



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Application by Wrexham Power Ltd for Wrexham Energy Centre
The Examining Authority's second written questions and requests for information
Issued on 21 October 2016

The following table sets out the Examining Authority's (ExA's) second written questions (SWQ) and requests for information.

Questions are set out using an issues-based framework derived from the initial assessment of principal issues provided as Annexe B to the Rule 6 letter of 24 June 2016. Questions have been added to the framework of principal issues to address the assessment of the application against relevant policies and the relationship between the application and related development approval processes for proposed connection works.

Column 2 of the table indicates which persons questions are directed at. The ExA would be grateful if all persons named could answer all questions directed at them, providing a substantive response, or indicating that the question is not relevant to them for a reason. The direction of questions in this way does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 2 (indicating that it is from the second written questions) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q2.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

References in square brackets such as [APP-007] in the questions are references to documents in the [examination library](#).

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact WrexhamEnergy@pins.gsi.gov.uk and include 'Wrexham Second Written Questions' in the subject line of your email.

Responses are due by Deadline 4: Friday 4 November 2016.



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Abbreviations used

PA2008	<i>The Planning Act 2008</i>	NPS	<i>National Policy Statement</i>
BoR	<i>Book of Reference [APP-037]</i>	NRW	<i>Natural Resources Wales</i>
CA	<i>Compulsory Acquisition</i>	NSIP	<i>Nationally Significant Infrastructure Project</i>
CEMP	<i>Construction Environmental Management Plan</i>	SoS	<i>Secretary of State</i>
DCO	<i>Draft DCO [APP-033], [EV-008], [REP2-012], [REP3-012](Revs 0-3)</i>	SWQ	<i>Second Written Questions</i>
EM	<i>Explanatory Memorandum [APP-034](Rev 0)</i>	TP	<i>Temporary Possession</i>
ES	<i>Environmental Statement</i>	uCA	<i>Updated cumulative assessment</i>
FWQ	<i>First Written Questions</i>		
LIR	<i>Local Impact Report</i>	WCBC	<i>Wrexham County Borough Council</i>
LPA	<i>Local planning authority</i>	WIE	<i>Wrexham Industrial Estate</i>
LVIA	<i>Landscape and visual impact assessment</i>		

2 Question to: Question:		
2.1.	Air Quality and Emissions	
2.1.1	Natural Resources Wales (NRW) and Wrexham County Borough Council (WCBC)	<p>Stack design and interaction with the environmental permitting regime (EPR)</p> <p>[REP1-032] states that ultimate stack height will be specified by NRW through the EPR. The maximum stack height is defined in the ES to allow air quality assessments and LVIA based on a worst case emissions scenario (WCS). On this basis, the Applicant took the position at the last hearings that it is unnecessary for the DCO to specify a minimum stack height. The DCO as made by the SoS for the similar Meaford project does not specify a minimum stack height. ES Chapter 8 [APP-056] says that it would not be realistic to assess a very low stack height because this would not be acceptable from an EPR perspective (paragraph 8.82). However the assessment in the ES is based on the Rochdale envelope approach so if the Applicant’s argument that the 50m ‘2+1’ arrangement represents the worst case scenario is accepted then in theory it should not be possible to have a worse effect in air quality terms, regardless of the final stack height. The EPR provides an additional safeguard in that it will not allow a stack height that would have significant environmental effects – more adverse than the effects assessed as the WCS in the ES. The Applicant will have to demonstrate to NRW when seeking its environmental permit (EP) that the proposed stack height offers adequate environmental protection and the analysis undertaken in the ES shows this can be achieved with a stack no higher than 50m. NRW may impose more stringent emissions concentrations than those in the IED or assessed in the ES, so it remains important that flexibility in stack height is allowed in the DCO.</p> <ul style="list-style-type: none"> ▪ Do NRW and WCBC agree with the position articulated here?

2		
	Question to:	Question:
2.1.2	NRW	<p>Stack design and interaction with the environmental permitting regime (EPR)</p> <p>During the September hearings, Mr Chris Briggs indicated that he may wish to introduce additional data that would have a bearing on stack design. Is there any reasonable likelihood of a scenario emerging in which stack heights significantly above 50m and so outwith the Rochdale envelope for LVIA purposes would be required in order to deliver a scheme capable of favourable consideration under the EPR?</p>
2.1.3	The Applicant, the Kellogg Company of Great Britain (Kellogg's) and NRW	<p>Dust and air quality mitigation</p> <p>The Applicant and Kellogg's are requested to document their position on air quality and particularly dust impacts and the adequacy of mitigation proposals as at Deadline 4.</p> <p>NRW comments are sought at Deadline 5.</p>
2.2.	Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment(HRA))	
2.2.1	NRW and Natural England (NE)	<p>Site designation consultation processes</p> <p>On 18th October 2016, NE commenced a public consultation regarding three potential or extended Special Protection Areas (pSPAs) around England. These sites appear sufficiently distant from the application site as not to be relevant for HRA purposes..</p> <ul style="list-style-type: none"> ▪ Can NE please confirm that these sites do not need to be taken into account for HRA purposes? ▪ Are there any other consultation processes underway which need to be taken into account for HRA purposes?

2		Question to:	Question:
2.3.	Combined Heat and Power (CHP) Readiness		
	No questions have arisen in relation to this topic at this stage in the examination.		
2.4.	Compulsory Acquisition and /or Temporary Possession		
2.4.1	The Applicant	<p>Record of proposals and ongoing diligence In response to FWQ 1.4.4 and 1.4.6 [PD-09 Annex A], the Applicant was asked to complete an Objections Schedule [REP2-011] with information about any objections to compulsory acquisition and temporary possession proposals. Elements of proposals that have changed due to changes in project land requirements or circumstances where diligence has disclosed changes in land interests are likely to lead to a need to a revised Objections Schedule. The Applicant is requested to amend any entries, or delete any entries that it believes would be appropriate, taking account of the positions expressed in relevant representations, written representations and oral representations to date, giving reasons for any additions or deletions.</p> <p>Where necessary, amendments and/or deletions to the Objections Schedule should be reflected in a revised Book of Reference (BoR) and Land Plans.</p> <p>Documents produced in response to this question at Deadline 4 will form the basis for examination at the Compulsory Acquisition Hearing to be held in November.</p>	
2.5.	Draft Development Consent Order (DCO)		
	Matters arising on the DCO will be examined orally during the November hearings.		

2		Question to:	Question:
2.5A	Decommissioning		
	No questions have arisen in relation to this topic at this stage in the examination.		
2.6.	Debris and Waste		
	No questions have arisen in relation to this topic at this stage in the examination.		
2.7.	Gas and Electricity Connections		
	Matters relating to a range of topics but arising from the updated cumulative assessment (uCA) for the revised electricity connection route [REP2-015] are addressed in this section of the questions.		
2.7.1	The Applicant	<p>Revised electrical connection route: social and economic effects</p> <p>The uCA identifies that the revised route has a shorter construction period and employs fewer people than the original route. It suggests that the temporary positive economic impact during construction will be reduced from that initially assessed in the ES, but would still remain as a minor beneficial impact.</p> <p>However, given the proposed route is largely within highways in the urban area, disruption to local residents & businesses might increase. Disruption identified in original ES was to agricultural operations. Short-term disruption is predicted to be outweighed by longer-term economic benefits.</p> <p>The cumulative effects are predicted to be slightly different than for the original proposal, but no change to the ES original conclusion (that construction and operational effects would not be significant but would be 'real & beneficial') is proposed.</p> <p>The uCA doesn't say whether the short-term effects of the disruption arising from the revised route are significant, just that the effects would be</p>	

2	Question to:	Question:
		<p>outweighed by the economic benefits.</p> <ul style="list-style-type: none"> ▪ What is the significance of the short-term disruption in terms of the socio-economic effects? ▪ What criteria have been used to reach this conclusion?
2.7.2	WCBC and local community Interested Parties (IPs)	<p>Revised electrical connection route: social and economic effects</p> <p>Are there any significant social and economic effects arising from the revised electricity connection route that in your view have not yet been fully taken into account for cumulative assessment purposes? If so:</p> <ul style="list-style-type: none"> ▪ Please identify these effects; and ▪ Itemise how they lead to a material change to the cumulative assessment.
2.7.3	The Applicant	<p>Revised electrical connection route: traffic and transportation effects</p> <p>The uCA prepared to take account of the revised electrical connection route suggests that cumulative traffic flows would decrease by 19% on the A354 and 26% on Industrial Road North. It suggests that they would increase by 2% on Bryn Lane, although the document does not identify that this change would exceed assessment thresholds employed in the ES. However, it appears likely that traffic flows might change on other roads that are now proposed to host the electrical connection works (although it is accepted that the precise routeing is a matter for SPEN and is not within the application before the ExA). It is also possible that the revised electrical connection could lead to changes in the performance of roads that would host the connection works, which could include periods of traffic controls and associated congestion in the Wrexham urban area where works may have to take place within the highway surface.</p> <ul style="list-style-type: none"> ▪ Can the Applicant please explain whether, the extent to which and how

2	Question to:	Question:
		<p>these changes have been taken into account? An account of the indicative changes to traffic flows taking account of highways used to host the route and of the approach used to calculate these should be provided.</p> <ul style="list-style-type: none"> ▪ If figures emerging from this process materially change the analysis and conclusions in the ES, (see for example Table 7.17 [APP-055]) then updated analysis should be provided.
2.7.4	WCBC and local community IPs	<p>Revised electrical connection route: traffic and transportation effects Are there any significant traffic and transportation effects arising from the revised electricity connection route that in your view have not yet been fully taken into account for cumulative assessment purposes? If so:</p> <ul style="list-style-type: none"> ▪ Please identify these effects; and ▪ Itemise how they lead to a material change to the cumulative assessment.
2.7.5	The Applicant and Kellogg's	<p>Revised electrical connection route: air quality effects The uCA prepared to take account of the revised electrical connection route suggests that trenching works in the highway will increase potential dust emissions on Bryn Lane. The Kellogg's plant (Receptor 7) is suggested to have an increased cumulative sensitivity to dust soiling, suggested to rise from low, to medium. 4-6 Bryn Lane (Receptor 4) is not considered likely to experience an increased cumulative sensitivity to dust soiling, due to its greater distance from the Power Station complex as a source of dust. The updated CEMP takes account of this changed assessment. However, in the original ES, Kellogg's factory is described as being of high sensitivity to dust soiling in Table 8.18 [APP-056] – a description which does not appear to be compatible with the revised assessment in the uCA.</p> <ul style="list-style-type: none"> ▪ Are the dust sensitivity assessments in the original ES and in the uCA

2**Question to:****Question:**

		<p>compatible?</p> <ul style="list-style-type: none">▪ If not, is any change to the uCA assessment for receptor 7 required and might this significantly change the cumulative assessment conclusions?▪ The Applicant and Kellogg's are engaged in ongoing discussions. Have any matters arisen that qualify or amend the air quality assessment as revised in the uCA and if so are any changes to mitigation / to the CEMP required?
2.7.6	Kellogg's	<p>Revised electrical connection route: air quality effects</p> <p>Is Kellogg's content with the proposed air quality mitigation as provided for in the CEMP and, if not, what changes are sought and why?</p>
2.7.7	The Applicant	<p>Revised electrical connection route: air quality effects</p> <p>Are there any air quality effects arising from the revised electricity connection route works within highways broadly within the Wrexham urban area (such as emissions from idling vehicles in traffic queues or dust from trenching) that have not yet been taken into account, but need to be taken into account for cumulative assessment purposes?</p> <ul style="list-style-type: none">▪ If so, do these materially change any conclusions in the ES?
2.7.8	NRW, WCBC and local community IPs	<p>Revised electrical connection route: air quality effects</p> <p>Are there any significant air quality effects arising from the revised electricity connection route that in your view have not yet been fully taken into account for cumulative assessment purposes? If so:</p> <ul style="list-style-type: none">▪ Please identify these effects; and▪ Itemise how they lead to a material change to the cumulative assessment.

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Question to:

Question:

2.7.9

The Applicant

Revised electrical connection route: landscape and visual effects

The proposal in the uCA to locate the electrical connection underground and in the existing highway leads to a conclusion that that there would be only limited circumstances in which there would be cumulative effects, due to the removal of trees providing visual screening in landscape character areas which also experience adverse visual effects from the Power Station complex. It is argued that in the most affected landscape character area (LCA13c) (moderate adverse) any vegetation loss due to the electrical connection would not change this conclusion. Elsewhere, LCAs 7c, 8 and 10 have negligible effects from the power station complex and again cumulative effects due to the electrical connection are argued not to change this conclusion. Beyond these areas, the absence of inter-visibility between the connection route and the Power Station complex is argued to lead to no significant change in cumulative effect. The same approach is taken in respect of impacts on individual visual receptors.

This approach relies on assumptions about the extent of vegetation and particularly hedgerow and hedgerow tree removal needed to facilitate construction of the electrical connection within existing highways in areas with inter-visibility to the Power Station complex. The uCA assumes there to be 'limited potential for removal of trees providing visual screening'.

- Has any sensitivity analysis of this conclusion been undertaken?
- Is there any prospect of its conclusions being changed, for example by a need to remove a significant extent of hedgerow on a highway within an area with inter-visibility to the Power Station complex?

2	Question to:	Question:
2.7.10	NRW, WCBC and local community IPs	<p>Revised electrical connection route: landscape and visual effects</p> <p>Are there any significant landscape and visual effects arising from the revised electricity connection route that in your view have not yet been fully taken into account for cumulative assessment purposes? If so:</p> <ul style="list-style-type: none"> ▪ Please identify these effects; and ▪ Itemise how they lead to a material change to the cumulative assessment.
2.7.11	WCBC	<p>Revised electrical connection route: cultural heritage</p> <p>The uCA suggests that the revised electrical connection route will avoid identified receptors and have only limited effects on undisturbed ground and so would reduce cultural heritage and archaeological impacts.</p> <ul style="list-style-type: none"> ▪ Is this a credible conclusion?
2.7.12	NRW and WCBC	<p>Revised electrical connection route: ecology</p> <p>The uCA suggests that the revised electrical connection route will avoid designated sites and have only limited effects on vegetated areas and so would reduce ecological impacts.</p> <ul style="list-style-type: none"> ▪ Is this a credible conclusion?
2.7.13	NRW	<p>Revised electrical connection route: HRA and the NSER</p> <p>Is NRW content with the uCA conclusion that the revised electrical connection route does not give rise to any change to the conclusions in the NSER [APP-046]?</p> <p>NRW is requested to review its response to this question in the light of the responses of others to questions in section 2.7 at Deadline 4 and to respond again at Deadline 5 if any factors emerge that change its judgment.</p>

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	Question to:	Question:
2.7.14	WCBC	Revised electrical connection route: waste Is WCBC content with the view that the move to an undergrounded cable alignment will have a neutral effect on waste generation and recycling/treatment capacity?
2.7.15	NRW	Revised electrical connection route: water Is NRW content that the move to a trenched cable alignment will have a neutral effect on water infiltration / groundwater quality / aquifers?
2.8.	Historic Environment	
	No questions have arisen in relation to this topic at this stage in the examination.	
2.9.	Landscape and Visual	
	No questions have arisen in relation to this topic at this stage in the examination.	
2.10.	Noise and Vibration	
2.10.1	NRW and WCBC	Wrexham Industrial Estate and the noise background During the September hearings, Mr Chris Briggs suggested that he was awaiting further data and analysis that could have the effect of materially amending the noise background assessed in the ES, with specific reference to noise emissions from other sources on the Wrexham Industrial Estate. NRW and WCBC are requested to draw attention to any information known to them which might change or have a bearing on the background as assessed in the ES.

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	Question to:	Question:
2.11.	Option Development	
	All questions on this topic are addressed in section 2.7 above.	
2.12.	Other Strategic Projects and Proposals	
2.12.1	NRW and WCBC	<p>CIA included projects (FWQ 1.12.1) The NRW response to FWQ 1.12.1 doesn't make clear whether it considers that there are any projects that have been omitted from the cumulative impact assessment.</p> <p>WCBC did not respond at Deadline 2. Are they satisfied with the scope of the assessment?</p>
2.13.	Risk and Hazard Management	
	No questions have arisen in relation to this topic at this stage in the examination.	
2.14.	Socio-economic Effects	
	No questions have arisen in relation to this topic at this stage in the examination.	
2.15.	Statutory Undertakers	
	No questions have arisen in relation to this topic at this stage in the examination.	
2.16.	Transportation and Traffic	
	No questions have arisen in relation to this topic at this stage in the examination.	
2.17.	Water Environment	
2.17.1	The Applicant and NRW	<p>Gas connection works In the September hearings, Mr Ecclestone raised the prospect of the gas</p>

2	Question to:	Question:
		<p>connection alignment trenching forming a new drainage corridor.</p> <ul style="list-style-type: none"> ▪ Is this effect likely? ▪ If so, what mitigation measures have been proposed to address it? ▪ Does this matter raise any concern for NRW?
2.17.2	The Applicant	<p>Water environment: WFD screening (FWQ 1.17.3)</p> <p>In [REP1-015], NRW suggested in response to FWQ 1.17.3 that the WFD assessment undertaken by the Applicant was not sufficiently specific to allow confidence in its conclusions at this point. NRW sought a map showing the water bodies in relation to the proposed development, asked that water body baseline data should be set out and that any potential impacts against the WFD quality elements should be considered in full. Whilst the Applicant has highlighted that NRW did not express any concerns at the outset about its WFD approach, which was equivalent to that taken at Meaford and supported by the Environment Agency [REP1-032], it has also identified data across the ES [REP2-009] that in part respond to the issues raised by NRW in its response to FWQ 1.17.3 [REP1-015]. This notwithstanding, it would assist the ExA if a single consolidated summary WFD assessment was prepared by the Applicant for Deadline 4, addressing the requests made by NRW in [REP1-015].</p> <p>NRW is requested to respond to this document at Deadline 5.</p>
2.17.3	NRW	<p>Water environment: groundwater (FWQ 1.17.4)</p> <p>In [REP2-017] responding to FWQ 1.17.4, the Applicant suggests that the assessment of effects on ground conditions is no longer an area of disagreement between it and NRW.</p>

2	Question to:	Question:
		With regard to its position in [REP1-015], can NRW confirm its agreement with the Applicant (this matter can be addressed in a Statement of Common Ground)?
2.17.4	The Applicant and Welsh Water / Dwr Cymru	<p>Foul drainage</p> <p>Please provide an up-to-date position statement describing progress made towards a foul drainage solution for the application proposal since the closure of the September hearings.</p>