

By email to:
policy.wales@planninginspectorate.gov.uk

10/06/2021

Annwyl Syr/Madam / Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (WALES) REGULATIONS 2016
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (PROCEDURE) (WALES)
ORDER 2016.**

**BWRIAD / PROPOSAL: PROPOSED CONSTRUCTION AND OPERATION OF AN
ENERGY RECOVERY FACILITY, INCLUDING THE FORMATION OF A NEW ACCESS
ON TO NEWLANDS ROAD AND ANCILLARY INFRASTRUCTURE.**

LLEOLIAD / LOCATION: LAND OFF NEWLANDS ROAD, CARDIFF, CF3 2EU.

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) on the further information submitted for the above application, which we received on 20 May 2021.

This letter responds directly to the further information submitted by the applicant.

On review of the further information we have concerns with the proposal and have identified these below. We will be happy to expand on these points during the upcoming Hearing session and directly with the Applicant if necessary.

Impacts on Protected Species

We have reviewed the following further information:

- Doc 117 Mor Hafren ERF Environmental Statement Addendum 3 (Rev 1) by GP Planning dated 20 May 2021;
- Doc 118 Mor Hafren ERF Technical Appendix 10 Appendix 1.7 '*Potential Bat Roost Feature Report. Site off Newlands Road*' by ADAS dated May 2021;
- Doc 119 Mor Hafren ERF Technical Appendix 10 Appendix 1.8 '*Dormouse Conservation Plan. Site off Newlands Road*' by ADAS dated May 2021;

Bats

With reference to Doc 118 '*Potential Bat Roost Feature Report. Site off Newlands Road*', we note trees affected by the proposed development have been inspected for their potential to support roosting bats.

Further to the ground level assessments and climbed endoscope assessments, we note that T5 and T13 were considered to have low potential to support roosting bats. T10 was considered to have moderate potential to support roosting bats. However, no evidence of roosting bats was found in any of these trees. The remaining nine trees assessed were considered to have negligible potential to support roosting bats.

In view of the conclusions and proposed mitigation set out in section 5 of the report, we advise the proposed development is unlikely to result in disturbance or harm to bat species. If planning permission is granted, we advise Doc 118 and specifically the recommendations set out in section 5, should be included in the condition identifying approved plans and documents.

Dormice

We have reviewed the submitted Dormouse Conservation Plan (DOC 119). Section 1 of this report references the presence of a localised population of hazel dormice. The Conservation Plan has proceeded on the presumption of presence of dormice on the application site. Given the established presence of dormice in suitably connected habitat nearby (approximately 300 metres west of the application site) and that dormice can be hard to detect, we consider there's a reasonable likelihood dormouse is present on site.

The planning inspector has also requested presence/absence surveying to be carried out on the site alongside the preparation of a Conservation Plan, for as long as necessary, during April – November 2021 period. We note these surveys are underway and the report references the potential to revise the Conservation Plan in light of the results. The applicant is due to provide an update at the Hearing on 29 June 2021.

The established period for surveying for dormice (with nest tubes) is May to October with increased likelihood of evidence later in this period. Therefore, it is important the surveying continues to October. If not, the results will be reported too early to have confidence in their outcome.

Therefore, within this context and without the benefit of completed surveying, we advise the submitted Dormouse Conservation Plan is revised for the following reasons:

- Section 4 of the report confirms that approximately 0.6ha of suitable dormouse habitat will be removed to accommodate the development including mature bramble scrub and woodland/mature trees. This is proposed to be off-set by 0.2ha of double hedgerow of native species along the north-eastern, north-western and south-eastern boundaries of the site, retention of some dormouse habitat (0.1ha) along the south-western boundary and the installation of a number of dormouse boxes.

Assuming all the proposed mitigation will function as effective dormouse habitat, the development will result in an overall net loss of 50% of the existing dormouse habitat. We take this opportunity to emphasise that where habitat is to be lost for this declining species, we advocate that habitat gains to losses should aim to achieve a ratio of 2:1.

- The developed area within the site will be significant and likely to require artificial lighting for operational reasons. New and retained vegetation is confined to strips around the perimeter of the site are therefore potentially at risk from light spill from the operations.

We therefore advise:

- a) Mitigation proposals are amended to increase the amount of new habitat for dormice in line with the recommended 2:1 gain to loss ratio. A reduction in this should only be considered if it can clearly be demonstrated the habitat to be provided will be of greater quality for dormice than that to be lost (taking into account the following points below).

If an increase in habitat provision cannot be achieved on site, we advise that opportunities for new habitat provision are considered in the local vicinity, if this is feasible within the parameters of the application's determination. This should be on land which is within, or could be within, the applicant's control for such purposes. This could either be on an adjacent site well connected by suitable vegetation to the application site or, in this case, on land immediately north of the railway line. Any changes to the Dormouse Conservation Plan would need to be reflected in other relevant documents (e.g. Environmental Statement, LEMP, Site Layout drawings etc);

- b) Further details are provided on the extent and quality of the habitats to be lost. We advise that the assessment of the quality and extent of dormouse habitat across the site is cross referenced to an appropriate drawing. Some of the drawings in the current document would appear to over-represent what is considered to be dormouse habitat on the site particularly along the bund;
- c) Demonstrate in principle that any habitat provision will not be undermined by artificial lighting;
- d) Provision for long-term management of all new and retained dormouse habitat. This should cover the lifetime of development. The current proposals are for short term management (5 years) of the hedgerows only, and omit management of retained habitats;
- e) Provision for a programme of species and habitat monitoring works. This should allow for the monitoring of dormouse boxes and periodic monitoring of the condition

of new and retained habitat for dormice, with results used to inform habitat management; and

- f) With respect to the detail of habitat management, we consider that the details of long-term management could be captured within the LEMP (similar to the long-term management of SSSI habitat). However, with respect to dormice, we advise that the following is included in the Dormouse Conservation plan:
 - i. Description of the current condition of retained habitats for dormice; measurable attributes and targets that will be used by long-term monitoring to define the favourable condition of new and retained dormouse habitats; management prescriptions for new and retained habitats for dormice to achieve the favourable condition of those habitats;
 - ii. With respect to the references to hedgerow management, we advise that once established, hedgerows should be managed on a 5 to 7 year rotation with no more than a third of a hedgerows to be cut at any one time (fourth bullet point in section 8.1.2 of the plan)

Therefore, based on the submitted Conservation Plan and in the absence of completed surveys, we have concerns that there is insufficient information to confirm the proposals are unlikely to be detrimental to dormice.

We will be happy to discuss potential revisions to the Plan with the Applicant prior to the next Hearing session.

EPS Licence

We concur that a European Protected Species (dormouse) licence should be obtained from Natural Resources Wales under Regulation 55 of The Conservation of Habitats and Species Regulations 2017 before any works on site commence that may impact upon dormice. This includes development works and any long-term dormouse habitat works. Please note that the granting of planning permission does not negate the need to obtain a licence.

Doc 117 Environmental Statement Addendum 3 (May 2021).

This Addendum comprises a revision to the entire ecological chapter of the Environmental Statement (Chapter 10) to address the information request. We have reviewed this and our comments in respect of bats and dormice are as above.

Great Crested Newts Condition

We take this opportunity to draw attention to the discussion on Great Crested Newts (GCN) at the ecology Hearing. The applicant was unable to undertake GCN surveying at ponds 4 and 5. In light of this, there was cross party agreement that a precautionary approach could be adopted based on the assumption GCN are present or may be encountered. A non-licenced method statement (or Conservation Plan) should be secured through a planning condition. This should be updated when suggested conditions are discussed,

Waste Planning Assessment

We have reviewed the Waste Planning Assessment (WPA) (DOC 10) which has been revised due to the publication of the new strategic assessment and revised waste statistics and projections. The WPA raises several points in sections 4.5 and 4.6 regarding the new waste information, for example whether it accounts for changes in demographics. As you're aware, this is a Welsh Government document and we are unable to provide detailed guidance surrounding the published figures. However, we provide the following comments to aid the planning inspector and to help address the remaining questions over demonstrating need for the proposal.

- Section 2.2.2 refers to a theoretical maximum tonnage of 200,000 tonnes per annum, with an anticipated operational maximum of around 185,000 tonnes per annum. The WRATE assessment refers to a maximum tonnage of 158,000 tonnes per annum in the model. While these figures are inconsistent, it shouldn't affect the outputs of the assessment as long as the tonnages used for both scenarios is consistent. The figures quoted should only be used comparatively, rather than taken as actual savings to be achieved.
- Sections 2.8.5 – 2.8.13 refer to the classification of the proposed plant as R1 and use the R1 formula specified in the revised Waste Framework Directive to demonstrate they meet the minimum standard. Annex II of the WFD restricts the scope of the formula to "incineration facilities dedicated to the processing of Municipal Solid Waste" so it does not apply to plants that are dedicated to incineration or co-incineration of hazardous waste, hospital waste, sewage sludge or industrial waste. There are no similar formulas available for plants outside the scope of the municipal R1 calculation, therefore it seems sensible and appropriate to use this as an indicative measure.
- We note section 4.5 (predicting future needs) focuses on the available capacity at the Trident Park facility in Cardiff. However, as raised in our previous Hearing session statement and discussed briefly in Hearing session 1, there are other similar facilities within south east Wales with extant planning permission. The facility at Alexandra Dock has planning permission and the local planning authority consider this permission to be implemented. Works to construct the access commenced in 2016, having discharged the necessary pre-commencement conditions. It is the LPA's understanding that a re-start on site began April this year.

We are aware of the permission's convoluted history, with the first permission granted in 2010. Unfortunately, there is a lack of detail regarding the specific fuel or feedstock for this plant in each of the permissions. The only relative information regarding this is from 2019 and states that the development '*will still process biomass, wastes and residue feedstock as renewable fuel for use in power production and export from the site. However, and as envisaged by granted non-Material Amendment Ref. 18/0911, by enabling selection of process technology for the EIA Development which is not limited to one which produces synthetic gas, this in turn enables both a broader range of feedstock specification to be used and greater operational security for the plant*'

We will be attending the additional Hearing session and will be happy to expand on these points, where appropriate to do so.

Yn gywir / Yours faithfully

James Davies

Uwch Gyngorydd - Cynllunio Datblygu / Senior Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales