

Martyr-Icke, Andrew W.

From: Burton, Luke <Luke.Burton@cyfoethnaturiolcymru.gov.uk>
Sent: 19 October 2015 15:27
To: paul@pauldowningltd.co.uk
Subject: Pre-Application Heritage and Nature Conservation Screening Request - Duffryn Bach Terrace
Attachments: Heritage and Nature Conservation Information for Waste Sites.pdf; Duffryn Bach Terrace - Screening Report.pdf

Dear Mr Downing,

Pre-Application Heritage and Nature Conservation Screening Request

Application reference: EPR/EB3790HF/A001
Operator: Western Power
Facility: Duffryn Bach Terrace, Church Village, Pontypridd, CF38 1BN

Thank you for your request for a pre-application Heritage and Nature Conservation screening report for the above site. The results are enclosed.

I am also enclosing some information about how to assess the risks to any protected features near to your site prior to making an application for an environmental permit.

You must check the Standard Rules sets for the activities you are applying for, to satisfy yourself that you can meet the specific location criteria contained within each rule set. There are Tier 2 bespoke permit options for a limited range of Standard Rules sets, where a site cannot meet location criteria. The rules sets can be found in the Environmental Permitting Charging Scheme & Guidance. Please note, to qualify for a standard rule set or associated Tier 2 bespoke permit, you must be able to meet all other criteria in the rule set e.g. waste types/quantities, activities etc.

Where a site cannot meet the location criteria and a Tier 2 bespoke option is not available, you need to apply for a Tier 3 bespoke permit.

In all cases, please speak to your local area office to obtain pre-application advice. If you do not yet have an officer's name to contact, please ring our Customer Care Centre on 0300 065 3000 for assistance. They will be able to give you a pre-application reference number for use when you communicate with us about this site and when you apply for a permit.

Apologies for any inconvenience caused, but I am not able to complete your other screening report today due to unforeseen circumstances. However, I will ensure that it is completed tomorrow as a priority.

If you have any queries about the results of this screening, please contact me using my details below.

Kind regards,

Luke Burton

Swyddog Trwyddedu (Gwastraff) / Permitting Officer (Waste)

Gwasanaeth Trwyddedu(Caerdydd) / Permitting Service (Cardiff)

Cyfoeth Naturiol Cymru / Natural Resources Wales

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Dwi'n dysgu Cymraeg

Gwefan / Website: www.cyfoethnaturiolcymru.gov.uk / www.naturalresourceswales.gov.uk

Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol / Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.



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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



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Nature and Heritage Conservation

Screening Report: Inert landfill and non-landfill SWMAs

| | |
|-------------------------|-------------------|
| Reference | EPR/EB3790HF/A001 |
| NGR | ST 08740 85494 |
| Buffer (m) | 30 meters |
| Date report produced | 19/10/15 |
| Number of maps enclosed | 0 |

The nature and heritage conservation sites and/or protected species and habitats identified in the table below must be considered in your application.

Guidance on completing a nature and heritage conservation assessment is given in the enclosed document 'Requirements for an assessment of your application'.

| Nature and heritage conservation sites | Screening distance (m) | Further information |
|--|------------------------|---|
| Special Areas of Conservation (cSAC or SAC) Not present | 2 km | Joint Nature Conservation Committee |
| Special Protection Area (pSPA or SPA) Not present | 2 km | Joint Nature Conservation Committee |

| | | |
|--|------------------------|---|
| Marine Protection Area (MPA) None present | 2 km | Joint Nature Conservation Committee |
| Ramsar Not present | 2 km | Joint Nature Conservation Committee |
| Sites of Special Scientific Interest (SSSI) Not present | 2 km | Natural Resources Wales |
| National Nature Reserve (NNR) Not present | 500m | Natural Resources Wales |
| Local Nature Reserve (LNR) Not present | 500m | Natural Resources Wales |
| Local Wildlife Sites (LWS) Not present | 500m | Wales Biodiversity Partnership Appropriate Local Record Centre (LRC) Appropriate Wildlife Trust |
| Ancient Woodland Present Multiple ancient woodlands within 500 meters of the buffer zone, in multiple directions | 500m | Woodland Trust Natural Resources Wales |
| Scheduled Ancient Monument (SAM) Not present | N/A | CADW |
| Protected species | Screening distance (m) | Further information |

| | | |
|---|-------------------------------|---|
| Present <ul style="list-style-type: none"> Marsh Fritillary Butterfly Bullhead <p>within 500 meters of the buffer zone, in multiple directions</p> | Up to 500m | Natural Resources Wales |
| Protected Habitats | Screening distance (m) | Further information |
| Present <p>Multiple protected habitats within 500 meters of the buffer zone, in multiple directions</p> <p>Please note - the habitats names cannot be disclosed.</p> | 500m | Natural Resources Wales |

Where protected species are present, a licence may be required from Natural Resources Wales to handle the species or undertake the proposed works.

The relevant Local Records Centre and County Ecologist must be contacted for information on the features within local wildlife sites. A small administration charge may also be incurred for this service.

Please note we have screened this application for protected sites 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 screening report is valid for a period of 6 months. If you plan to submit your application more than 6 months after the screening 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.

You can obtain pre-application support by contacting us on 0300 065 3000 (Mon-Fri, 8am - 6pm).

END OF REPORT