

Nature and Conservation: Waste **Requirements for an assessment of your application**

Natural Resources Wales has a legal duty to screen all of the activities we permit to identify those that may have a detrimental effect on nature conservation sites, protected species and habitats.

We are required to screen and assess permit applications under the following legislation:

- the Conservation of Habitats and Species Regulations (2010);
- the Countryside and Rights of Way (CROW) Act 2000;
- the Environment Act 1995 Section 7 (1);
- the Natural Environment and Rural Communities Act (NERC), 2006 Section 40.

The nature conservation sites that we screen for include:

- European sites such as Special Areas of Conservation (SAC), Special Protection Areas (SPA), candidate Special Areas of Conservation (cSAC), potential Special Protection Areas (pSPA), Marine Protection Areas and Ramsar sites;
- Sites of Special Scientific Interest (SSSI);
- National Nature Reserves (NNR);
- Local Nature Reserves (LNR);
- National Parks (NP);
- Areas of Outstanding Natural Beauty (AONB);
- Scheduled Ancient Monuments (SAM);
- Heritage Coast;

- Local Wildlife Sites (LWS);
- Ancient woodland.

We also screen for internationally and nationally protected species and habitats.

We use a risk-based screening tool to identify applications that could pose a risk to these nature conservation sites from aqueous emissions of pollutants. Applications require a nature conservation assessment where they are:

- within 2km of European sites (other installations);
- within 2km of SSSI (all installations);
- within 500m of NNR, LNR, LWS and ancient woodland;
- up to 500m of protected species and habitats.

For **European sites** we determine whether an application is 'likely to have a significant effect' on these sites, and whether this could lead to an 'adverse effect on site integrity'.

- 'likely significant effect' in this context is 'any effect that may reasonably be predicted as a consequence of a plan or project that may affect the conservation objectives of the features for which a site was designated';
- an 'adverse effect' on site integrity has been defined as 'preventing the site from maintaining at least the same contribution to favourable conservation status for the relevant feature as it did at the time of its designation'.

For **SSSIs** we need to determine whether an application is an 'operation likely to damage':

- these are activities that could damage the features of special interest on the SSSI, and require Natural England / Countryside Council for Wales (CCW) consent.

For all **other nature conservation sites**, we determine if an application will result in 'significant pollution' at these sites.

- significant pollution would normally be expected to occur where environmental criteria, for example critical levels and/or loads are exceeded.

We may have to consult Natural England or NRW on a permit application where our nature conservation screening tool identifies a European site or SSSI.

For **protected species** we need to ensure that an application will not, for example:

- damage or destroy their breeding site, or area used for shelter or protection;
- disturb them in a way that will significantly affect their ability to survive;
- impair their ability to hibernate or migrate;
- affect their local distribution or abundance.

Where protected species are present, a licence may be required from Natural England or the Welsh Government to handle the species or undertake the proposed works. 3

If you obtain the necessary licences in advance, or agree mitigation with the relevant bodies, for example Natural England / NRW or wildlife trusts, you must submit them with your application.

Completing a Nature Conservation Assessment

Your proposal has been identified as being an activity that has the potential to affect one or more of the heritage and nature conservation sites listed above, and/or one or more protected species and/or habitat. Follow the guidance below to find out what to do next.

From our records we have produced the attached report which shows, to the best of our knowledge, all the conservation and habitat sites and/or the location of protected species and habitats that could be affected by your development.

Unfortunately we can not provide you with the details of all protected species. This is because we either have not been given permission by the owner of the species data, or they have asked us not to identify the species as they are vulnerable. In these instances you must contact the relevant organisation listed in your screening report. An administration charge may be incurred for this service.

The relevant Local Records Centre must be contacted for information on the features within local wildlife sites as we do not own this information. An administration charge will be incurred for this service.

Any application you make for the proposed development must contain an explanation of how you believe your site may, or may not, impact on all heritage and nature conservation sites and protected species and/or habitats identified. Failure to evaluate these potential impacts will result in your application being returned.

Your assessment must identify if there is:

- any risk(s) associated with your application;
- any pathway to the identified heritage and nature conservation interest(s);
- likely to be a detrimental effect(s) on the heritage and nature conservation interest(s).

Your assessment **must** follow the guidance given in the following documents:

- Further guidance on applying the Habitats Regulations and waste management facilities.
- horizontal guidance (H1) Environmental Risks Assessment.

The risks associated with waste activities are provided in Table 1. For European sites use the Environment Agency's risk tool to identify the appropriate risks from your proposal.

Follow the enclosed checklist to ensure that your nature and heritage conservation assessment is fit for purpose.

Please note, we screen applications for protected and priority sites, habitats and species for which we have information. It is however your responsibility to comply with all environmental and planning legislation, this information does not imply that no other checks or permissions will be required.

Please note, the pre-application screening report is valid for a period of **6 months**. If you plan to submit your application more than 6 months after the report was generated, you must request that the screen is re-run. This will ensure that you have used the most current information on heritage and nature conservation interests in your application.

This information pack includes:

☐ heritage and nature conservation screen report

WPD Withybush

Withybush depot stores oil in 205l waste oil in drums and redundant transformers in a bunded facility. There will be no connection to surface water from this facility.

WPD store approximately 1000-4000l of used insulating oil at any one time but do not undertake any draining of oil from transformers at this depot.



