CRoW Appendix 4 (140_10_SD02)

CRoW Act 2000: Natural Resources Wales application for permission - Formal Notice

Natural Resources Wales Formal Notice.

Requirements of Section 28I of the Wildlife & Countryside Act 1981 as amended by the Countryside and Rights of Way Act (CRoW) 2000.

Duty in relation to granting any consent, licence or permit for activities likely to damage Sites of Special Scientific Interest (SSSI).

Guide to filling in this form for Natural Resources Wales staff:
To be completed by Permitting Officers for any applications for a permission which the Natural Resources Wales has considered under S28G duties to protect and enhance SSSIs. This applies to all proposed permissions within a SSSI, and to operations outside the SSSI boundary which are likely to damage its special features.
Refer to OI 140_10 'Applying the Countryside and Rights of Way (CRoW) Act 2000 to applications for permits with potential for impact on Sites of Special Scientific Interest (SSSI)', including the flowchart in Appendix 2.

Pink italic text – drafting notes, to be deleted before completion/consultation.
Blue text – examples, to be replaced with permission-specific information.
Ensure you have completed all sections.

1. Natural Resources Wales area/region/NPS hub:	Industry Regulation South Central Environment Team Cardiff & Vale of Glamorgan
2. Name of SSSI:	33WDP Hayes Point to Bendrick Rock 33WAL Cog Moors
3. Type of permission:	Environmental Permit
4. Date for Natural Resources Wales permit determination:	01 March 2023
5. Predicted 28 day date for response from NRW conservation/ecology (under S28 I(4)):	N/A – filed for audit
6. Natural Resources Wales reference no:	PAN-003574/V002
7. National grid reference:	ST 14587 68666 Maps:

	
8. Description of proposal:	This proposal is a variation to an existing EPR permit (Schedule 25B Specified Generator). The operator has requested the permitted hours be increased from 500 hours per year to 750 hours per year. There is no change to the number of combustion units at the site. Detailed air dispersion modelling has been completed to support the permit application and the results of which will be discussed in this HRA. The EPR permit regulates 10x 4.79 MWth input low sulphur diesel fuelled compression ignition engines fitted with selective catalytic reduction (SCR) abatement. The principle emissions to air are: oxides of nitrogen (NO and NO_2) and small amounts of ammonia due to ammonia slip from the SCR abatement. The emissions of particulate matter and sulphur dioxide are considered negligible due to the use of low sulphur diesel fuel. There are no other emissions controlled by the permit.
9. Is the proposed activity within (wholly or partially) the SSSI boundary?	NO
10. Has there been any pre-application discussion or correspondence with NRW conservation/ecology	NO

11. What aspect(s) of the proposed permission may damage the features which are of special interest for the SSSI?

1. **<u>33WDP Hayes Point to Bendrick Rock</u>**

The following 'Operations Requiring Consent' (or other activities associated with the permission) that may cause damage are relevant to the proposed permission.

There are no 'Operating Requiring Consent' that may cause damage that are relevant to the proposed permission. However, this is not an exhaustive list, therefore relevant mechanisms of impact have been considered below.

The following SSSI features and mechanisms of impact have been considered to assess the likelihood of damage:

1. Features

There are two special features that are both geological features:

- Rock exposures
- "Dinosaur" footprints and tracks

2. Mechanisms of impact

There are no mechanisms of impact relevant to the proposed permission. The potential mechanisms of impact from the proposed permission are from point source emissions air: toxic contamination, nutrient enrichment and acidification. The two geological features will not be impacted by the proposed emissions to air.

2. **33WAL Cog Moors**

The following 'Operations Requiring Consent' (or other activities associated with the permission) that may cause damage are relevant to the proposed permission.

There are no 'Operating Requiring Consent' that may cause damage that are relevant to the proposed permission. However, this is not an exhaustive list, therefore relevant mechanisms of impact have been considered below.

The following SSSI features and mechanisms of impact have been considered to assess the likelihood of damage:

1. Features

There are the following special features at the site:

- Species rich neutral grassland
- A population of bulbous foxtail
- A population of pepper saxifrage

2. Mechanisms of impact

The potential mechanisms of impact from the proposed permission are from point source emissions air: toxic contamination, smothering and nutrient enrichment. As per APIS the features are not considered sensitive to acidification, there are no critical load values available on APIS to support the assessment.

Toxic contamination

Oxides of nitrogen (NOx)

A long-term critical level of 30 µg/m^3 has been applied. The maximum predicted long-term process contribution (PC) is 0.35 µg/m^3 which is 1.2 % of the long-term critical level. The maximum predicted environmental concentration (PEC) (PC + background) is 11.95 µg/m^3 and 39.8 % of the long-term critical level. Therefore, it is unlikely there will be an exceedance of the long-term critical level and the impact of long-term NOx emissions can be considered not significant.

A short-term critical level of 75 µg/m^3 has been applied. The maximum predicted short-term PC is 27.0 µg/m^3 and 36.1 % of the short-term critical level. The maximum predicted environmental concentration (PEC) (PC + background) is 50.2 µg/m^3 and 67 % of the short-term critical level. Therefore, it is unlikely there will be an exceedance of the short-term critical level and the impact of short-term NOx emissions can be considered not significant.

Ammonia

A long-term critical level of 3 µg/m^3 has been applied. The maximum predicted long-term PC is 0.012 µg/m^3 and 0.4 % and <1% of the long-term critical level. The impact from long-term ammonia emissions can be considered insignificant.

Nutrient enrichment (nitrogen deposition)

The minimum critical load value of 20 kgN/ha/yr has been applied as per APIS. The maximum predicted PC is 0.111 kgN/ha/yr and 0.56 % and <1 % of the minimum critical load value. The impact from long-term nutrient enrichment (nitrogen deposition) can be considered insignificant.

Smothering

See above for assessment of nitrogen deposition, emissions of particulate matter are considered negligible.

12. Decision

1. **33WDP Hayes Point to Bendrick Rock**

The proposed permission is not likely to damage any of the flora, fauna or geological or physiological features which are of special interest because there is no pathway for the features to be affected.

2. **33WAL Cog Moors**

The proposed permission is not likely to damage any of the flora, fauna or geological or physiological features which are of special interest for reasons detailed above.

Natural Resources Wales is minded to:
Issue the permission

13. Name and job title of Natural Resources Wales officer:	Rebecca Williams Lead Specialist Permitting Officer

14. Date form sent to NRW conservation/ecology	N/A – filed for audit
For Natural Resources Wales use only, once NRW conservation/ecology response received	
15. NRW conservation/ecology comment on assessment:	N/A
16. Name and job title of NRW conservation/ecology officer:	N/A
17. Date of receipt of NRW conservation/ecology response:	N/A