HEARING SESSION 3

HEARING STATEMENT

Introduction

1. Hearing Session 3 will be conducted on Thursday 25th March at 10.00 a.m. and will discuss 'Ecological Issues'.

2. The initial questions and discussion points surround:

   - Surface water and watercourse management;
   - Emissions to Air, Impact on Gwent Levels SSSI and other sensitive ecological receptors;
   - Protected species: bats; dormouse; reptiles/amphibians;
   - Habitat/biodiversity maintenance and enhancement.

3. Môr Hafren Bio Power Limited (the Applicant) confirms that the Hearing Session will be led by Planning Agent, Maureen Darrie (Director, GP Planning Limited) on its behalf.

4. Relevant specialists responsible for preparation of the technical input into the assessment of the above impacts will be available to answer specific technical points raised by the Inspector or in response to matters raised by interested parties attending the Hearing Session.

5. This Hearing Statement is submitted in advance of the closing date for further representations in response to additional information submitted by the Applicant on 1st February 2021, the closing date for which is 11th February 2021.

6. At the time of preparing the Hearing Statement no further responses have been received.

7. The Applicant respectfully requests an opportunity to respond to any comments raised in respect of the matters to be raised at this Hearing Session, either in advance or by way of an Opening Statement, subject to the Inspector taking a view that this would be helpful to proceedings.

Surface water and Watercourse Management

8. As indicated in the Agenda, there are four key questions surrounding surface wate and water course management:

   i. Are NRW ~~that~~ **[NOTE: ASSUMED THIS READS AND]** 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?

9. In respect of point (i), Môr Hafren Bio Power confirms that discussions have been held with the SuDS Approval Body and a formal Pre-application Submission for SuDS Approval has been submitted. The submission is referenced DOC 106 and was submitted as part of a suite of additional information (to PINS) on 1st February 2021.

10. At the date of preparing this Hearing Statement, no formal response has been received and it is expected that this forms part of Cardiff's formal response to additional information (to be received by 11th March 2021).

11. The Applicant is confident that SuDS Approval will be forthcoming without a need to alter the proposed site layout.

12. It is confirmed that a full review of the Statutory National Standards for Sustainable Drainage Systems in Wales has been undertaken.

13. The Applicant also confirms the following:

    - The Flood Consequences and Drainage Strategy (DOC 75) accompanied the planning application. A letter, addressed to NRW (DOC 79) discussed a revised Drainage Strategy at page 6 onwards. This addressed Requirement 4 in NRW's formal response to the planning application, to the extent that NRW confirms they are satisfied with the imposition of a planning condition requiring the submission of a drainage scheme prior to the commencement of development, as set out below. The Applicant agrees that the imposition of such a condition meets the relevant tests.

      Condition 1: Site Drainage

      No development shall commence until full details of the site drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be carried out in accordance with the approved details.

      Justification: Full details of the drainage scheme should be submitted and approved prior to commencement of development.

14. The Applicant address the SuDs principles in its Pre-application submission as follows.

15. The proposed surface water drainage scheme will comply with the standard SuDS principle (S1) in the following ways:

    - ***Priority 1***; Surface water runoff is collected for use via a rainwater harvesting system to provide non-potable water. It is not proposed to oversize the tank to provide a formal storm water management function.

    - ***Priority 3***; Surface water runoff is attenuated to a below ground tank system and discharged to a water body (ditch along the southwestern boundary). Bioretention areas have been used at the northern edge of employee parking area and within small area of open space to south of substation. Excess flows from the bioretention areas will be routed to the attenuation tank and then to the water body beyond.

16. The proposed surface water drainage scheme will comply with the standard SuDS principle (S2) in the following ways:

    - Surface water flows will be managed by a below ground attenuation tank with rates restricted to greenfield runoff rates of 3.5l/s/ha up to and including the 1 in 100 year +40% climate change event.

    - The tank will need to be approximately 1140m^3 in volume (760m^2 x 1.5m deep) with flows being restricted by a Hydrobrake control to a peak rate of 5.9l/s as advised for this site within Caldicot and Wentlooge Levels DD.

    - Long Term Storage will be provided for all storm events in the base of the attenuation tank by ensuring the first 217m^3 (the Long-Term Storage Volume) of all storm events is not discharged at a rate above 3.3l/s (the LTS allowable discharge rate). Ideally interception storage should be provided to ensure that flows do not leave the site for the first 5mm of all rainfall events. However, the lack of infiltration potential and the relatively moderate water demand onsite (compared to the total impermeable area) mean that this is unlikely to be achievable. Measures to reduce the first 5mm runoff as much as possible will be deployed including the use of rainwater harvesting, permeable surfacing where appropriate. Consideration will be given to areas where downpipes could be disconnected/ routed through landscaped areas prior to entering the below ground drainage

17. The proposed surface water drainage system will comply with the standard SuDS principle (S3) in the following ways:

    - Prior to entering the tank all flows from trafficked areas will be passed through a Class 1 Full Retention Separator to provide water quality management, including silts and oils. Flows from roof areas will enter the tank downstream of the separator to protect the capacity of this device to manage potential contaminated flows. All flows will pass through a Proprietary Treatment System following attenuation prior to discharge to provide additional water quality enhancement.

    - To protect the wider water environment in the event of a major onsite incident (spillage, fire etc.) a hand operated penstock valve will be provided just upstream of any offsite surface water discharge points, which will enable the drainage onsite to be isolated. While this will (potentially) promote onsite surface flooding this will be contained by the kerbing onsite and allow for safer and easier clean up and disposal than a comparable incident, allowing flows into the local watercourses which will help to minimise environmental impact. It is understood a suitable program of environmental monitoring for the site and watercourse is being developed which will monitor the water quality impacts of the scheme.

18. The proposed surface water drainage system will comply with the standard SuDS principle (S4) in the following ways:

    - The provision of bioretention areas within some of the green spaces at the site will provide an attractive and pleasant environment for personnel at the site to experience a more ‘natural’ environment in contrast to the more industrial general surroundings. Where operational procedures allow these areas could be landscaped into break out areas for personnel with picnic tables etc.

19. The proposed surface water drainage system will comply with the standard SuDS principle (S5) in the following ways:

- The provision of bioretention areas within some of the green spaces at the site will provide opportunities for the development of green/blue corridors and more ecologically rich habitats to promote biodiversity gain.

20. The proposed surface water drainage system will comply with the standard SuDS principle (S6) in the following ways:

    - The details of the ownership and maintenance for all drainage on the site are required as part of the planning guidance. On this site it is proposed that all surface and foul water drainage will remain private and will be under the maintenance responsibility of the landlord/tenant, or suitably vested in a management company. The ditch (where surface water discharges to) is not currently managed by NRW and therefore Môr Hafren Bio Power have confirmed they are willing to take on this responsibility during the lifetime of the development. A Surface Water Operation & Management Plan has been prepared.

21. In respect of points ii and iii, the Applicant has confirmed the following to PINS.

    Part 1 (iii) states: *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 condition (s) instead*?

    The necessary changes to the layout had already been accommodated in the Drawings submitted with the formal application.

    Paragraphs 2.2.5 – 2.2.14 in DOC 89 (ES Addendum 2) explain the changes to the site layout from pre-submission – formal submission. Paragraph 2.2.7 explains the changes made to the site layout to accommodate a buffer zone. These related to placing the permitter fence at the edge of the internal site footpath to facilitate access from the southern corner of the site along the outside of the fence for ditch maintenance, reorientation of the fire water pumping station and placement of the pumping station under the Air-Cooled Condensers.

    DOC 14 (Môr Hafren ERF Dwg.PL103 Boundary Buffer Zones Buffers, GDSA, 200820) shows these changes at formal submission stage. DOC 12 (Site Layout, GDSA, 200820, Rev A) was also amended accordingly at formal application stage.

    There was a draughting error on the site sections (as referred to at paragraph 2.2.11 of DOC 89) relating to the ditch. The formal application confirmed its retention and management.

    In conclusion, there are no proposed changes to the submitted site layout, only the clarification regarding the ditch which is addressed in response to NRW in DOC 89.

22. In respect of point iv, the initial questions surround the need for additional conditions to adequately secure control of surface water and watercourse management.

23. The Schedule of Conditions proposed by Cardiff Council and NRW include conditions relating to water quality management (including the adjacent ditch) and watercourse management. The Applicant agrees with the general principles but as accepted in NRW's letter of 26th November 2020, watercourse management can be controlled through the Landscape and Ecological Management Plan and appropriate condition.

24. The Applicant agrees that NRW's condition 2 (water quality) is relevant. NRW's conditions 3 and 4 should be removed and incorporated into Cardiff Council's proposed condition 30.

In order to assist the parties at the Hearing, it is confirmed that the original ES Chapter and associated Air Quality Assessment has been superseded by a revised Air Quality Assessment (Revision 7) (DOC 35 VERSION 2).

Emissions to Air

25. Part 2 of the Hearing Agenda focusses on emissions to air and specifically impacts on the Gwent Levels SSSI and other sensitive ecological receptors.

26. The two initial questions posed are directed at NRW to ascertain their position on relevant critical loads for nutrient nitrogen for the assessment of impacts on the SSSI. NRW is also asked to confirm it accepts the Applicant's justification for use of a higher level and if the additional modelling in DOC 35 Version 2, the updated Air Quality Assessment, and the conclusions relating to the significance of impacts, are accepted.

27. At the time of preparing this Hearing Statement, the Applicant does not have the benefit of NRW's formal response on the above matters.

28. Notwithstanding the Applicant's professional advisors' views on the use of a lower level of nitrogen, the updated Air Quality Assessment uses the lower level to model the impacts.

29. The Air Quality Assessment presents a robust assessment of the impacts and confirms:

    - Cumulative contributions to levels of nutrient Nitrogen deposition are screened as insignificant when assessed against the specified Critical Loads for most sensitive ecological receptors, although eight sites, including locations within the Gwent Levels and one modelled area of the Severn Estuary and various SINCs cannot be screened. Exceedance of a Critical Load is not a quantitative estimate of damage to a particular habitat, but instead represents the point at which significant harmful effects do not occur according to present knowledge. As such, and as the cumulative Process Contributions do not result in an exceedance of the nutrient Nitrogen Critical Load at any site where one currently does not exist, it is considered that the potential for the development of the Môr Hafren facility to have a significant negative impact on nutrient Nitrogen levels at local ecological sites, is limited.

30. DOC 105, Technical Note 6 Ecology presents a robust response to NRW's position on nutrient nitrogen at pages 1-7.

31. Notwithstanding the robust position presented by the Applicant, it should be noted that there is a further opportunity for detailed emissions assessment by NRW during determination of the application for an Environmental Permit.

Protected Species

32. Section 3 of the Agenda focusses on protected species; namely bats, dormice, reptiles and amphibians.

33. At the time of preparing this Hearing Statement, the Applicant does not have the benefit of any responses from parties in connection with further information submitted on 1st February 2021.

34. The Applicant is satisfied that appropriate surveys have been carried out at the site and arrangements are in place to address potential impacts on protected species. However, the Applicant respectfully requests an opportunity to address any additional comments on these matters in advance of the Hearing sessions or by way of an opening statement at the Hearings, if the Inspector would find that useful to proceedings.

Habitat/biodiversity maintenance and enhancement

35. Section 7 of the Agenda focusses on the above and is addressed to Cardiff Council in respect of its comments relating to impact on trees in the LIR.

36. As stated above, the Applicant does not have the benefit of Cardiff's formal views on the submission at time of writing.

37. To assist parties at the Hearing, the Applicant confirms that DOC 94-98 comprise an Arboricultural Impact Assessment, Tree Constraints Plan, Arboricultural Impact Plan, Tree Retention and Removal Plan and Draft Tree Protection Plan.

38. The Applicant considers that a robust assessment has been provided which is sufficient for Cardiff Council to conclude favourably regarding the likely impact on trees. The Applicant will comment on the wording of any proposed, additional planning conditions.

Maureen Darrie, Director
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