



Mr Lawrence Isted
Chief Planning Officer
Wrexham County Borough Council
Lambpit Street
Wrexham
LL11 1AR

Our Ref: qA1162214
Eich Cyf/Your Ref: HOL P/2013/0660
Dyddiad/Date: 24 June 2014

Dear Mr Isted

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
(ENGLAND AND WALES) REGULATIONS 1999 (AS AMENDED)
DRILLING OF EXPLORATION BOREHOLE (REQUIRING 24 HOUR OPERATIONS)
TO REMOVE A CORE OF COAL FOR SAMPLING AND SITE RESTORATION
FOLLOWING CESSATION OF DRILLING OPERATIONS. DRILLING OPERATIONS
TO TAKE APPROXIMATELY 60 DAYS AND A MAXIMUM OF 75 DAYS AT LAND
PART OF FIELD WEST OF COMMONWOOD FARM AND SOUTH OF BORRAS
ROAD, COMMONWOOD, HOLT, WREXHAM**

1. I refer to the appeal made to Welsh Ministers on 28 April 2014, by Mr Euan Brown, on behalf of Dart Energy Limited, against the refusal of your Council to grant planning permission for the above development.
2. The above development was the subject of a screening opinion when it was before the Wrexham County Borough Council. The screening opinion concluded Environmental Impact Assessment (EIA) was not required. As part of the appeal process the Welsh Ministers consider it appropriate for them to come to their own conclusion as to whether the development proposal is EIA development within the meaning of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) ("the 1999 Regulations"), and provide a screening direction in that respect.
3. I am authorised by the Minister for Housing and Regeneration to provide that screening direction.
4. The development proposed, namely *'Drilling of exploration borehole (requiring 24 hour operations) to remove a core of coal for sampling and site restoration following cessation of drilling operations. Drilling operations to take approximately 60 days and a maximum of 75 days'*, falls within the description at paragraph 2(d) in column 1 of

Schedule 2 to the 1999 Regulations. I also agree with the Council that the proposed development is not in a sensitive area (as defined by the 1999 Regulations) and that it falls below the relevant thresholds and criteria indicated in Column 2 to Schedule 2.

5. Under the provisions of regulation 4(8), however, the Welsh Ministers may direct that a particular development of a description mentioned in Column 1 of Schedule 2 is EIA development in spite of the fact that none of the conditions contained in subparagraphs (a) and (b) of the definition of "Schedule 2 development" is satisfied in relation to that development. In light of this I have considered whether it would be appropriate, in this case, to use that power of direction.
6. The views of Natural Resources Wales (NRW) were sought and their advice, in their letter 19 June 2014, is:

"Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 2 June 2014.

Natural Resources Wales (NRW) 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.

We understand that you are consulting us as you are uncertain about the significance of the proposed development's likely effects on:-

- (i) Protected species, in particular great crested newt;
- (ii) Designated sites, the Vicarage Moss SSSI is located 1.1 km to the north east of the proposed development

We can confirm that in respect of both British and European protected species, including the great crested newt, we consider that an Environmental Impact Assessment (EIA) is not specifically required for the purposes of informing the public decision making process.

Vicarage Moss SSSI and Ramsar site is of both ecological and geological interest. The geological interest will not be affected by the proposal. Furthermore, owing to distance and the presence of a perched water table, the ecological features of the SSSI are also unlikely to be affected by the proposed scheme. We therefore conclude that an Environmental Impact Assessment (EIA) is also not specifically required for the purposes of informing the public decision making process in respect of assessing impacts on designated sites.

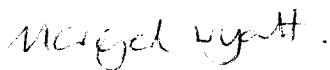
However, we consider that the applicant will have to provide evidence concerning the consideration of impacts on designated sites, protected species and compliance with natural heritage legislation. This includes the provision of information required to inform the completion of a Habitats Regulations Assessment (HRA). We therefore suggest this information be submitted within the provisions of a non-statutory ecological impact assessment (EcIA).

We trust this response will be of assistance to you.

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

7. NRW have advised that the proposed development would not have a significant environmental impact on great crested newts or other protected species as a result of the proposed development. Nor will the proposals have any significant environmental effects on the ecological and geological interests of the Vicarage Moor SSSI. Having taken that advice into account with the selection criteria in Schedule 3 to the 1999 Regulations and the advice in Welsh Office Circular 11/99: Environmental Impact Assessment on establishing whether EIA is required, I take the view that the proposed development is not a major development of more than local importance, is not proposed in an environmentally sensitive or vulnerable location and is not likely to give rise to unusually complex and potentially hazardous environmental effects. It is my opinion that the development the subject of the above appeal would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Consequently, I do not propose exercising the powers available to me under regulation 4(8) of the 1999 Regulations.
8. Accordingly, for the reasons given above and in exercise of the powers conferred by regulation 4(7) of the 1999 Regulations and the authority referred to in paragraph 3 above, I hereby direct that the development the subject of this appeal is not "EIA development" within the meaning of the 1999 Regulations.
9. You will bear in mind that my opinion on the likelihood of this development having significant effects is reached for the purposes of this direction.
10. Under regulation 20(1) of the 1999 Regulations you should take steps to secure that this screening is placed on Part 1 of the Planning Register in relation to the application in question. I would be grateful if you could do so to ensure that the Welsh Ministers' view is publicly available.
11. I am copying this letter to the Planning Inspectorate, the appellant's and NRW.

Yours sincerely



Marged Wyatt
Decisions Branch
Planning Division

Signed under the authority of the Minister for Housing and Regeneration, one of the Welsh Ministers.

