure beyond reasonable scientific doubt that it will not adversely affect the integrity of a SAC, SPA or Ramsar site.

As the proposal results in a thermal input of less than 50 MW(th) a screening distance of 2 kilometers was used for the assessment required in relation to air quality impacts. As the features of the site are aquatic we do not believe the development as proposed in its current form is not likely to have an adverse effect on the site listed above.

Waste

The activity of importing waste into the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from the site. No material is to be deposited within 10m of any watercourse without discussion with Natural Resources Wales. Should any contaminated water or materials enter or pollute any nearby watercourse or groundwater, Natural Resources Wales must be notified on 0800 807060.

Fuel Storage

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipe-work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund, refuelling should be supervised at all times - and preferably done on an impermeable surface.

Contaminated Material

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

Protected Species

Bats are protected under the Wildlife and Countryside act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

If any mature trees will need to be felled as part of the scheme. All trees that need to be felled should be checked for features that may be used by bats (i.e. cavities, cracks, holes & ivy cover). Where impacts on bats are considered likely, then those trees should be subject to emergence surveys at an appropriate time of year. Should bats be found to be using the trees as roosting sites then we would expect you to propose and deliver appropriate mitigation and/or compensation schemes, along with Reasonable Avoidance Measures, to ensure the favourable conservation status of the species is maintained.

Care should be taken in the type and location of any external lighting within the new development, to ensure that the hedgerows and trees identified on the site are not illuminated. We advise that a light spillage scheme from the development should be agreed to the satisfaction of the local authority.

The Natural Environment and Rural Communities (NERC) Act (2006)

Please note that we have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests. To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or nature conservation organisations such as the local Wildlife Trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

To conclude, in our opinion, the development as proposed in its current form is not likely to have an adverse effect on the interests listed above. NRW does not object to the proposal.

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

Yn gywir / Yours sincerely



Bryn Jones
Casework Officer,
Casework Team