

Mor Hafren ERF: DNS Application 3236340

Thursday 25 March 2021 10.00am - Hearing Session 3: Ecological Issues

Agenda and Inspector's Initial Questions

1. Surface water and watercourse management

- i. Are NRW that the Council now satisfied with the surface water disposal and watercourse management arrangements proposed (as informed by subsequent discussions between the parties and the submitted Application Form for Pre-Application Approval of SuDS)?
- ii. What changes to the submitted site layout would be needed to achieve satisfactory arrangements?
- iii. In the absence of any submission of a minor change to the submitted application details within the requisite period, can these changes in site layout be secured by means of a condition(s) instead?
- iv. What conditions are needed in order to adequately secure these matters – are conditions needed over and above those already put forward by the parties?

2. Emissions to Air - Impacts on Gwent Levels SSSIs and other sensitive ecological receptors

- i. What is the NRW position concerning the relevant nutrient nitrogen critical load for the assessment of impacts on the Gwent Levels Rumney and Peterstone SSSIs in the light of the applicant's latest response – does it still maintain that a critical load of 10kgN/ha/yr should be used in spite of the points made by the applicant? If so, for what reasons does NRW not accept the applicant's arguments?
- ii. Does NRW accept the additional modelling presented at section 6.2 of the revised Air Quality Assessment (Doc 35 Version 2) and the applicant's conclusions as to the significance of the results? If not, why not?

3. Protected species: bats; dormouse; reptiles/amphibians

- i. Bats: Is the bat habitat value of the site adequately safeguarded by the development design? - in particular as regards:
 - Retention and management of vegetation providing foraging corridor potential
 - The design and control of external lighting during construction and operation
 - Noise and vibration effects during construction and operation
 - What conditions would be necessary to ensure the acceptability of the development in these terms?

ii. Dormouse:

- Is the existing level of evidence regarding absence of observed on-site dormouse activity and quality of dormouse habitat sufficient to enable a decision that the development is acceptable in these terms?
- If not, what further evidence is needed to address this?
- Would it be possible/appropriate to resolve this matter by means of a condition? If so, what form should the condition take?

iii. Reptiles/amphibians:

- Does the further information submitted by the applicant in response to the LPA's Local Impact Report comments concerning reptile surveys and the artificial refugia sizes used address the concerns raised?
- Even if not, are the mitigation measures already proposed nonetheless adequate to safeguard any undetected species such as grass snakes?
- Do all parties agree that in the light of the applicant's inability to undertake great crested newt surveys at ponds 4 and 5, the proposal to adopt a precautionary approach via a non-licenced method statement is appropriate and acceptable in the circumstances? If not, what is the right approach?

4. Habitat/biodiversity maintenance and enhancement

- i. Does the tree assessment now submitted, allied to appropriately worded tree protection and new planting conditions, alter the LPA's LIR conclusion as to the likely impact of the development on trees?

5. HRA

- Doc 76 v2 Summary states: "As no likely significant effects have been identified for the project alone, it cannot act in-combination with other plans or projects when considering likely significant effects." Is this statement correct? - Is it not possible for a project to give rise to less than significant effects on interest features of a European site by itself, but nevertheless for it to potentially give rise to significant effects when considered in combination with other plans or projects?
- If so, then should the assessment have included an assessment of possible in-combination effects, notwithstanding its conclusions in relation to the likely effects of the Mor Hafren project in isolation?
- Is NRW now content with the HRA and its conclusions on the basis of the revised air quality assessment report, which included an in-combination assessment of other plans and projects and still confirms the absence of likely significant effects on the Severn Estuary SAC/SPA/RAMSAR? If not, what are the outstanding issues and how might they be resolved ?

Hearing 3 Participants

In accordance with regulation 24, those invited to take part are:

Môr Hafren Bio Power Ltd

Cardiff Council

NRW

Wentlooge Community Council

Residents Against the CF3 Incinerator