



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

REPORT on the IMPLICATIONS for EUROPEAN SITES

Proposed Wrexham Energy Centre

An Examining Authority report prepared with the
support of the Environmental Services Team

Planning Inspectorate Reference: EN010055

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Report on the Implications for European Sites for
EN010055 Wrexham Energy Centre

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TABLE OF CONTENTS

1. INTRODUCTION	1
BACKGROUND	1
DOCUMENTS USED TO INFORM THIS RIES.....	2
STRUCTURE OF THIS RIES	4
2. OVERVIEW	5
EUROPEAN SITES CONSIDERED	5
HRA MATTERS CONSIDERED DURING THE EXAMINATION	7
3. LIKELY SIGNIFICANT EFFECTS.....	8
SUMMARY OF HRA SCREENING OUTCOMES DURING THE EXAMINATION .	11
ANNEX 1 TABLE LISTING THE PLANS AND PROJECTS CONSIDERED IN THE APPLICANT’S IN-COMBINATION ASSESSMENT	

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1. INTRODUCTION

Background

- 1.1 Wrexham Power Limited (the Applicant) has applied to the Secretary of State for a development consent order (DCO) under section 37 of the Planning Act 2008 (as amended) for the proposed Wrexham Energy Centre (the application). The Secretary of State has appointed an Examining Authority (ExA) to conduct an examination of the application, to report its findings and conclusions, and to make a recommendation to the Secretary of State as to the decision to be made on the application.
- 1.2 The relevant Secretary of State is the competent authority for the purposes of the Habitats Directive¹ and the Habitats Regulations² for applications submitted under the Planning Act 2008 regime (as amended). The findings and conclusions on nature conservation issues reported by the ExA will assist the Secretary of State in performing her duties under the Habitats Regulations.
- 1.3 This report compiles, documents and signposts information provided within the DCO application, and the information submitted throughout the examination by both the Applicant and interested parties, up to 2 December 2016 in relation to potential effects to European Sites³. It is not a standalone document and should be read in conjunction with the examination documents referred to. Where document references are presented in square brackets [] in the text of this report, that reference can be found in the Examination library published on the National **Infrastructure Planning website at the following link:**

<http://infrastructure.planninginspectorate.gov.uk/document/EN010055-000937>
- 1.4 It is issued to ensure that interested parties including the statutory nature conservation bodies: Natural Resources Wales (NRW) and Natural England (NE), are consulted formally on Habitats Regulations matters. This process may be relied on by the Secretary of State for the purposes of Regulation 61(3) of the Habitats Regulations. Following consultation, the responses will be considered by the ExA in making its recommendation to the Secretary of State and made available to the Secretary of State along with this report. The RIES is not revised following consultation.

¹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (as codified) (the 'Habitats Directive').

² The Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations).

³ The term European Sites in this context includes Sites of Community Importance (SCIs), Special Areas of Conservation (SACs) and candidate SACs, Special Protection Areas (SPAs), possible SACs, potential SPAs, Ramsar sites. For a full description of the designations to which the Habitats Regulations apply, and/ or are applied as a matter of Government policy, see PINS Advice Note 10.

- 1.5 The Applicant has not identified any potential impacts on European sites in other EEA States⁴. Only UK European sites are addressed in this report.

Documents used to inform this RIES

- 1.6 The Applicant provided a 'No Significant Effects Report' (NSER) [APP-046] with the DCO application, together with screening matrices. The Applicant concluded within their DCO application that there would be no likely significant effects on all European sites screened.

Application Documents

- 5.7 No Significant Effects Report [APP-046]
- 6.2.4 Volume 2 Environmental Statement Chapter 4: The proposed development [APP-052]
- 6.2.8 Volume 2 Environmental Statement Chapter 8: Air quality [APP-056]
- 6.2.11 Volume 2 Environmental Statement Chapter 11: Ecology [APP-059]
- 6.4.9 Volume 4: Environmental Statement Appendix 14.3 Drainage strategy [APP-148]

Relevant representations

- Relevant representation by NE [RR-027]
- Relevant representation by NRW [RR-028]
- Relevant representation by Joanna Roberts [RR-013]

Representations submitted at Examination deadline 1

- NE Response to the ExA's First Written Questions and Written Representation [REP1-014]
- NRW Response to the ExA's First Written Questions and Written Representation [REP1-015]
- Wrexham Power Ltd – 10.2 Applicant's response to the ExA's First Written Questions [REP1-032]
- Wrexham Power Ltd – 10.1 Applicant's response to relevant representations [REP1-035]

Representations submitted at Examination deadline 2

- NE Response to the ExA's First Written Questions: Section 1.2 – Biodiversity [REP2-003]
- NRW Response to the ExA's First Written Questions [REP2-004]

⁴ European Economic Area (EEA) States.

- Wrexham Power Ltd 11.3 Applicant's comments on responses to the ExA's First Written Questions [REP2-009]
- Wrexham Power Ltd 11.2 Applicant's response to Written Representations [REP2-010]
- Wrexham Power Ltd 11.8 Addendum to Environmental Statement Cumulative Effects Assessment – Electrical Connection [REP2-015]
- Wrexham Power Ltd 11.6 Position paper on common ground between Natural Resources Wales and Wrexham Power Limited [REP2-017]

Representations submitted at Examination deadline 3

- NRW Written summaries of oral submissions put at hearings held between 27 and 29 September 2016 [REP3-008]
- Wrexham Power Ltd 12.8 Written Summary of WPL's Oral case put at the Issue Specific Hearing into Environmental and Other Issues on Thursday 29 September at 2.00pm [REP3-015]

Representations submitted at Examination deadline 4

- NE Response to the ExA's Second Written Questions [REP4-003]
- NRW Response to the ExA's Second Written Questions [REP4-006]
- Wrexham Power Ltd 13.2 The Applicant's responses to the ExA's Second Written Questions [REP4-008]

Representations submitted at Examination deadline 6

- NRW Annex A Written summary of oral representations put at the Issue Specific hearing on environmental and other issues of 23 November 2016 [REP6-004]
- Wrexham Power Ltd 15.2 Written summary of the Applicant's oral submissions put at the issue-specific hearing into environmental and other issues on Wednesday 23 November 2016 [REP6-009]

Statements of Common Ground

- Wrexham Power Ltd 15.5 Signed Statement of Common Ground between the Applicant and Natural Resources Wales [REP6-008]

Hearing Documents

- Audio of the Issue Specific Hearing on the Environment and Other Issues [EV-017 – EV-021]
- Audio of the Issue Specific Hearing on the Environment and Other Issues [EV-028 – EV-030]

Other Documents

- Wrexham Power Ltd 8.1 Grid Connection Statement [OD-006]

Structure of this RIES

1.7 The remainder of this report is as follows:

- **Section 2** identifies the European sites that have been considered within the DCO application and during the examination period, up to 2 December 2016. It provides an overview of the issues that have emerged during the examination.
- **Section 3** identifies the European sites and qualifying features screened by the Applicant for potential likely significant effects, either alone or in-combination with other projects and plans. The section also identifies where Interested Parties have disputed the Applicant's conclusions, together with any additional European sites and qualifying features screened for potential likely significant effects during the examination.
- **Annex 1** contains a list of the plans and projects considered in the Applicant's in-combination assessment.

2. OVERVIEW

European Sites Considered

- 2.1 The project is not connected with or necessary to the management for nature conservation of any of the European sites considered within the Applicant's assessment.
- 2.2 The Applicant's HRA Report identified the following European sites (and features) for which the UK is responsible for inclusion within the assessment:

Table 2.1: Sites Screened into the HRA by Applicant

Name of European Site	Features
Midland Meres and Mosses Phase 1 Ramsar site	Ramsar criterion 1: Diverse range of habitats from open water to raised bog
	Ramsar criterion 2: Supports a number of rare species of plants associated with wetlands including 5 nationally scarce species together with an assemblage of rare wetland invertebrates
Midland Meres and Mosses Phase 2 Ramsar site	Ramsar criterion 1: Diverse range of habitats from open water to raised bog
	Ramsar criterion 2: Supports a number of rare species of plants associated with wetlands including nationally scarce sedges and bryophytes. Also supports an assemblage of invertebrates including several rare species.
Fenns, Whixall, Bettisfield, Wem and Cadney Mosses SAC	Active raised bogs (priority feature)
	Degraded bogs still capable of natural regeneration
Johnstown Newt Sites SAC	Great crested newt
Afon Dyfrdwy a Llyn Tegid/River Dee and Bala Lake SAC	Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachion vegetation.
	Atlantic salmon
	Floating water plantain

	Sea lamprey
	Brook lamprey
	River lamprey
	Bullhead
	Otter
Berwyn a Mynyddoedd De Clywyd/Berwyn and South Clywd Mountains SAC	European dry heaths
	Blanket bog
	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia)
	Transition mires and quaking bogs
	Calcareous and calcshist screes of the montane to alpine levels (Thlaspietea rotundifolii)
	Calcareous rocky slopes with chasmophytic vegetation
West Midland Mosses SAC	Natural dystrophic lakes and ponds; acid peat-stained lakes and ponds
	Transition mires and quaking bogs

- 2.3 The Applicant's NSER identifies emissions to air from the project station stacks as the main source of potential impacts to European sites. The Applicant has based their approach on the advice in the Environment Agency (2011) H1 Environmental Risk Assessment for Permits: Overview, H1 Annex F – Air Emissions (version 2.2). This guidance advises that effects on European sites need to be considered for sites within 10km from major emitters such as gas power stations or 15km for coal or oil fired power stations. The Applicant's NSER considers all sites within 15km of the order land and the gas connection corridor boundaries [APP-046, paragraph 2.3 – 2.4]
- 2.4 In response to questions 1.2.10 [PD-009] and 2.2.1 [PD-010] NRW confirmed that there were no other European sites or site features in Wales that could be affected by the project. NE in their relevant representations [RR-027] and in response to questions 1.2.11 [PD-009] and 2.2.1 [PD-011] confirmed that there were no other European sites or site features that could be affected by the project [REP2-003 and REP4-003].

HRA Matters Considered During the Examination

- 2.5 The examination has focussed on the potential for aerial emissions from the power station stacks to have adverse effects on European sites through eutrophication and acidification.
- 2.6 It has also considered the potential for alterations to the conclusions of the NSER with regard to in-combination effects on Afon Dyfrdwy a Llyn Tegid/River Dee and Bala Lake SAC following changes to the proposed grid connection for the power station complex.
- 2.7 No major disputes arose in relation to either issue during the examination.

3. LIKELY SIGNIFICANT EFFECTS

- 3.1 The Applicant has described how they have determined what would constitute a 'significant effect' within their HRA report [APP-046]. This follows EC guidance on habitats assessment (EC Guidance document: 'Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (2000)' and EC Guidance document: 'Assessment of plans and projects significantly affecting Natura 2000 sites (2001)').
- 3.2 The Applicant has addressed potential in-combination effects within their HRA report [APP-046, Chapter 5]. The projects listed in Annex 1 were screened for potential in-combination effects by the Applicant. No significant in-combination effects were predicted.
- 3.3 The NSER also considers the potential in-combination effects of the power station complex and the gas and electrical connections (which are the subject of separate consents). No significant in-combination effects were predicted.
- 3.4 Following the offer of a grid connection by underground cable to the Legacy substation the Applicant submitted a revised grid connection statement [OD-006]. They also updated their cumulative effects assessment [REP2-015] to reflect the changes to the electrical connection. Under the original proposals work would have been required on overhead lines which pass over the on Afon Dyfrdwy a Llyn Tegid/River Dee and Bala Lake SAC. Mitigation was proposed to avoid significant in-combination effects. As the underground connection would follow a different route there will no longer be any potential for effects on the SAC [REP2-015, paragraphs 2.41 – 2.42].
- 3.5 NRW confirmed that the Applicant's conclusions were credible [REP4-004] and that no change to the conclusions of the NSER was necessary [REP5-001].
- 3.6 The scope of the in-combination assessment was not disputed by NRW or any other interested party.
- 3.7 The Applicant's screening assessment [APP-046] concluded that the project would have **no likely significant effect**, either alone or in-combination with other projects or plans, on the qualifying features of the European sites listed in Table 3.1.
- 3.8 The Applicant's conclusions in relation to these sites and their features **were not disputed** by any interested parties during the examination (see Table 3.1 below).

Table 3.1: The Applicant's screening exercise and degree of agreement with Interested Parties

Features	Screening result*: LSE alone or in combination?	Agreed with SCNB and other relevant parties?	Assessment of effects on integrity required?	Agreed with SNCB and other relevant parties?
<u>Midland Meres and Mosses Phase 1 Ramsar site:</u>				
All features listed in Table 2.1	No [APP-046]	Yes [RR-027, REP1-014]	No [APP-046]	Yes [RR-027, REP1-014]
<u>Midland Meres and Mosses Phase 2 Ramsar site:</u>				
All features listed in Table 2.1	No [APP-046]	Yes [RR-027, REP1-014]	No [APP-046]	Yes [RR-027, REP1-014]
<u>Fenns, Whixall, Bettisfield, Wem and Cadney Mosses SAC:</u>				
All features listed in Table 2.1	No [APP-046]	Yes [RR-027, REP1-014]	No [APP-046]	Yes [RR-027, REP1-014]
<u>Johnstown Newt Sites SAC:</u>				
All features listed in Table 2.1	No [APP-046]	Yes [REP1-015, REP6-004, REP6-008]	No [APP-046]	Yes [REP1-015, REP6-004, REP6-008]
<u>Afon Dyfrdwy a Llyn Tegid/River Dee and Bala Lake SAC:</u>				
All features listed in Table 2.1	No [APP-046]	Yes [RR-027, REP1-014, REP1-015, REP4-004, REP5-001, REP6-004, REP6-008]	No [APP-046]	Yes [RR-027, REP1-014, REP1-015, REP4-004, REP5-001, REP6-004, REP6-008]

Features	Screening result*: LSE alone or in combination?	Agreed with SCNB and other relevant parties?	Assessment of effects on integrity required?	Agreed with SNCB and other relevant parties?
<u>Berwyn a Mynyddoedd De Clywyd/Berwyn and South Clywd Mountains SAC:</u>				
All features listed in Table 2.1	No [APP-046]	Yes [REP1-015, REP6- 004, REP6-008]	No [APP-046]	Yes [REP1-015, REP6-004, REP6- 008]
<u>West Midland Mosses SAC:</u>				
All features listed in Table 2.1	No [APP-046]	Yes [RR-027, REP1- 014]	No [APP-046]	Yes [RR-027, REP1-014]

*From applicant's NSER and screening matrices [APP-046].

Summary of HRA Screening outcomes during the examination

- 3.9 A total of 7 European sites were screened by the Applicant prior to examination (see Table 2.1). The Applicant concluded that there would be no likely significant effect on any European sites or their qualifying features. The IPs did not dispute the Applicant's conclusion of no likely significant effects on these European sites and their qualifying features during the examination.

ANNEX 1: PLANS OR PROJECTS LISTED IN THE APPLICANT'S IN- COMBINATION ASSESSMENT

Report on the Implications for European Sites for
EN010055 Wrexham Energy Centre

Consenting authority	Plan or project
Wrexham Borough County Council	Deposit Stage Local Development Plan (January 2010)
	Deposit Stage Local Development Plan (Habitat Regulations Appraisal, September 2011)
	New employment site at Five Crosses industrial Estate, Coedpoeth, Wrexham
	(Modification of Mineral Planning Permission)(Hafod Quarry Ruabon) Order 2007.
Flintshire County Council	Planning reference 015924 – combined heat and power biomass plant Warwick International Ltd.
	Planning reference 051499 Lancashire Fuels 4 U Ltd.
	Planning reference 052626 Parc Adfer Deeside Industrial Estate
Shropshire Council	Site Allocations and Management of Development Plan (July 2014)
	Core Strategy Development Plan Document Habitat Regulations Assessment Stage 2 Report
	Application for change of use to existing caravan site to increase capacity, Bramblewood, Brown Moss, Whitchurch
	Application for erection of three poultry rearing buildings, eight feed bins and associated works, Great Ness, Montford Bridge, Shrewsbury
	Veolia energy from waste facility, Battlefield Enterprise Park, Shrewsbury
Denbighshire County Council	Local Development Plan
Cheshire East Council	Release of Housing Land Interim Policy Appropriate Assessment (Feb 2011)
	Alsager Town Centre Supplementary

Report on the Implications for European Sites for
EN010055 Wrexham Energy Centre

	Planning Document Habitat Regulations Assessment
	Cheshire East Core Strategy Habitat Regulations Assessment
	Cheshire East Development Strategy and Emerging Policy Principles Habitats Regulations Assessment (Jan 2013)
	Smallwood Village Design Statement Supplementary Planning Document Habitats Regulations Assessment Screening Report (Oct 2010)
	Cheshire East Town Strategies Habitats Regulations Assessment Summary Report (Oct, 2012)
	Local Transport Plan 3 Strategic Assessment (incorporating HRA) (Sept, 2010)
	Habitat Regulations Assessment: Screening Report, Over Peover Supplementary Planning Document (July, 2011)
	Habitat Regulations Assessment: Screening Report, Prestbury Supplementary Planning Document (July, 2011)
Cheshire West and Chester	United Utilities, Huntingdon construction of passive wedge wire fish screens with 8mm apertures at the Huntingdon Intake on the River Dee to comply with the EU Habitats Directive, with associated control building and fencing (planning ref11/04087/FUL) (Aug, 2011)
	United Utilities, Heronbridge construction of a bank of fish screens at the existing intake with associated control kiosk and temporary access widening (12/00342/FUL) (Jan, 2012)
Powys County Council	A number of planning applications for large poultry units in the north of Powys (Meifod area)
	Large wind farm application