

## **LATE SCOPING CONSULTATION RESPONSES**

Consultation bodies have 28 days to respond with any comments, stating either the information that they consider should be included in the ES or that they do not have any comments.

Any responses received after the deadline will not be considered within the scoping opinion but are forwarded to the applicant for consideration in accordance with the policy set out in Advice Note 7: Environmental Impact Assessment, Screening and Scoping.

The following EIA scoping consultation responses were received after the consultation deadline specified under legislation and therefore did not form part of the Secretary of State's scoping opinion.

**From:** [Helen Lancaster](#)  
**To:** [Alan Ridley](#)  
**Subject:** FW: 121203\_EN010053\_1542352 - Scoping Opinion for Wrexham Energy Centre, Wrexham (NT/2012/114080)  
**Date:** 01 February 2013 15:34:11  
**Attachments:** [dps1.rtf](#)

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**From:** Thomas, Gareth [mailto:gareth.thomas@environment-agency.wales.gov.uk]  
**Sent:** Monday, January 28, 2013 4:27 PM  
**To:** Environmental Services  
**Cc:** Hemsworth, Deborah; Simon Greenland; Mannon Lewis  
**Subject:** 121203\_EN010053\_1542352 - Scoping Opinion for Wrexham Energy Centre, Wrexham (NT/2012/114080)  
**Importance:** High

FAO Alan Ridley,

Dear Mr Ridley,

Thank you for consulting us on the 3<sup>rd</sup> December 2012, concerning the above scoping opinion. We responded to you with our comments to the consultation on the 27<sup>th</sup> December 2012, although the letter was dated 24<sup>th</sup> December 2012. We understand that the above scoping opinion document has now been published on your website, for which I have now seen a copy. However, within Appendix 2, which includes copies of all consultation responses, our response is not included.

Could you please confirm whether you received our response the first time around? If not, could you please forward our response to the applicants so that our comments can be taken into account when undertaking the Environmental Impact Assessment?

Regards,

Gareth Thomas  
Planning Liaison Officer  
Environment Agency Wales, Parc Menai, Bangor, Gwynedd, LL57 4DE  
01248 48 4075

Gall yr wybodaeth yn y neges hon fod yn gyfrinachol, ac yn gyfreithiol freiniol. Os ydych wedi derbyn y neges hon trwy gangymeriad, rhoddwch wybod ar unwaith i'r sawl a'i gyrrodd, os gwelwch yn dda. Yna dilêwch hi, a pheidiwch â gyrru copi at neb arall.

Bu inni fwrw golwg ar yr e-bost hwn a'i atodiadau, rhag bod feirysau ynndo. Serch hynny, dylech chwilio unrhyw atodiad cyn ei agor.

Efallai bydd rhaid inni ryddhau'r neges hon, ac unrhyw ateb iddi, i sylw'r cyhoedd pe gofynnid inni tan y Ddeddf Rhyddid Gwybodaeth, y Ddeddf Gwarchod Data neu at ddibenion ymgyfreithio. Y mae'n bosib hefyd y darllennir negesau ac atodiadau e-bost a yrrir at unrhyw gyfeiriad Asiantaeth yr Amgylchedd, neu a dderbynnir oddi yno, gan rywun arall na'r gyrrwr a'r derbynnydd. Hynny at ddibenion busnes.

Os ydym wedi gyrru gwybodaeth atoch, a chithau'n dymuno'i defnyddio, yna ddarllenwch ein telerau a'n hamodau, os gwelwch yn dda. Gellir eu cael trwy ein galw ar 08708 506 506. Am ragor o wybodaeth ynghylch Asiantaeth yr Amgylchedd Cymru, ewch at [www.asiantaeth-amgylchedd.cymru.gov.uk](http://www.asiantaeth-amgylchedd.cymru.gov.uk).

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Mr Alan Ridley  
Planning Inspectorate  
Temple Quay House 2 (The Square)  
Temple Quay  
BRISTOL  
BS1 6PN

**Our ref:** NT/2012/114080/01-L01  
**Your ref:** 121203\_EN010053\_1542352  
**Date:** 24 December 2012

Dear Mr Ridley

**INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)  
REGULATIONS 2009 SI 2263 (AS AMENDED)  
PROPOSED WREXHAM ENERGY CENTRE BRYN LANE, WREXHAM INDUSTRIAL  
ESTATE, WREXHAM.**

Thank you for your consultation with respect to the scoping opinion for the above proposed energy centre.

Although the Scoping Report appears to be adequate for the purposes of the Environmental Impact Assessment we have the following comments to make with respect to the type and scale of information we require to be provided within the environmental statement:

The Scoping Report identifies that the development will potentially have an impact on flood risk, drainage and therefore the need for a flood risk (consequence) assessment in line with TAN 15.

*“The Flood Risk Assessment element will be prepared in accordance with TAN 15, EA standing advice, and following the guidance given in CIRIA Report Development and Flood Risk – Guidance for the Construction Industry”*

The applicant is advised to contact Ruairí Barry (Development & Flood Risk Engineer) at 01244 894582 / [Ruairi.Barry@environment-agency.gov.uk](mailto:Ruairi.Barry@environment-agency.gov.uk) for additional advice and information in relation to the Flood Consequence Assessment/s if required.

With respect to the assessment of groundwater vulnerability, Table 9: Importance of the environmental attributes of the water feature or resource, gives examples of the rank of importance, e.g. aquifer providing potable supply to large or small communities, etc. It is important to consider the future plausible resource of an aquifer. For example, while an aquifer may not be being currently exploited for drinking water, it may represent a future resource; this is particularly important in the light of climate change. The potential resources of the aquifers should not be underestimated and should be included as part of the evaluation of impact.

The following documents will be useful guidance and/or sources of reference with respect to assessing the risks to groundwater and contaminated land:

Environment Agency's Groundwater protection: Principles and practice (GP3)  
November 2012, Version 1

1. Guiding principles for land contamination (GPLC) documents, three separate documents noted below

- Guiding principles for land contamination – Overview

<http://publications.environment-agency.gov.uk/pdf/GEHO1109BRGY-e-e.pdf>

- Guiding principles for land contamination – FAQs

<http://publications.environment-agency.gov.uk/pdf/GEHO1109BRGZ-e-e.pdf>

- Guiding principles for land contamination - Good practice reporting

<http://publications.environment-agency.gov.uk/pdf/GEHO1109BRHA-e-e.pdf>

2. CLR11, Model Procedures for the Management of Land Contamination

3. "Piling into Contaminated Sites", publication number SCHO0202BISW-E-E, and

4. "Piling in layered ground: risks to groundwater and archaeology", Product code: SCHO0906BLLU-E-E

The latest versions of all the above documents are available on our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

With respect to water supply, Environment Agency Wales would be unable to licence any consumptive abstraction from the Dee upstream of Chester Weir. The surface water catchment is already "over-licensed" and water company abstractions have been constrained to less than licence entitlement to protect the "standards of service" for the river. This covers "environmental flow requirements" and public water supply constraints. The only scenario where water could be made available would be when the Dee was unsupported, that is during the winter months only, typically November to March. The developer should be able to find an example of this in the CAMs document. On a year round basis, there is no water available for abstraction.

However, the scale of the proposal is such that one of the water companies may be able to support requirements from their existing licence entitlements. The developer should seek advice from United Utilities plc and Dee Valley Water to discuss any requirements.

Section 3.12 mentions 3 types of cooling, the third being air cooling. It appears this may be the only realistic option for this site. Further information should be submitted if this option has any water resource implications.

The applicant will require an environmental permit subject to the Environmental Permitting (England and Wales) Regs 2010, as amended.

Applicants are encouraged to “twin track” environmental permit applications to the Environment Agency with their Development Consent Order (DCO) applications to the Planning Inspectorate in order to facilitate timely decision-making. Ideally applicants should work towards submitting the permit application **at least 6 months prior to the submission of an application for a DCO**. The submission of an early permit application means that the Environment Agency is much more likely to be in a position to be able to give an indication as to whether it is likely to grant a permit before the examination closes and to provide useful information which will inform the Examining authority’s recommendations to the Secretary of State. Also it is in the interests of an applicant to ensure that any specific requirements arising from permitting are capable of being carried out under the works permitted by the DCO. Otherwise there is a risk that requirements under permitting could conflict with the works which have been authorised by the DCO (e.g. **a stack of greater height than that authorised by the DCO could be required**) and render the DCO impossible to implement. When considering the timetable to submit their environmental permit application, applicants should bear in mind that the Environment Agency will not be in a position to provide a detailed preliminary view on the permit application until it is at the stage of being able to issue its draft decision letter for public consultation and this will only happen at an advanced stage in the permitting process.

Environment Agency Wales is a competent authority for the purposes of the Habitats Regulations when determining applications for permits, consents and licences for which it is the regulatory authority. Where an application has the potential to have a significant effect on European sites and a permit, consent or licence is also required, the Environment Agency (in addition to the competent authority under the Planning Act) will be required to assess the likelihood and scale of these effects and if necessary to then carry out appropriate assessment (and consult the relevant nature conservation body) before making a decision under the relevant legislation. In these circumstances applicants are encouraged to coordinate their own consultation with Natural England or Countryside Council for Wales on both Habitats Regulations assessments.

There are a number of features within 1km of the site which should be taken into consideration prior to commencement of works:

- the area is adjacent to a Local Wildlife site (50m), and every attempt should be made to ensure the integrity of this designation is not compromised by the works

- Great Crested Newt are on site, and within 1km of the site. These are a protected species and it is illegal to harm, kill, or disturb the species. Therefore great consideration needs to be taken where this species is concerned. It is possible to use a “trap and relocate” method to remove any species found on the site prior to the works. Relocation could be to existing waters on-site (with additional measures to ensure they remain within the area), or to a suitable off-site area

The “trap and relocate” method would also be preferred for any lizards or amphibians found on site, and once confident that all present individuals have been caught, they would need to be excluded from re-entering the site until after the works are complete.

Further surveys need to be undertaken to assess the presence of badgers and otters and mitigation measures to ensure no harm or disturbance to these species.

As many of the trees identified as potential bat habitat should be retained on site as possible, in order to decrease the loss of habitat. If any trees are to be removed a survey will need to be conducted to ensure no bats are using the trees. The connectivity of the suitable bat habitat should also be maintained.

If any protected species are found on site following commencement of the works then such works should stop immediately and advice should be sought from CCW.

The enhancement of the existing waterbodies should not have an impact on the species currently using them as habitat.

We look forward to receiving consultation on the Environmental Statement in due course.

Yours sincerely

**MRS MERYL W READ**  
**Technical Specialist**

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