



Llywodraeth Cymru
Welsh Government

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18 August 2016

**Application by Wrexham Power Ltd for Wrexham Energy Centre
The Examining Authority's first written questions and requests for information
(FWQ) Issued on 2 August 2016 – due by 23 August 2016**

Further to your request for information on the above, please find our responses below.

**1.2. Biodiversity, Ecology and Natural Environment (including Habitats
Regulations Assessment (HRA))**

**1.2.17 Welsh Government (WG): Biodiversity and Nature Conservation Branch
Welsh Government (WG) engagement on natural environment matters**

The WG relevant representation identifies that the Biodiversity and Nature Conservation Branch would welcome continuing engagement with the project in conjunction with nature conservation staff from NRW.

Please specify any particular issues on which the branch wishes to engage and identify whether this engagement will be pursued through NRW or through direct contact from the branch

Response

Both NRW and its ecological predecessor CCW have advised on the ecological components of the scheme for a number of years – In their view, the great crested newt is the European protected species most likely to be affected. This includes both the construction of the power station and the gas pipeline.

On that advice from NRW, WG considers that the proposal is, in principle, not likely to be detrimental to the maintenance of the favourable conservation status of the species in terms of both local population(s), the affected meta-population and the Wrexham area



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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

population. That view is based on the principle that the conservation plan and actions be informed by the draft Wrexham Conservation Status Plan for the species. The plan and actions will need to take short and long term conservation issues into account.

1.5A Decommissioning

1.5A.1 The Applicant, NRW, WCBC, Dwr Cymru./Welsh Water (DC/WW), Cadw Decommissioning strategy: general

Draft DCO requirement 17 secures a decommissioning strategy, but there is no outline strategy document or other indication as to what this strategy should contain.

- What measures should be taken to ensure that decommissioning take place within the Rochdale envelope?
- Should a specific/ minimum set of topics, performance evaluation criteria and or outcomes that the decommissioning strategy needs to address be secured as part of requirement 17?
- If so, how can they be delivered: should there be an outline decommissioning strategy and when should it be prepared?
- Is WCBC content to take the lead role in decommissioning implied by requirement 17?
- Are other relevant bodies satisfied with the apparent approach to decommissioning?

Response

The proposed development will have no direct impact on any scheduled monument. The impact of the development on the settings of any scheduled monument will be caused by the erection of tall structures such as chimneys and this impact will be reversed by the removal of these tall structures when the plant is decommissioned. Therefore apart from the removal of the structures no decommissioning strategy is required in relation to scheduled monuments.

1.16. Transportation and Traffic

1.16.4 Welsh Government (WG):Transport Division, WCBC and the Applicant Engagement on transport matters

The WG Transport Division has sought the submission of the following information / documentation either through the examination or pursuant to requirements:

- a Transport Assessment 'detailing the traffic values for the duration of the works';
- a Construction Traffic Management Plan (CTMP) detailing the proposed delivery routes in-line with the programme; and
- a Traffic Management Plan (but making clear that this is only required if Abnormal Indivisible Loads (AIL's) are to be delivered to the site).

The WG Transport Division is asked to liaise with WCBC to agree the additional transport information / documentation that is sought and the specification of this documentation.

By Deadline 3, the Applicant is requested to provide the additional transport information / documentation that is sought or to indicate for reasons why it is not necessary.

Response

Transport division are aware of this application and request for the applicant to submit a transport assessment.

1.8. Historic Environment

1.8.1. The Applicant and Cadw

Consultation: engagement with Cadw

It is unclear whether the results of the EIA process that are relevant to Cadw's areas of responsibility have been agreed with Cadw. Cadw have not provided a relevant representation.

- The Applicant is requested to write to Cadw, seeking its view on the ES and the measures proposed within it that are relevant to Cadw's statutory role. A reply should be sought by Deadline 2 and a copy should be provided to the examination.
- In writing to Cadw, the Applicant is requested to draw that body's attention to the further questions in this schedule that are marked for Cadw's attention and to seek responses from Cadw to the extent that the matters raised are relevant to Cadw's statutory role.

Response

Cadw does not have a separate legal identity to the Welsh Ministers, and we therefore provided our comments on the EIA Consultation for this scheme to Welsh Government Energy Unit for inclusion in the Welsh Government's response.

In these comments, we identified that the proposed development could have an impact on the settings of 6 scheduled monuments, 1 registered historic park and 1 registered historic landscape. The proposed development is located close to the existing Wrexham Industrial Estate and its' construction would add extra buildings and waste stacks to that complex; however, given the distance between the proposed development and the historic assets, the proposed power station will have little additional impact on the settings of any of the identified designated or registered historic assets.

1.8.2. The Applicant, WCBC and Cadw

Methodology: extent of study area

ES paragraph 12.55 [APP-060] records that a 5km study area from the centre of the power station complex site was used to consider potential impacts on the setting of designated heritage assets. The study area for the LVIA covers a 7km radius from the order land. ES Chapter 18 [APP-066] assesses inter-relationships. ES paragraph 18.65 [APP-066] considers the potential for inter-relationships between the historic environment and landscape and visual chapters, in terms of setting, concluding that inter-related effects are not possible as "...the assessment of setting in both the historic environment and visual chapters are complementary rather than additive...".

- Considering the potential interrelationship between these two topics, the Applicant is asked to explain:
 - why inter-related effects between the historic environment and landscape and visual are not considered to be possible;
 - what 'complementary rather than additive' means; and

- why a 7km radius study area was not also used to consider the potential impacts on the setting of designated heritage assets?
- In the light of the above, are WCBC and Cadw content that the study area was of an appropriate extent?

Response

We are content that the study area was appropriate.

**1.8.3. WCBC and Cadw
Historic environment: CIA**

Can WCBC and through WCBC, the Clwyd Powys Archaeological Trust (CPAT) and (to the extent that these are relevant to their statutory responsibilities) Cadw please confirm whether or not they are content with:

- The developments included in the CIA; and
- The conclusions of the CIA

for historic environment purposes?

Response

We confirm that we are content with the developments included in the CIA and the conclusions of the CIA.

**1.8.4. WCBC and Cadw
Additional archaeological investigations and the written scheme of investigation (WSI)**

It is not clear that WCBC has confirmed that the proposed suite of post-approval archaeological investigations are agreed. Given the views of CPAT referred to in paragraph 3.1 of WCBCs initial draft LIR [LIR-001]:

- Are any additional pre-approval archaeological investigations warranted and if so in respect of what locations / features?
- Would it be valuable for the Applicant to produce an outline WSI, with which the final WSI must generally accord?

Response

Our remit includes the assessment of the impact of a proposed development or scheme on designated historic assets. (The Welsh Archaeological Trusts, in this case Clwyd Powys Archaeological Trust (CPAT), are responsible for assessing the impact of proposed developments and schemes on undesignated archaeology and are the archaeological advisors to Wrexham Council.)

We understand that CPAT outlined a programme of predetermination archaeological investigation that would be required to determine the impact of the proposed development on the archaeological resource in December 2014, but that none of this work has been carried out. This is particularly required in the area close to the River Clywedog where potential waterlogged deposits could be of significance. The parch marks identified in section 12.51 of Appendix 12.2 also need investigation as they could

identify a significant archaeological site. The need for these investigations to be undertaken prior to the determination of the application is given in Planning Policy Wales, Section 6.5.2, Welsh Office Circular 60/96 sections 13 and 14 and the adopted Wrexham UDP Policy EC11. Until the pre-determination archaeological evaluation has been carried out an appropriate outline written scheme of investigation cannot be produced.

1.8.6. The Applicant, WCBC and Cadw Barn Farm Ridge and Furrow

Slight adverse effects which would not be significant are predicted on the Barn Farm ridge and furrow, as a result of construction of the power station complex, construction of the gas connection and the electrical connection routes. However, is there any scope for these effects in-combination to lead to a significant adverse effect on this feature?

- To what extent would the remaining portion of the Barn Farm ridge and furrow be representative of the current feature?
- Could replacement of the overhead line poles for the Electrical Connection result in additional physical impacts on the Barn Farm ridge and furrow?
- Paragraph 12.135 [APP-060] states that “[r]eplacement overhead line poles may result in localised impacts on archaeological remains, however, the scope of such impacts cannot be assessed at this time”. The Applicant assumes that micro-siting of pole locations would avoid significant impacts. Even if the electrical connection would only result in very small impacts on the Barn Farm ridge and furrow, when considered cumulatively with the effects from construction of the power station and gas connection route, could this lead to a significant effect on this asset?
- Do the above issues give rise to any concern from WCBC or Cadw?

Response

We can find no plan showing the area of the ridge and furrow at Barn Farm but section 12.94 of ES Chapter 12 indicates that it will all be destroyed by the proposed development. Thus there will be no remaining portion of the earthworks to be representative of the current feature. The position of the pole locations will therefore not have any further impact on the ridge and furrow. The survival of ridge and furrow is one of the significant characteristics of the registered Maelor landscape of special historic interest (this area of ridge and furrow is not included in the registered historic landscape). However we do not consider that the loss of this area of ridge and furrow will be significant, subject to it being appropriately recorded prior to construction works commencing.

1.8.7. The Applicant, WCBC and Cadw Sutton Green Barrow

Using the significance of effect matrix in ES Table 12-3 [APP-060], the effect on Sutton Green Barrow Scheduled Monument (a high value asset, with an adverse impact of minor magnitude) is categorised as ‘moderate or slight’ adverse. Professional judgement has been used to determine that the effect would be slight adverse and therefore not significant rather than moderate adverse and significant.

- Can the Applicant please a clearer explanation of how professional judgement has been applied to conclude that the effect on this barrow would not be significant?
- Do the above issues give rise to any concern from WCBC or Cadw?

Response

The proposed power station is not in one of the significant views from the Sutton Green Barrow. The proposed structures will be circa 1.9km away from the monument and will be seen in association with the other modern vertical elements of the Wrexham Industrial Estate. In our independent assessment this impact would not constitute an appreciable change to the assets significance and therefore give a result of negligible. Thus using the Significance of Effect Matrix the result would be High X Negligible = Slight. It is noted that the EIA judged the impact to be Minor, giving an effect of Moderate or Slight but the assessor's professional judgement was that the impact was slight. We therefore agree with the assessor's judgement.

1.9. Landscape and Visual

1.9.3. The Applicant, WCBC, Cadw and relevant local IPs Landscape and visual impact: baseline data and methodology

ES Chapter 10 [APP-058] refers to a study area, a Zone of Theoretical Visibility (ZTV) and a Zone of Visual Influence (ZVI).

In addition to the study area shown in Figures 10.2a and 10.2b [APP-090 and APP-091], the ES has also defined a ZTV (see Figures 10.1a and 10.1b [APP-089 and APP-090 respectively] which largely lies within the study area. The methodology and assumptions used to define the ZTV are described in ES Chapter 10, paragraphs 10.35 – 10.39. The ZTV was verified through fieldwork which included consideration of the estimated height of adjacent buildings (Chapter 10, paragraph 10.76). The ES also refers to a ZVI (also shown on Figures 10.1a and 10.1b) where, if the power station site buildings are visible, significant visual effects are considered to be most likely. There is no explanation of the methodology used to define the ZVI.

The approach taken is complex and unusual, in that the ZTV has not been used to frame the study area, and assessments of landscape character areas and visual receptors extend beyond the ZTV into the broader study area [APP-092 to APP-095].

- Do WCBC and IPs consider that the study has been robust?
- Are there any landscape character areas or visual receptors that require to be identified or made the subject of an impact assessment but have not been identified, or have been identified but for which a different impact assessment is argued to be necessary?
- Has the methodology materially affected the outcome of the assessment?

1.9.4. The Applicant, Cadw, WCBC and relevant local IPs Landscape and visual impact: inherent mitigation

The LVIA in ES Chapter 10 [APP-058] takes into account the 'inherent mitigation' described in paragraphs 10.62 – 10.66. This appears to be the proposals shown in the illustrative landscape and ecological mitigation plan [APP-026]. Work No. 3 and No. 4 in the draft DCO [APP-033] include landscaping, tree planting and ecological mitigation. Requirement 3 of the draft DCO means that no development can begin until a written landscaping and mitigation scheme has been approved by Wrexham CBC which is

“substantially in accordance with the illustrative landscape and ecological mitigation master plan”.

- Does this wording offer sufficient certainty that the inherent mitigation relied on in ES Chapter 10 will be delivered?

1.9.8. The Applicant, Cadw, WCBC and relevant local IPs Landscape and visual impact: lighting effects

ES Appendix 10.6 [APP-127] does not appear to consider lighting. No evidence has been provided to support the statements in ES Appendix 10.7 [APP-128] about the effects of lighting.

- How has the Applicant determined the effects of lighting?
- Please can it produce a map showing the predicted light levels at night in the vicinity of the power station site at Deadline 1, upon which other IPs can provide observations at Deadline 2.

Response (1.9.3; 1.9.4; 1.9.8)

The proposed development is not within the boundaries of the registered Maelor landscape of special historic interest. The EIA notes “With the exception of possible glimpses, the upper parts of the Stacks, the Power Station Complex will be visually separated from the Registered Landscape and other assets in the area by the existing WIE” and Cadw concur with this assessment. Consequently, the proposed development will not constitute more than a local impact on the registered Maelor landscape of special historic interest.

Planning Policy Wales Section 6.5. 25 states “Information on the historic landscapes in the second part of the Register should be taken into account by local planning authorities in considering the implications of developments which are of such a scale that they would have a more than local impact on an area on the Register”. Therefore Cadw make no response to these questions.

Yours sincerely

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