



**Cyfoeth
Naturiol**
Cymru
**Natural
Resources**
Wales

Eich cyf/Your ref: EN010055

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Rynd Smith,
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Date: 06/10/2016

Annwyl Syr/Madam / Dear Sir/Madam,

WREXHAM ENERGY CENTRE

PROJECT REFERENCE: EN 010055

RESPONSES TO QUESTIONS RAISED AT ISSUE SPECIFIC HEARING AND ANSWERS TO EXAMINERS QUESTIONS BY THE NATURAL RESOURCES BODY FOR WALES

1.1 The purpose of the Natural Resources Body for Wales (NRW) is to ensure that the environment and natural resources of Wales are sustainably maintained, sustainably enhanced and sustainably used. In this context sustainably means with a view to benefitting and in a manner designed to benefit the people, environment and economy of Wales now and in the future. NRW's functions are set out in the Natural Resources Body for Wales (Functions) Order 2013. NRW's advice and comments to the Planning Inspectorate (PINS) are therefore provided in the context of this remit.

1.4 NRW's comments are made without prejudice to any additional comments we may wish to make when consulted on any other documents provided by the applicant, the ExA or any of the regulating bodies who are involved in authorising different aspects of the overall development proposals (including NRW).

1.5 Annex A contains NRW's Responses to the questions raised at the Issue specific hearing on environmental and other issues which was held on the 28th and 29th of September 2016. Annex B contains our response to the questions remaining from the first questions issued by the Examining Authority.

1.7 Our comments are also provided without prejudice to any decision NRW may make on any application made to it by the applicant for an Environmental Permit under the Environmental Permit Regulations 2010 (EPR).

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Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English

Please contact Tomos Hughes (wrexhamenergy@cyfoethnaturiolcymru.gov.uk) should you require further advice or information regarding this representation.

Yn gywir / Yours faithfully,



Mr. Richard Ninnes

HEAD OF ECOSYSTEMS, PLANNING, AND PARTNERSHIPS

Annex A

Wrexham Energy Centre Proposed Development Consent Order

NRW Responses to the questions raised at the Issue specific hearing on environmental and other issues

1. Great Crested Newts (GCN) and air emissions:

NRW has been asked to clarify its position with regard to the potential impacts of emissions from the proposed gas fired power station on GCN as a statutory protected species.

GCN are known to inhabit a wide range of habitats. Of note with regard to this question, some of the habitats in which they are found are highly toxic/contaminated. In these toxic environments, it has been shown that populations of GCN are breeding.

Given the levels of deposition and changes to the immediate vicinity of the site predicted within the submitted documents, In accordance with our previous responses to the proposals, NRW consider; that the avoidance, mitigation and compensation measures proposed are satisfactory for the purposes of demonstrating:

1. No detriment to the maintenance of the populations of European protected species concerned at a favourable conservation status.
2. No adverse impact on individual local populations of British protected species which NRW has assessed.

NRW would consider any further substantive evidence submitted with regard to this matter if directed by the ExA.

2. EP Regualtory system:

NRW have been asked to give an explanation of the regulatory system with regard to the environmental permit.

The EP (if issued) would contain all the regulatory controls for emissions for the scheme in line with relevant legislation at the time. One or more regulatory officers would audit and inspect the site's compliance with emissions monitoring requirements. Power Stations routinely have to have continuous emissions monitoring system or "CEMS" in place and the operator has to demonstrate that the CEMS are maintained and calibrated. The permit would require a summary of any emissions data to be reported to NRW on a quarterly basis. For information, Annex V, Part 4 of the Industrial Emissions Directive States:

"For the purpose of the calculation of the average emission values, the values measured during the periods referred to in Article 30(5) and (6) and Article 37 as well as during the start-up and shut-down periods shall be disregarded."

Please follow the link below for further information on NRW's website:

<http://naturalresources.wales/how-we-regulate-you/how-we-assess-business-compliance/?lang=en>

3. Protected species mitigation delivery:

NRW had previously requested clarification on the most appropriate method to deliver mitigation for the lifetime of the project. NRW are now satisfied that the proposed mitigation can be delivered through the Requirements of the Development Consent Order providing the appropriate wording is specified within the order. NRW will work with the applicant to determine the appropriate wording to ensure delivery is satisfactory and will inform the ExA at the earliest possible time of any agreement reached and any proposed changes.

4. Bats and Noise:

The ExA requested NRW review the updated CEMP provided by the applicant at deadline 2 to ensure that NRW is satisfied with its contents with regard to this matter.

NRW have reviewed Revision 1 of the Draft CEMP and are not aware of any substantive changes to the draft regarding bats. As such NRW consider that NRW's previous comments (in answer to examiners question 1.2.3.) remain applicable:

“Having reviewed the applicants response to this question at deadline 1, NRW consider that the potential noise disturbance can be adequately mitigated for through the outline measures indicated by the developer; and further specification within the Construction Environmental Management Plan to be conditioned prior to development commencing.”

5. Cumulative Effects Assessment:

The developer has submitted further information regarding the potential electrical connection and updated information regarding the Cumulative Effects Assessment. The ExA has asked for our comments on the updated information.

The developer has confirmed that the proposed route does follow the road network through the Wrexham area. NRW are satisfied that the new proposals are unlikely to result in any substantial increase to the potential cumulative effects with regard to Ecology, Ground conditions, the water environment and waste. As such, NRW would not request any further assessment at this stage with regard to the NSIP process.

NRW would advise that further detailed assessment and stringent working methods including avoidance, mitigation and compensation measures will be required for the grid connection application to progress.

6. Flood Consequence assessment:

The developer has submitted a revised Flood Consequence assessment at deadline 2. NRW has reviewed the submitted flood consequence assessment (FCA). The FCA has considered the potential risk of flooding arising from blockage where the small watercourse flowing along the west and north of the site is culverted under the Kingmoor Park Access Road (approximate location SJ3907650503). In light of the assessment and given the scale and nature of the watercourse and the relative elevation of the watercourse at this location and the Power Station Complex, we are satisfied that the risk of flooding from blockage at this location would be low.

The applicant may wish to investigate blockage at the culvert under the proposed access road (approximate location SJ3899950253) which may result in problems accessing the site without implementation of appropriate mitigation measures.

The applicant should note that any modifications to the culverts over the ordinary watercourse on the site are likely to require Flood Defence Consent under the Land Drainage Act 1991 from the Lead Local Flood Authority, Wrexham CBC.

Annex B

Request number	Request to	Request	NRW Response
1.3 Combined Heat and Power (CHP) Readiness			
1.3.2.	The Applicant, NRW and WCBC	<p>Heat export: effects on combustion performance If the response to question 1.3.1 above records that the active take-up and export of heat will materially affect combustion performance, at Deadline 3:</p> <p>A. Please identify how the revised combustion performance of the electricity generating station together with active CHP has been or should be secured to ensure that it remains within the Rochdale Envelope?</p>	The applicant's response to question 1.3.1. at deadline 1 demonstrates that the combustion performance would not be affected by the take up and export of heat.
1.17 Water Environment			
1.17.6.	WCBC, NRW and DC/WW	<p>Water environment: flood risk and drainage: construction phase WCBC is the lead flood authority. Relatively little detail is provided in the ES or the draft CEMP [APP-152] on the content of the construction drainage strategy. The delivery of the CEMP is secured under Requirement 4 of the draft DCO which states that no construction can begin before the CEMP has been approved by the local authority, must be substantially in accordance with the draft CEMP provided in Appendix 19.1 of the ES and must include a construction drainage strategy. Further to the issue raised in question 1.17.5 above and taking information provided by the Applicant at Deadline 2 into account together with information about the construction drainage strategy in the ES at appendix 14.3 [APP-148] (where a proposal for a permeable laydown area is set out in paragraph 5.19), WCBC are requested to address the following question at Deadline 3:</p>	<p>NRW's comments on surface water are limited to the acceptability of the rate of discharge and the point of discharge. NRW would refer you to Wrexham County Borough Council's drainage department for comment on the detailed drainage design with regard to flood risk, as they fulfil the role of Lead Local Flood Authority.</p> <p>The proposed maximum discharge rate of 12.2l/s for the positively drained area comprising the Power Station Complex is appropriate. The applicant has investigated and discounted the potential for infiltration so the proposed point of</p>

Request number	Request to	Request	NRW Response
		<p>A. Is the proposed construction drainage strategy appropriate?</p> <p>B. Are WCBC and NRW satisfied with the current level of information about the content of the construction drainage strategy?</p> <p>C. Is more detail needed in an updated outline CEMP?</p> <p>D. Does DCO requirement 4 provide sufficient security that appropriate surface water drainage arrangements will be made?</p> <p>E. Is any change required to DCO requirement 4?</p>	<p>discharge into the watercourse on site is acceptable.</p> <p>NRW would also flag that during construction, pollution control is intrinsically linked with this subject. The applicant has given basic assurance and outlined guidance etc. to be adhered to while producing the CEMP, but substantial detailed information will be required to discharge this condition prior to works commencing onsite.</p>
1.17.7.	WCBC, NRW and Dwr Cymru/ Welsh Water (DC/WW)	<p>Water environment: flood risk and drainage: operational phase WCBC is the lead flood authority.</p> <p>The surface water drainage strategy during operation is Work No. 3 in the draft DCO [APP-033]. The draft DCO also includes requirement 12 which states that Work No. 1 must not commence until the details of the foul and surface water drainage strategies have been approved by Wrexham CBC. These details must be 'substantially in accordance with the illustrative foul and surface water drainage plan' [APP-015]. Other measures to avoid contaminants affecting the water environment (such as bunding of fuel tanks) would be delivered through the design of the project and through the controls imposed through the Environmental Permit (EP) (ES Chapter 19 [APP-067]). This means that the application proposal appears to rely on mitigation which is not secured in the DCO and will be delivered pursuant to the EP process under the oversight of NRW.</p> <p>Further to the issue raised in question 1.17.5 above and taking information provided by the Applicant at Deadline 2</p>	<p>No specific question directed at NRW. NRW would be happy to clarify any points further if required by ExA.</p>

Request number	Request to	Request	NRW Response
		<p>into account together with information about the operational drainage strategy in the ES referred to above and at appendix 14.3 [APP-148], WCBC are requested to address the following questions at Deadline 3:</p> <ul style="list-style-type: none"> A. Is the proposed operational drainage strategy appropriate? B. Is WCBC content with the division of matters and responsibilities between its own role and that of NRW pursuant to the EP? A. Are there any matters relevant to the surface water drainage strategy that require input from DC/WW and if so, is that body content with the arrangements and distribution of responsibility on this topic as currently proposed? 	