



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Application by Wrexham Power Ltd for Wrexham Energy Centre

The Examining Authority's first written questions and requests for information (FWQ)

Issued on 2 August 2016

The following table sets out the Examining Authority's (ExA's) first written questions and requests for information.

Questions are set out using an issues-based framework derived from the initial assessment of principal issues provided as Annexe B to the Rule 6 letter of 24 June 2016. Questions have been added to the framework of principal issues to address the assessment of the application against relevant policies and the relationship between the application and related development approval processes for proposed connection works.

Column 2 of the table indicates which interested persons questions are directed at. The ExA would be grateful if all interested persons named could answer all questions directed at them, providing a substantive response, or indicating that the question is not relevant to them for a reason. The direction of questions in this way does not prevent an answer being provided to a question by an interested person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from the FWQ) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

References in square brackets such as [APP-007] in the questions are references to documents in the [examination library](#).

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact WrexhamEnergy@pins.gsi.gov.uk and include 'Wrexham First Written Questions' in the subject line of your email.

Responses are due by Deadline 1: Tuesday 23 August 2016.



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Abbreviations used

PA2008 *The Planning Act 2008*
BoR *Book of Reference [APP-037]*
CA *Compulsory Acquisition*
CEMP *Construction Environmental
Management Plan*
DCO *Draft DCO [APP-033](Rev 0)*
EM *Explanatory Memorandum [APP-
034](Rev 0)*
ES *Environmental Statement*
FWQ *First Written Questions*
LIR *Local Impact Report*

LPA *Local planning authority*
NPS *National Policy Statement*
NSIP *Nationally Significant Infrastructure Project*
SoS *Secretary of State*
TP *Temporary Possession*
WCBC *Wrexham County Borough Council*
WIE *Wrexham Industrial Estate*

FWQ 1		
	Question to:	Question:
1.1.	Air Quality and Emissions	
1.1.1.	The Applicant and Mr Michael Morris	<p>Air emissions: location of residential properties for design and impact assessment process</p> <p>A relevant representation from Mr Michael Morris [RR-025] suggests that there may be “[r]esidential properties to the West [...] within 100m of the site” and that not all such properties are located to the east (in Isycoed).</p> <ul style="list-style-type: none"> • Mr Michael Morris is requested to identify the location of these properties, ideally on the master sheet from the Land Plans accompanying the application [APP-007 Sheet 2.2] by Deadline 1. • The Applicant is requested to comment at Deadline 2 on any property within 100m of the site which is not already identified and assessed in the environmental statement (ES), indicating whether it agrees it to be a residential property for the purposes of the project design and environmental impact assessment (EIA) processes and whether it has been taken into account as a sensitive receptor for air quality assessment during the construction, operation and decommissioning phases? In doing so, a distinction should be drawn by the Applicant between the boundary of what is proposed to be the operational electricity generating station site and the boundary of land required for the gas connection.

FWQ 1	Question to:	Question:
1.1.2.	The Applicant	<p>Air emissions: design and impact assessment process: stack height</p> <p>Paragraph 8.85 of ES Chapter 8 [APP-056] states that the modelling of a 50m stack height “<i>gives rise to slightly higher maximum short-term concentrations at a human health receptor</i>”, but does not specify which receptor, or confirm that other receptors show a similar pattern of higher short-term concentrations at higher stack heights. There is no reference to long-term concentrations.</p> <p>Insert A8.1 of ES Appendix 8.2 [APP-081] shows that under all the sensitivity testing scenarios that an increase in stack height results in a decrease in “maximum field wide concentrations”.</p> <ul style="list-style-type: none"> • Can the applicant please identify and locate on a map the receptor said to experience slightly higher maximum short-term concentrations in a 50m stack scenario? • Can the applicant please explain the relationship between the two positions summarised above, as the implication from Insert A8.1 [APP-081] is that a higher (50m) stack scenario should not give rise to higher emissions concentrations at any receptor when compared with a lower stack scenario.
1.1.3.	The applicant	<p>Air emissions: design and impact assessment process: stack height</p> <p>Can the applicant please explain why the ES air quality assessment does not reflect the minimum stack height that the Development Consent Order (DCO) would permit and why there is no specified</p>

FWQ 1	Question to:	Question:
		minimum stack height in Table 2 of Schedule 2 of the DCO?
1.1.4.	The Applicant, Natural Resources Wales/ Cyfoeth Naturiol Cymru (NRW) and Wrexham County Borough Council/ Cyngor Bwrdeistref Sirol Wrecsam (WCBC)	<p>Air emissions: design and impact assessment process: stack height</p> <p>In other DCOs, stack design parameters have been secured (see for example the made Hirwaun Power Station DCO) to ensure that a proposal is delivered within its assessed Rochdale Envelope.</p> <ul style="list-style-type: none"> • Is it necessary to secure emission limit values (as summarised in ES Table 8.4) [APP-056] in the DCO or is this an Environmental Permit (EP) matter? • Is it necessary to secure the minimum and maximum stack height? • If these values should be specified and secured, should this be in Table 2 of Schedule 2 to the DCO or in another location?
1.1.5.	The Applicant, NRW and WCBC	<p>Air emissions: design and impact assessment process: stack height</p> <p>Paragraph 8.85 of ES Chapter 8 [APP-056] considers a 50m stack height. However, it also states that a 46-50m stack was considered appropriate under Her Majesty's Inspectorate of Pollution (HMIP) D1 calculations.</p> <ul style="list-style-type: none"> • Are there circumstances in which a 46m stack could be constructed? • With reference to your answer to question 1.1.2 above, what is the worst case stack height for EIA purposes?

FWQ 1	Question to:	Question:
1.1.6.	The applicant	<p>Air emissions: design and impact assessment process Paragraph 8.213 of ES Chapter 8 [APP-056] states that increases in PM₁₀ (particulate matter with a dimension equal to or less than 10 microns) and NO₂ (Nitrogen Dioxide) are unlikely to be material beyond the limits of the order land (with the closest residential properties over 200m from the order land boundary).</p> <ul style="list-style-type: none"> • Can the applicant provide reference to any published guidance citing this, as according to paragraph 8.59, a distance of 350m from the boundary of the site has been selected as requiring more detailed assessment in terms of construction dust?
1.1.7.	The Applicant	<p>Air emissions: design and impact assessment process A table should be provided by the applicant (the air quality summary table), recording the distances of sensitive air quality receptors from the application site, with a breakdown of guidance relevant to conclusions as to whether there could be a material air quality effect at that receptor. Consideration should be given to construction, operational and decommissioning effects and should address gaseous, particulate and suspended (dust) emissions. Potential sensitive receptors should be recorded in the table up to 250m beyond the distance from the application site deemed necessary to comply with all guidance relevant to air quality. This should be accompanied by:</p> <ul style="list-style-type: none"> • an appraisal of the potential for combined effects in terms of construction dust, construction plant and construction traffic

FWQ 1	Question to:	Question:
		<p>emissions at the identified sensitive receptor points;</p> <ul style="list-style-type: none"> • an appraisal of the potential for combined effects in terms of operational emissions at the same points; and • an appraisal of the potential for combined effects in terms of emissions associated with decommissioning at the same points.
1.1.8.	The Applicant, NRW and WCBC	<p>Air emissions: construction effects</p> <p>Paragraph 8.212 of ES Chapter 8 [APP-056] states that a detailed inventory of the equipment that will be used during the construction of the power station complex is not available. In its absence, the Applicant concludes that <i>"the effect of construction plant emissions on local air quality will not be significant"</i> due to the temporary and intermittent nature of the works and the existing background concentrations being well below Air Quality Strategy (AQS) objectives.</p> <ul style="list-style-type: none"> • Can the Applicant explain how a 'worst case' has been assessed, taking into account the estimated/ assumed construction methods with the most significantly adverse air quality impacting construction plant (as referred to in paragraph 9.50 of ES Chapter 9 [APP-057])? • Can the Applicant clarify that any worst case assumption of construction plant mix is based on construction being carried out at the nearest point of the Order Land boundary to the nearest sensitive receptors for air quality purposes (as referred to in the context of construction dust at paragraph 8.53 and Table 8.3 of ES Chapter 8 [APP-056])? • Do NRW or WCBC have any further observations on the matters

FWQ 1	Question to:	Question:
		raised in this question?
1.1.9.	The Applicant, NRW and WCBC	<p>Air emissions: regulation of construction effects Paragraph 5.15 of the draft Construction Environmental Management Plan (CEMP) [APP-152] states that “[m]obile plant will be operated and permitted in accordance with the most recent version of DEFRA’s Process Guidance Note 3/16 for Mobile Crushing and Screening. It will be regulated under the Environmental Permitting (England and Wales) Regulations 2010 via an environmental permit issued by WCBC.”</p> <ul style="list-style-type: none"> • Is this approach agreed between the Applicant, NRW and WCBC? • Are there any aspects of mobile plant operation that will not be regulated under an EP and require to be addressed in the DCO or by some other means?
1.1.10.	NRW	<p>Air emissions: regulation of operational effects and the IED The Directive on Industrial Emissions (Integrated Pollution Prevention and Control) –2010/75/EU, the “Industrial Emissions Directive” (IED), came into force on 6 January 2011. The purpose of the IED is “to achieve a high level of protection for the environment taken as a whole” from the potentially harmful effects of industrial activities. It does so by requiring relevant emitting installations to have an EP under the Environmental Permitting Regulations 2013 (as amended) (EPR) from the competent authority. An EP will normally require the Applicant to demonstrate the application of best available techniques (BAT) to protect the environment.</p>

FWQ 1	Question to:	Question:
		<ul style="list-style-type: none"> • NRW is requested to confirm that they would be the competent authority for IED licensing for the application proposal and this would be by way of an EP? • If the application proposal were to be constructed and operated as proposed in the ES, is NRW content that all relevant emission limit values and benchmarks for NO_x (Nitrogen Dioxide), CO (Carbon Monoxide), SO₂ (Sulphur Dioxide) and PM₁₀ (particulate matter equal to or less than 10 microns in diameter) emissions derived from the IED / EPR can be met? • Are there any reasons of which NRW are aware why an EP should not be forthcoming for the application proposal as described in the ES? • Are there any reasons of which NRW are aware why an EP for the application proposal would be granted subject to conditions or operational limitations that are not anticipated in the ES?
1.1.11.	The Applicant and NRW	<p>Air emissions: regulation of operational effects and the IED Are there circumstances in which start-up and shut-down conditions or extensive low load operation (say below 70% load) can lead to air quality being subject to a material decline from the values included in the assessed Rochdale Envelope maximum and hence operation that exceeds the assessed worst case? More particularly:</p> <ul style="list-style-type: none"> • Are there any operating techniques and conditions currently understood to meet Best Available Technology (BAT) under which start-up or shut-down conditions can lead to raised volume and/ or raised hazard emissions per unit of time when compared with

FWQ 1	Question to:	Question:
		<p>continuous operation;</p> <ul style="list-style-type: none"> • Can low load conditions (below 70% load) lead to raised volume and/or raised hazard emissions per unit of time when compared with continuous operation; and • Could there be circumstances (for example if operating as a 'peaking plant') in which the temporal pattern of start-ups and shut-downs and/ or low or fluctuating load conditions lead to raised volume and/ or raised hazard emissions beyond the extent of those assessed in the ES? • Will likely operational conditions of the application proposal in foreseeable market conditions be able to meet (operate at or beneath) the emissions anticipated from the Rochdale Envelope and meet relevant IED/EPR emissions limit values and benchmarks and or BAT as expressed in EP conditions? • Are any additional controls needed in the DCO to ensure that the air emissions Rochdale Envelope as assessed in the ES is not exceeded and relevant IED / EPR emissions limit values and benchmarks are met, or are these matters that will be satisfactorily addressed by the EP process?
1.1.12.	The Applicant and NRW	<p>Air emissions: regulation of operational effects</p> <p>ES Chapter 8 [APP-056] makes reference to plant being maintained "<i>in accordance with the manufacturer's specification</i>" (para 8.218) and to the manufacturer's performance guarantee (para 8.230).</p> <ul style="list-style-type: none"> • Are these matters relevant to the constructed generating station meeting relevant emissions quality performance standards?

FWQ 1	Question to:	Question:
		<ul style="list-style-type: none"> If so, how will maintenance to specification be secured. Is this a matter for the DCO, the EP, or another mechanism?
1.1.13.	The Applicant, NRW and Mr Christopher Briggs	<p>Air emissions: regulation of operational effects The relevant representation from Mr Christopher Briggs [RR-005] suggests that:</p> <ul style="list-style-type: none"> CO₂ emissions may be higher than assessed in the ES during start-up conditions; and emissions may include formaldehyde, although a particular emission level is not suggested. <p>Mr Briggs is requested to support his concerns about CO₂ and formaldehyde emissions in his written representation, or in direct response to this question at Deadline 1.</p> <p>The Applicant and NRW are requested to respond to Mr Briggs concerns at Deadline 2 and to provide views on whether the concerns raised by Mr Briggs require any further controls, taking into account responses to question 1.1.10 and 1.1.11 above. If further controls are warranted, should these be in the DCO, in the EP or be delivered by some other mechanism?</p>
1.1.14.	The Applicant and NRW	<p>Air emissions: operational effects: stack design Stack design is a key means to ensure that air emissions meet relevant standards.</p>

FWQ 1	Question to:	Question:
		<ul style="list-style-type: none"> • Are there any matters arising from responses to questions 1.1.10, 1.1.11 or 1.1.13 above that suggest a need to reconsider the stack design parameters assessed in the ES? <p>(The respondents to this question are requested to monitor responses from others at Deadline 1 and to reconsider this question in respect of matters raised in responses at Deadline 2).</p>
1.2.	Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))	
1.2.1.	NRW, Natural England (NE), WCBC and any other interested party (IP) with an interest in the natural environment	<p>Natural environment: survey methodology and baseline data for the primary development</p> <p>NRW, NE, WCBC and other relevant IPs are asked to review the natural environment survey methods and outcomes relevant to the primary development (the generating station proposal) reported on in ES Chapter 11 [APP-059], from which the following methodological issues that the ExA has observed emerge:</p> <ul style="list-style-type: none"> • Baseline surveys are understood to have been undertaken between 2008 and 2014, making some of the data older than would normally be acceptable. • The timing in the year (February to May) of Phase 1 surveys was early for some grassland species. • There was no reptile survey, although the ES has sought to address this through precautionary assumptions that a small population of common reptile species are present.

FWQ 1	Question to:	Question:
		<ul style="list-style-type: none"> • Not all water bodies outside the application site but within 500m of its boundary appear to have been surveyed for Great Crested Newt (GCN). • Bat surveys have not fully complied with Bat Conservation Trust survey guidance. <p>With regard to these matters:</p> <ul style="list-style-type: none"> • Does the age of baseline data affect the reliability of the conclusions drawn in any significant degree? • Do the selected study areas respond to the zone of influence of the application proposal in respect to relevant receptors? • What additional action by the Applicant (if any) is recommended to ensure a reliable basis for a decision on this application? • Would you recommend the need for any additional survey work to be carried out over and above that which the Applicant has already done or proposes to do, and in respect of which habitats and/or species? • Is there a need for any additional pre-construction survey work to be secured in the DCO?
1.2.2.	NRW, NE, WCBC and any other IP with an interest in the natural environment	<p>Natural environment: survey methodology and baseline data for consequential development (the gas connection route)</p> <p>NRW, NE and other relevant IPs are asked to review the natural environment survey methods and outcomes relevant to the consequential development (the gas connection route) in ES Chapter 11 [APP-059], from which the following methodological issues that the</p>

FWQ 1	Question to:	Question:
		<p>ExA has observed emerge:</p> <ul style="list-style-type: none"> • The absence of detailed bat surveys (embedded mitigation through the avoidance of roost sites is assumed). • Lack of access to the south bank of the River Clwyedog for water vole and otter surveys (the river is said to be narrow and the ES views a survey from the north bank to be adequate). • The absence of a physical survey for GCN. <p>With regard to these matters:</p> <ul style="list-style-type: none"> • What additional action by the Applicant (if any) is recommended to ensure a reliable basis for a decision on this application? • Would you recommend the need for any additional survey work to be carried out over and above that which the Applicant has already done or proposes to do and for which habitats and/or species? • Is there a need for any additional pre-construction survey work to be secured in the DCO?
1.2.3.	The Applicant, NRW, NE, WCBC and any other IP with an interest in the natural environment	<p>Natural environment: roosting bats and noise</p> <p>ES Paragraph 11.221 [APP-059] states that construction noise is likely to result in disturbance to roosting bats and that the noise assessment is showing that construction noise levels at Target Note 26 (TN26)(see Figure 11.5) are likely to be above ambient noise levels.</p> <ul style="list-style-type: none"> • The noise assessment in EA Chapter 9 [APP-057] makes no reference to TN26 and does not appear to consider ecological

FWQ 1	Question to:	Question:
		<p>receptors. Can the Applicant explain what evidence supports the statement in ES paragraph 11.221 at Deadline 1?</p> <ul style="list-style-type: none"> • Can the other respondents to this question review and comment on the Applicant's response at Deadline 2?
1.2.4.	NRW, NE, WCBC and any other IP with an interest in the natural environment	<p>Natural environment: provision of and security for mitigation</p> <p>The ES identifies a range of mitigation measures for adverse natural environment effects which it characterises as 'inherent' (ie embedded or provided for directly within the design of the application proposal) or 'additional' (requiring to be specifically provided for and delivered on a separate basis). On the basis of applying both inherent and additional mitigation, the ES concludes that there would be no significant residual effects on the natural environment during any phase of the development.</p> <ul style="list-style-type: none"> • Is this conclusion on mitigation sound? • If it is not, in what respect and with respect to what evidence is it not sound? • What (if any) further mitigation is required and for what purpose? • Should any further mitigation be by way of change to the design of the application proposal (inherent mitigation) or by new additional mitigation measures? • Has the currently proposed mitigation been sufficiently secured in the DCO? • If not, what additional steps are needed to secure it? • If any additional mitigation is proposed, how should that be secured?

FWQ 1	Question to:	Question:
1.2.5.	NRW	<p>Natural environment: Cumulative Impact Assessment (CIA) The ES states that the worst case impact scenario would be the parallel construction of the application proposal with other developments (Chapter 11, paragraph 11.424). The CIA is qualitative. Potential pollution impacts on designated sites (Sites of Special Scientific Interest (SSSIs)) via surface water connectivity are identified, but then the ES states that only the electrical connection would be likely to have any direct effects. It assumes that as consent would be required under section 28 of the Wildlife and Countryside Act for work affecting SSSIs, HRA screening and appropriate mitigation would be required to avoid adverse impacts should any be identified. The cumulative effects arising from the electrical connection in parallel with other development in the Applicant's view would therefore not be significant.</p> <ul style="list-style-type: none"> • Does NRW agree with this assessment? • How would the mitigation of any cumulative impacts to SSSIs arising from the electrical connection be controlled and would this control be satisfactory?
1.2.6.	NRW and WCBC	<p>Natural environment: CIA - GCN The ES also states that cumulative impacts on GCN would be avoided because both the project and Kingmoor Park North include Ecological Mitigation Areas and compensation for the loss of notable habitats. The Applicant considers that this would avoid problems arising due to the loss of GCN ponds and there would not be any cumulative effect on</p>

FWQ 1	Question to:	Question:
		<p>the GCN population as a consequence.</p> <ul style="list-style-type: none"> Do NRW and WCBC agree with this assessment?
1.2.7.	NRW	<p>Natural environment: impacts on species protected under European and domestic legislation, mitigation and monitoring (other than GCN)</p> <p>Where the application proposal affects European Protected Species (EPS), the works (including mitigation measures) require a licence under Regulation 53 of the Habitats Regulations from NRW. NRW's relevant representation states that the measures proposed by the Applicant to avoid, mitigate and compensate for effects on EPS (including bats) are sufficient to avoid effects on favourable conservation status.</p> <ul style="list-style-type: none"> Can NRW advise whether there is any reason in principle why a EPS licence would not be granted for any of the EPS affected by the application proposal? Are NRW satisfied that Requirements 3 and 4 of the draft DCO will sufficient to secure the mitigation necessary to avoid impacts on populations of species protected under European and domestic legislation?
1.2.8.	The Applicant, NRW and WCBC	<p>Natural environment: EPS mitigation and monitoring: GCN</p> <p>As GCN are an EPS, the works (including mitigation measures) require a EPS licence. The Applicant has provided a draft licence application (ES Appendix 11.6 [APP-103]).</p>

FWQ 1	Question to:	Question:
		<ul style="list-style-type: none"> • Can the Applicant confirm that the proposals referred to in the draft licence application are those shown on the illustrative landscape and ecological mitigation plan? ([APP-026] Doc 2.9.7, sheet 1 of 7). • Can the Applicant confirm that the Ecological Monitoring and Management Plan (EMMP) referred to in the draft licence application is the plan secured by Requirement 3 of the draft DCO? • Are NRW and WCBC satisfied with the wording of Requirements 3 and 4 of the draft DCO?
1.2.9.	NRW and WCBC	<p>Natural environment: species mitigation and monitoring: butterflies</p> <p>With respect to the dingy skipper and grizzled skipper butterflies:</p> <ul style="list-style-type: none"> • Are NRW and WCBC satisfied with the proposed mitigation measures for these species? • Are NRW and WCBC satisfied that Requirements 3 and 4 of the draft DCO are sufficient to secure these mitigation measures?
1.2.10.	NRW	<p>HRA: scope of assessment in Wales</p> <p>NRW has not raised any concerns about the scope of the Applicant's assessment (the European sites and features identified and considered) but has not formally recorded that it is satisfied that all relevant European sites and features in Wales have been identified and considered.</p> <ul style="list-style-type: none"> • Please confirm that all relevant European sites and features in

FWQ 1	Question to:	Question:
		Wales have been identified and considered or indicate those European sites and/ or features in Wales that require to be further addressed.
1.2.11.	NE	<p>HRA: scope of assessment in England</p> <p>The relevant representation from NE makes clear that it is satisfied with the scope of the Applicant’s assessment in England. Nevertheless:</p> <ul style="list-style-type: none"> • NE are requested to review responses to biodiversity questions 1.2.1 – 17 at Deadline 1 and to respond at Deadline 2 to advise of any change in its position arising from any new data that might have been submitted.
1.2.12.	NRW, NE and the Applicant	<p>HRA: approach to airborne emissions effects in-combination</p> <p>NRW has not agreed that likely significant effects (LSE) on European sites or features from airborne emissions can be excluded. It has advised that the Applicant should undertake an appropriate assessment (AA). NE does not appear to share this view.</p> <p>The NRW position is understood to respond to findings by the inspector in the Hirwaun Power Project Nationally Significant Infrastructure Project examination, where the Recommendation Report did not agree that a process contribution of 1% or less excluded the installation from the need to undertake Appropriate Assessment (AA) with regard to in-combination effects¹. However, the Secretary of State (SoS) took a</p>

¹ Hirwaun Recommendation Report from para 5.53.

FWQ 1	Question to:	Question:
		<p>different position in her decision letter on Hirwaun Power Project and explicitly stated that an AA was not required².</p> <ul style="list-style-type: none"> • In view of the SoS's decision on Hirwaun Power Project, does NRW maintain that an AA is still required? If the answer to this question is yes, please provide reasons. • Having reviewed the NRW position, does NE see any reason to change its conclusions on this topic? If the answer to this question is yes, please provide reasons. • With reference to the NRW position and to the Hirwaun Recommendation Report and the SoS's decision, and noting also that the Secretary of State is the competent authority for HRA purposes, there remains an argument that information sufficient to enable the SoS to undertake an AA on this point should nevertheless be provided. The Applicant is requested to respond to this point at Deadline 3, in the light of responses from NRW and NE to the questions raised above.
1.2.13.	The Applicant, NRW, NE and any other interested party with an interest in HRA.	<p>HRA: no significant effects conclusion The Applicant has submitted a No Significant Effects Report (NSER) [APP-046] with the application.</p> <ul style="list-style-type: none"> • Setting aside your responses (if any) to questions 1.2.11 to 1.2.12 above, are there any further respects in which you disagree with the conclusions in that report?

² Hirwaun Decision Letter at para 3.8.

All documents relevant to the Hirwaun decision are available from: <https://infrastructure.planninginspectorate.gov.uk/projects/wales/hirwaun-power-station/>

FWQ 1	Question to:	Question:
		<ul style="list-style-type: none"> Appendix F of the NSER considers the combined effects from the gas connection and the power station site. The electrical connection is not referred to in either Appendix F or the list of projects in Table 5.1. Can the Applicant provide an updated statement about the in-combination effects for the project which includes the electrical connection at Deadline 1? Other interested parties may respond to this at Deadline 2 If you disagree with any of the conclusions reached in the NSER, please identify which conclusion(s) you disagree with, your reasons for disagreement and the evidence on which your reasons are based.
1.2.14.	WCBC	<p>DCO and related security for natural environment matters</p> <p>WCBC proposes a recommended list of draft conditions in their initial Local Impact Report(LIR) at section 7 [LIR-001], but beyond identifying that they relate to ecology, do not always provide specific reasons why these are required. Whilst some of the draft conditions state a species beneficiary or enable their biodiversity function to be inferred, others do not.</p> <ul style="list-style-type: none"> WCBC are requested to provide a table identifying the specific biodiversity outcomes sought by each proposed draft condition, listing beneficiary sites and species and outcomes sought to be secured. WCBC are requested to compare the proposed draft conditions with the draft requirements in the draft DCO submitted with the application and to identify whether there are existing requirements

FWQ 1	Question to:	Question:
		that address their concerns, whether changes are sought to specific requirements and whether any of the draft 'conditions' in their view require to be formed into new requirements?
1.2.15.	NRW, NE and WCBC	<p>DCO and related security for natural environment matters NRW, NE and WCBC are asked to identify whether there are any matters of natural environment relevance that require to be secured by a requirement in the draft DCO but have not been.</p> <ul style="list-style-type: none"> • Are any new natural environment DCO requirements sought and if so, what biodiversity objective(s) would these address?
1.2.16.	NRW, NE and WCBC	<p>DCO and related security for natural environment matters NRW, NE and WCBC are asked to identify whether there are any matters of natural environment relevance that require to be secured, but which cannot be secured by a requirement in the draft DCO.</p> <ul style="list-style-type: none"> • Are any additional forms of security such as planning obligations under the Town and Country Planning Act 1990 (TCPA 1990) as amended or commercial agreements sought and if so, what biodiversity objective(s) would these address?
1.2.17.	Welsh Government (WG): Biodiversity and Nature Conservation Branch	<p>Welsh Government (WG) engagement on natural environment matters The WG relevant representation identifies that the Biodiversity and Nature Conservation Branch would welcome continuing engagement with the project in conjunction with nature conservation staff from</p>

FWQ 1	Question to:	Question:
		NRW. <ul style="list-style-type: none"> Please specify any particular issues on which the branch wishes to engage and identify whether this engagement will be pursued through NRW or through direct contact from the branch
1.3.	Combined Heat and Power (CHP) Readiness	
	An initial question about the need for security for CHP market readiness assessment has been included in the schedule of issues and questions on the DCO.	
1.3.1.	The Applicant	Heat export: effects on combustion performance The ExA has not been able to find confirmation in the ES of whether the installation of CHP and the active take-up and export of heat would have any material effect on the combustion performance of the plant. <ul style="list-style-type: none"> The Applicant is asked to provide a statement supported by necessary evidence to the effect that: <ul style="list-style-type: none"> the active take-up and export of heat will have no material effect on combustion performance and hence on the operational air emissions of the application proposal; or the active take-up and export of heat will materially affect combustion performance and presenting any consequential change to operational air emissions.
1.3.2.	The Applicant, NRW and WCBC	Heat export: effects on combustion performance If the response to question 1.3.1 above records that the active take-up and export of heat will materially affect combustion performance, at

FWQ 1	Question to:	Question:
		<p>Deadline 3:</p> <ul style="list-style-type: none"> • please identify how the revised combustion performance of the electricity generating station together with active CHP has been or should be secured to ensure that it remains within the Rochdale Envelope?
1.3.3.	The Applicant and WCBC	<p>Heat export: noise effects Paragraph 4.107 of the ES states that; “[t]his ES therefore assesses a CCGT power station that is ‘CHP ready’ and space for the related heat interface building” but does not mention likely infrastructure associated with it.</p> <ul style="list-style-type: none"> • Has appropriate consideration of potential siting of the infrastructure likely to be required in order to deliver CHP in the future and the noise characteristics of such equipment been provided? • Are there any circumstances in which the installation and operation of CHP could materially change noise effects beyond those assessed in the ES?
1.3.4.	The Applicant, NRW, DC/WW and WCBC	<p>Heat export: water environment Are there any circumstances in which the installation and operation of CHP could materially change water environment effects beyond those assessed in the ES and particularly would any additional water supply or abstraction be required to support a heat distribution network?</p>

FWQ 1	Question to:	Question:
1.4.	Compulsory Acquisition and /or Temporary Possession	
1.4.1.	The Applicant	<p>National Trust Land The Applicant is asked to confirm that the application proposal does not seek to compulsorily acquire any land belonging to the National Trust which is held by the Trust inalienably and subject to the operation of s130 PA2008.</p>
1.4.2.	The Applicant	<p>Commons, open spaces etc. The Applicant is asked to confirm that the application proposal does not seek to compulsorily acquire any land forming part of a common, open space or fuel or field garden allotment subject to the operation of s131 PA2008, or rights over such land subject to the operation of s132 PA2008.</p>
1.4.3.	Bodies	<p>Crown land The Applicant is requested to provide and maintain a table identifying any Crown land subject to PA2008 s135 with reference to the latest Book of Reference [OD-003] and the Land Plans [APP-007] and to identify whether consent is required with respect to s135(1)(b) and/or s135(2) and what progress has been made to obtain such consents.</p>

FWQ 1	Question to:	Question:
1.4.4.	The Applicant	<p>Compulsory acquisition: general The Applicant is requested to complete the attached Objections Schedule with information about any objections to the compulsory acquisition proposals in the application and to make any entries, or delete any entries that it believes would be appropriate, taking account of the positions expressed in relevant representations and written representations, giving reasons for any additions or deletions. (See Annex A of this document)</p>
1.4.5.	The Applicant, Wales and West Utilities and National Grid Gas (NGG)	<p>Compulsory acquisition: Maelor gas works The application proposal includes the compulsory acquisition (CA) of land that is within the operational perimeter of Maelor gas works. Wales and West Utilities are the undertaker for that facility. It objects to CA and has proposed the granting of lease terms. NGG operates a feeder pipeline (04 – Shocklach to Maelor) within the Order limits, operates the nearby above ground installation (AGI) and owns part of the Maelor gas works.</p> <ul style="list-style-type: none"> • Wales and West Utilities is requested to explain why CA is inappropriate, with reference to the effect that it would have on the operation of the Maelor gas works. • The Applicant is asked to explain why CA is required and why its requirements for the gas connection could not be met by a lease over Wales and West Utilities operational land. • NGG is requested to clarify whether it objects to the CA of land and / or rights.

FWQ 1	Question to:	Question:
1.4.6.	The Applicant	<p>Temporary possession: general The Applicant is requested to complete the attached Objections Schedule with information about any objections to the temporary possession proposals in the application and to make any entries, or delete any entries that it believes would be appropriate, taking account of the positions expressed in relevant representations and written representations, giving reasons for any additions or deletions.(See Annex A of this document)</p>
1.4.7.	The Applicant and WCBC	<p>Funding Statement: St Modwen and Glenfinnan The Funding Statement [APP-036] suggests that Wrexham Power Ltd (WPL) (the Applicant) "is a 50/50 joint venture company established by St. Modwen Properties V sarl ("St. Modwen") and Glenfinnan Properties with the intention of promoting and securing the Order".</p> <ul style="list-style-type: none"> • Whilst St Modwen is a 100% wholly owned subsidiary of St Modwen Properties Plc (a FTSE 250 company), in itself it appears to be an entity that is registered outside the United Kingdom. Please clarify the domicile of St Modwen. • Glenfinnan Properties is recorded as being domiciled in Bermuda. • The Funding Statement records the current cost estimate for the application proposal of approximately £306.5m, but does not record what proportion of that is accounted for by the need to acquire land or rights or to compensate for acquisition or possession using powers proposed in the DCO. Please provide a professionally derived estimate (such as a Chartered Surveyors' / Valuers' assessment) of the sum required to address this need.

FWQ 1	Question to:	Question:
		<ul style="list-style-type: none"> Given the domicile of the shareholders in WPL, is it necessary to provide a separate form of security accessible or actionable in the UK for a sum of money equivalent to that required to acquire land or rights or to compensate for acquisition or possession using powers proposed in the DCO? If so, how should that security be provided? There have been instances in NSIP casework where a separate form of security accessible or actionable in the UK has been provided by way of a planning obligation under the TCPA 1990 as amended. If such an approach were to be proposed in this case, this would suggest a role for WCBC. Would WCBC be content to facilitate and discharge any such obligation?
1.4.8.	The Applicant	<p>Updated Book of Reference (BoR) An updated BoR has been provided by the Applicant [OD-003 and OD-004]. The tracked version indicates a significant number of changes from the BoR as provided with the application. The Schedule of Changes [OD-002] records the reason for most of the changes as 'following on-going diligent enquiry'. Whilst changes to BoRs are expected to reflect changes in land interests which continue to occur as an examination progresses, the number and nature of changes recorded in this updated BoR are larger than is typically the case and causes some doubt as to the nature and rigour of diligent enquiry undertaken when the BoR was initially prepared.</p> <ul style="list-style-type: none"> Can the Applicant please augment the reasons in the Schedule of Changes, explaining why so many changes have been made to the

FWQ 1	Question to:	Question:
		<p>BoR at this stage?</p> <ul style="list-style-type: none"> • Can the ExA be confident that the updated BoR is now robust and that diligent inquiry in relation to unchanged land interests is now concluded, or are there likely to be further significant changes to the BoR? • If further significant changes are expected, the Applicant is requested to commit to a date when these might have been undertaken, which should be at least 14 days before notice for CA hearings is to be provided.
1.5.	Draft Development Consent Order (DCO)	
	<p>There are no questions on the DCO in this table. The Rule 6 Letter dated 24 June 2016 provided notice of an Issue Specific Hearing (ISH) on the definition of the project and the DCO which was held on 19 July 2016. Annex H to that letter set out a schedule of issues and questions for examination at the ISH. Procedural decision 5 (Rule 8 Letter dated 2 August 2016) provides that matters raised orally in response to that schedule were to be submitted in writing by Tuesday 26 July.</p>	
1.5A	Decommissioning	
1.5A.1	<p>The Applicant, NRW, WCBC, Dwr Cymru./Welsh Water (DC/WW), Cadw</p>	<p>Decommissioning strategy: general Draft DCO requirement 17 secures a decommissioning strategy, but there is no outline strategy document or other indication as to what this strategy should contain.</p> <ul style="list-style-type: none"> • What measures should be taken to ensure that decommissioning take place within the Rochdale envelope? • Should a specific/ minimum set of topics, performance evaluation criteria and or outcomes that the decommissioning strategy needs

FWQ 1	Question to:	Question:
		<p>to address be secured as part of requirement 17?</p> <ul style="list-style-type: none"> • If so, how can they be delivered: should there be an outline decommissioning strategy and when should it be prepared? • Is WCBC content to take the lead role in decommissioning implied by requirement 17? • Are other relevant bodies satisfied with the apparent approach to decommissioning?
	The Applicant	<p>Decommissioning strategy: air quality</p> <p>Further to question 1.5A.1 above, the air quality assessment in the ES at paragraph 8.253 [APP-056] recommends that "<i>prior to decommissioning an assessment is undertaken in the light of the extant baseline and regulatory regime</i>". The extent to which this is relied upon as mitigation during decommissioning is not clear, and it does not appear to be secured as a specific item under requirement 17.</p> <ul style="list-style-type: none"> • Please can the Applicant comment on the necessity of this action as decommissioning mitigation and whether this could be secured by an addition to requirement 17?
1.6.	Debris and Waste	
	No questions have arisen in relation to this topic at this stage in the examination.	
1.7.	Gas and Electricity Connections	

FWQ 1	Question to:	Question:
1.7.1.	The Applicant	<p>Electricity connection</p> <p>A number of local resident IPs refer to previous proposals consulted upon and raise concerns that pylon or pole mounted overhead lines (OHL) will be required to form the electricity connection or may be required at some point in the future. The latest Grid Connection Statement [OD-006 OD-007] makes clear that an underground connection is proposed and forms the basis of a connection offer from SPM/SPEN. However, because of the legal position in relation to associated development in Wales, the electricity connection does not form part of the application proposal.</p> <ul style="list-style-type: none"> Given that a connection offer on the basis of an underground connection is now held by the Applicant, is there any reasonable prospect of the need for an electrical connection for the application proposal requiring to be met by any means other than the underground connection currently proposed?
1.7.2.	SP Energy Networks (SPEN)	<p>Electricity connection offer</p> <p>SPEN reserved its right to make further representations, should a revised grid connection offer not be made.</p> <ul style="list-style-type: none"> Is SPEN content with the Applicant's explanation of the latest Grid Connection Statement [OD-006 and OD007]? Does SPEN anticipate needing to make any further representations to the examination?

FWQ 1	Question to:	Question:
1.7.3.	Wales and West Utilities Ltd.	<p>Effects on gas supply operations at and near Maelor</p> <ul style="list-style-type: none"> • Please detail the anticipated security works required to respond to the critical national infrastructure (CNI) designation at Maelor, providing a description of the physical interface between the proposed works and the application proposal and the likely timescale for the proposed works. • Please identify the location of existing gas mains that require to be protected. • Please identify any matters that in your view require to be subject of a commercial agreement with the Applicant? • Please identify any matters that in your view require to be addressed in the draft DCO, whether by way of requirements, protective or other provisions?
1.7.4.	National Grid Gas plc (NGG) and Birch Sites Ltd	<p>Effects on gas supply operations at and near Maelor</p> <ul style="list-style-type: none"> • Please identify the location of the existing feeder 04 main pipeline (Shocklach to Maelor) that requires to be protected. • Please identify any matters that in your view require to be the subject of a commercial agreement with the Applicant? • Please identify any matters that in your view require to be addressed in the draft DCO, whether by way of requirements, protective or other provisions?
1.8.	Historic Environment	
1.8.1.	The Applicant and Cadw	<p>Consultation: engagement with Cadw</p> <p>It is unclear whether the results of the EIA process that are relevant to Cadw's areas of responsibility have been agreed with Cadw. Cadw</p>

FWQ 1	Question to:	Question:
		<p>have not provided a relevant representation.</p> <ul style="list-style-type: none"> The Applicant is requested to write to Cadw, seeking its view on the ES and the measures proposed within it that are relevant to Cadw's statutory role. A reply should be sought by Deadline 2 and a copy should be provided to the examination. In writing to Cadw, the Applicant is requested to draw that body's attention to the further questions in this schedule that are marked for Cadw's attention and to seek responses from Cadw to the extent that the matters raised are relevant to Cadw's statutory role.
1.8.2.	The Applicant, WCBC and Cadw	<p>Methodology: extent of study area ES paragraph 12.55 [APP-060] records that a 5km study area from the centre of the power station complex site was used to consider potential impacts on the setting of designated heritage assets. The study area for the LVIA covers a 7km radius from the order land. ES Chapter 18 [APP-066] assesses inter-relationships. ES paragraph 18.65 [APP-066] considers the potential for inter-relationships between the historic environment and landscape and visual chapters, in terms of setting, concluding that inter-related effects are not possible as "<i>...the assessment of setting in both the historic environment and visual chapters are complementary rather than additive...</i>".</p> <ul style="list-style-type: none"> Considering the potential interrelationship between these two topics, the Applicant is asked to explain: <ul style="list-style-type: none"> why inter-related effects between the historic environment and

FWQ 1	Question to:	Question:
		<p>landscape and visual are not considered to be possible;</p> <ul style="list-style-type: none"> ○ what 'complementary rather than additive' means; and ○ why a 7km radius study area was not also used to consider the potential impacts on the setting of designated heritage assets? <ul style="list-style-type: none"> • In the light of the above, are WCBC and Cadw content that the study area was of an appropriate extent?
1.8.3.	WCBC and Cadw	<p>Historic environment: CIA</p> <p>Can WCBC and through WCBC, the Clwyd Powys Archaeological Trust (CPAT) and (to the extent that these are relevant to their statutory responsibilities) Cadw please confirm whether or not they are content with:</p> <ul style="list-style-type: none"> • The developments included in the CIA; and • The conclusions of the CIA <p>for historic environment purposes?</p>
1.8.4.	WCBC and Cadw	<p>Additional archaeological investigations and the written scheme of investigation (WSI)</p> <p>It is not clear that WCBC has confirmed that the proposed suite of post-approval archaeological investigations are agreed. Given the views of CPAT referred to in paragraph 3.1 of WCBCs initial draft LIR [LIR-001]:</p> <ul style="list-style-type: none"> • Are any additional pre-approval archaeological investigations warranted and if so in respect of what locations / features?

FWQ 1	Question to:	Question:
		<ul style="list-style-type: none"> • Would it be valuable for the Applicant to produce an outline WSI, with which the final WSI must generally accord?
1.8.5.	The Applicant	<p>Historic environment: Mitigation An assessment of the potential effects resulting from the electricity generating station site is provided from ES paragraph 12.92 [APP-060] onwards. An assessment of the potential effects resulting from the gas connection route is provided from ES paragraph 12.114 [APP-060] onwards.</p> <p>Paragraph 12.64 [APP-060] notes that the assessment of significance has taken into account "<i>the possibility and nature of available mitigation options</i>". The significance of effects prior to mitigation is therefore unclear.</p> <ul style="list-style-type: none"> • Can the Applicant please describe what mitigation measures in respect of which receptors they have taken into account in the assessment of significance?
1.8.6.	The Applicant, WCBC and Cadw	<p>Barn Farm Ridge and Furrow Slight adverse effects which would not be significant are predicted on the Barn Farm ridge and furrow, as a result of construction of the power station complex, construction of the gas connection and the electrical connection routes. However, is there any scope for these effects in-combination to lead to a significant adverse effect on this feature?</p> <ul style="list-style-type: none"> • To what extent would the remaining portion of the Barn Farm ridge

FWQ 1	Question to:	Question:
		<p>and furrow be representative of the current feature?</p> <ul style="list-style-type: none"> • Could replacement of the overhead line poles for the Electrical Connection result in additional physical impacts on the Barn Farm ridge and furrow? • Paragraph 12.135 [APP-060] states that “[r]eplacement overhead line poles may result in localised impacts on archaeological remains, however, the scope of such impacts cannot be assessed at this time”. The Applicant assumes that micro-siting of pole locations would avoid significant impacts. Even if the electrical connection would only result in very small impacts on the Barn Farm ridge and furrow, when considered cumulatively with the effects from construction of the power station and gas connection route, could this lead to a significant effect on this asset? • Do the above issues give rise to any concern from WCBC or Cadw?
1.8.7.	The Applicant, WCBC and Cadw	<p>Sutton Green Barrow</p> <p>Using the significance of effect matrix in ES Table 12-3 [APP-060], the effect on Sutton Green Barrow Scheduled Monument (a high value asset, with an adverse impact of minor magnitude) is categorised as ‘moderate or slight’ adverse. Professional judgement has been used to determine that the effect would be slight adverse and therefore not significant rather than moderate adverse and significant.</p> <ul style="list-style-type: none"> • Can the Applicant please a clearer explanation of how professional judgement has been applied to conclude that the effect on this barrow would not be significant? • Do the above issues give rise to any concern from WCBC or Cadw?

FWQ 1	Question to:	Question:
1.9.	Landscape and Visual	
1.9.1.	The Applicant	<p>Landscape and visual impact: location of residential properties for design and impact assessment process</p> <p>A relevant representation from Mr Michael Morris suggests that there may be “[r]esidential properties to the West [...] within 100m of the site” and that not all such properties are located to the east (in Isycoed).</p> <ul style="list-style-type: none"> • The Applicant is requested to comment at Deadline 2 on any properties identified by Mr Morris pursuant to question 1.1.1 above at Deadline 1, indicating whether it agrees these to be residential properties for the purposes of the design and environmental impact assessment (EIA) processes and whether they have been taken into account as receptors for visual impact assessment? • In doing so, a distinction should be drawn by the Applicant between the boundary of what is proposed to be the operational electricity generating station site and the boundary of land required for the gas connection.
1.9.2.	The Applicant, WCBC and relevant local IPs	<p>Landscape and visual impact: access to private land</p> <p>ES Chapter 10 [APP-058] at paragraph 10.7.6 states that there has been no access to residences and therefore descriptions and photographs have been undertaken from the nearest publicly accessible location.</p> <ul style="list-style-type: none"> • Are there locations on private land which the Applicant, WCBC or

FWQ 1	Question to:	Question:
		<p>relevant local IPs considered ought to be viewed in order to ensure that ES conclusions on landscape and visual impact and related mitigation are robust?</p>
1.9.3.	The Applicant, WCBC, Cadw and relevant local IPs	<p>Landscape and visual impact: baseline data and methodology ES Chapter 10 [APP-058] refers to a study area, a Zone of Theoretical Visibility (ZTV) and a Zone of Visual Influence (ZVI).</p> <p>In addition to the study area shown in Figures 10.2a and 10.2b [APP-090 and APP-091], the ES has also defined a ZTV (see Figures 10.1a and 10.1b [APP-089 and APP-090 respectively] which largely lies within the study area. The methodology and assumptions used to define the ZTV are described in ES Chapter 10, paragraphs 10.35 – 10.39. The ZTV was verified through fieldwork which included consideration of the estimated height of adjacent buildings (Chapter 10, paragraph 10.76). The ES also refers to a ZVI (also shown on Figures 10.1a and 10.1b) where, if the power station site buildings are visible, significant visual effects are considered to be most likely. There is no explanation of the methodology used to define the ZVI.</p> <p>The approach taken is complex and unusual, in that the ZTV has not been used to frame the study area, and assessments of landscape character areas and visual receptors extend beyond the ZTV into the broader study area [APP-092 to APP-095].</p> <ul style="list-style-type: none"> • Do WCBC and IPs consider that the study has been robust? • Are there any landscape character areas or visual receptors that

FWQ 1	Question to:	Question:
		<p>require to be identified or made the subject of an impact assessment but have not been identified, or have been identified but for which a different impact assessment is argued to be necessary?</p> <ul style="list-style-type: none"> • Has the methodology materially affected the outcome of the assessment?
1.9.4.	The Applicant, Cadw, WCBC and relevant local IPs	<p>Landscape and visual impact: inherent mitigation</p> <p>The LVIA in ES Chapter 10 [APP-058] takes into account the 'inherent mitigation' described in paragraphs 10.62 – 10.66. This appears to be the proposals shown in the illustrative landscape and ecological mitigation plan [APP-026]. Work No. 3 and No. 4 in the draft DCO [APP-033] include landscaping, tree planting and ecological mitigation. Requirement 3 of the draft DCO means that no development can begin until a written landscaping and mitigation scheme has been approved by Wrexham CBC which is "<i>substantially in accordance with the illustrative landscape and ecological mitigation master plan</i>".</p> <ul style="list-style-type: none"> • Does this wording offer sufficient certainty that the inherent mitigation relied on in ES Chapter 10 will be delivered?
1.9.5.		<p>Landscape and visual impact: siting and land requirement</p> <p>A number of local resident IPs express concerns that the selection of the application site on the outside edge of the built area of the Wrexham Industrial Estate (WIE) is inappropriate as it limits the degree to which the adverse impact of tall and bulky built structures can be mitigated. Some also suggest that as the application proposal is for a</p>

FWQ 1	Question to:	Question:
		<p>much smaller generating station than that originally proposed, such an extensive application site is no longer needed.</p> <ul style="list-style-type: none"> The Applicant is requested to produce a table summarising its position on these matters and identifying where its responses to these concerns can be located in its responses to relevant and written representations.
1.9.6.	The Applicant and WCBC	<p>LVIA: the appearance of major built elements Requirement 2(4) of the draft DCO [APP-033] provides that the final floor levels, colour, materials and surface finishes of all permanent buildings and structures would be agreed with the local authority, but the visual effects of these are not constrained to meet identified design objectives or to be within a range or palette defined within the ES. Given this:</p> <ul style="list-style-type: none"> what reassurance can the Applicant give that, when built, the generating station complex would have broadly the same visual impact as predicted by the ES; is WCBC content that the outcomes of the landscape and visual impact assessment have been sufficiently secured; and are any draft or outline plans sought during the examination, to which later submissions should be linked?
1.9.7.	The Applicant and WCBC	<p>Landscape and visual impact: the appearance of fencing and lighting Details of fencing and lighting design must be approved by WCBC (see draft DCO Requirements 7 and 13).</p>

FWQ 1	Question to:	Question:
		<ul style="list-style-type: none"> • What reassurance can the Applicant give that, when built, the generating station complex would have broadly the same visual impact as predicted by the ES; • is WCBC content that the outcomes of the landscape and visual impact assessment have been sufficiently secured; and • are any draft or outline plans sought during the examination, to which later submissions should be linked?
1.9.8.	The Applicant, Cadw, WCBC and relevant local IPs	<p>Landscape and visual impact: lighting effects ES Appendix 10.6 [APP-127] does not appear to consider lighting. No evidence has been provided to support the statements in ES Appendix 10.7 [APP-128] about the effects of lighting.</p> <ul style="list-style-type: none"> • How has the Applicant determined the effects of lighting? • Please can it produce a map showing the predicted light levels at night in the vicinity of the power station site at Deadline 1, upon which other IPs can provide observations at Deadline 2.
1.9.9.	WCBC and NRW	<p>Landscape and visual impact: CIA Have all relevant developments been included in the Applicant's cumulative impact assessment for landscape and visual impact purposes?</p>
1.9.10.	The Applicant	<p>Landscape and visual impact: CIA: mitigation of Impacts on the Dee Terraces ES Chapter 10 (see paragraph 10.193) discusses CIA with reference to</p>

FWQ 1	Question to:	Question:
		<p>the effects of the application proposal in combination with the Kingmoor North development. It identifies that the boundary of the Dee Terraces landscape character area (LCA) would be amended, with part of the LCA lost to industrial buildings. Whilst boundary vegetation would be retained and enhanced at both sites, the land use, appearance and scale of the two developments are considered to be incongruous with the LCA and to detract from the existing character of the area. The ES assesses that the magnitude of change is medium and the cumulative effect would be moderate adverse. It notes that further mitigation of the cumulative effects on the Dee Terraces Landscape Character Area would not be possible because the change is driven by the physical change in land use and addition of buildings.</p> <ul style="list-style-type: none"> • Why is further mitigation not possible?
1.9.11.	WCBC	<p>Landscape and visual impact: mitigation and monitoring WCBC has raised concerns about the loss of mature trees and has requests an arboricultural method statement and a detailed landscaping scheme. ES paragraph 10.149 explains that a final landscaping and ecological management scheme would be implemented to ensure the establishment of the new planting and to manage existing and replacement habitats. This includes annual monitoring and is secured by requirement 3 of the draft DCO. Requirement 4 includes tree protection measures. No other monitoring arrangements have been proposed in respect of action to mitigate landscape and visual impacts.</p>

FWQ 1	Question to:	Question:
		<ul style="list-style-type: none"> Are any measures that are not secured under these requirements necessary and if so, how might they be secured?
1.10.	Noise and Vibration	
1.10.1.	The Applicant	<p>Noise and vibration: location of residential properties for design and impact assessment process</p> <p>A relevant representation from Mr Michael Morris suggests that there may be “[r]esidential properties to the West [...] within 100m of the site” and that not all such properties are located to the east (in Isycoed).</p> <ul style="list-style-type: none"> The Applicant is requested to comment at Deadline 2 on any properties identified by Mr Morris at Deadline 1 pursuant to question 1.1.1 above, indicating whether it agrees these to be residential properties for the purposes of the design and EIA processes and whether they have been taken into account as sensitive receptors for acoustic and/ or vibration assessment during construction, operation or decommissioning? In doing so, a distinction should be drawn by the Applicant between the boundary of what is proposed to be the operational electricity generating station site and the boundary of land required for the gas connection.
1.10.2.	The Applicant	<p>Noise: methodology and baseline data</p> <p>Baseline conditions are described in the ES at Volume 9, paragraphs 9.68 – 9.75 [APP-057]. These define the study areas for the electricity generating station complex and the gas connection route, including</p>

FWQ 1	Question to:	Question:
		<p>selection of the nearest noise sensitive receptors for both (Tables 9.3 and 9.4 respectively and Figure 9.3).</p> <p>Tables 9.3 and 9.4 list the assigned identification numbers for the relevant receptors, although they are not consecutive. Numbers 5-7 and 13-17 are missing from the combined identification numbers in Tables 9.3 and 9.4 with no explanation as to whether additional receptors have been identified in the sequence of missing numbers.</p> <ul style="list-style-type: none"> The Applicant is asked clarify that the receptors have been identified correctly within the chapter and explain why there appear to be some numbers missing?
1.10.3.	The Applicant, WCBC and resident IPs	<p>Noise: methodology and baseline data</p> <p>Fifteen relevant representations, mainly from local resident IPs, refer to the potential for the application proposal to have adverse noise effects during construction and/ or operation. Some relevant representations refer to the tranquil nature of the local rural environment. Others refer to the existing noise from WIE use and development and to the potentially significant construction and operational noise from the application proposal.</p> <p>ES chapter 9 [APP-057] describes the background noise survey as being undertaken over seven days of continuous monitoring in two locations and three fifteen-minute spot measurements at a further six locations. In comparison with other surveys for equivalent purposes,</p>

FWQ 1**Question to:****Question:**

the temporal extent of this survey is perhaps rather limited in the view of the ExA. Surveys were not repeated at different times of day to verify the representative nature of the results. ES paragraph 9.133 explains the characteristics of the noise environment that were experienced during the baseline conditions survey. ES paragraph 9.134 states that "*there were some seasonal agricultural works underway during the noise measurements, from the observations taken on site it is anticipated that these activities have not significantly affected the measurements*". No further justification is given as to what effect these agricultural works activities had on the baseline conditions. However, it remains possible that higher background noise levels were recorded as a result, and the consequence of this alongside the limited temporal extent of the survey may have the effect of raising the recorded background against which the significance of impacts have been assessed.

- The Applicant and WCBC are requested to review the background noise survey method recorded in the ES in the light of the concerns raised by resident IPs and the methodological issues raised above.
- Are there any prospective noise sensitive receptors that have not been identified in the ES but in respect of which analysis would be justified?
- Have reliable background noise measurements been obtained at representative locations and over a sufficient duration?
- Is there any possibility that nearby agricultural activities might have raised the recorded background levels?
- What effects might temporarily raised background levels have on

FWQ 1	Question to:	Question:
		<p>the impact assessments set out in the ES?</p> <ul style="list-style-type: none"> • Is any further evaluation required to ensure that the effects of operational noise emissions are robustly assessed?
1.10.4.	WCBC	<p>Vibration: non-traffic related construction and operational effects</p> <p>The preliminary environmental information (PEI) as referred to in ES Chapter 9 (at Table 9.6 discussing Scoping Opinion issues) [APP-057] assumed that vibration associated with construction or operation would not propagate beyond 75m from the site boundary. The ES has assessed the vibration effects of percussive piling (at paragraphs 9.143 and 9.144) and concluded that these would be negligible. No reference is made to any other non-traffic related construction vibration impacts or to any operational vibration impacts.</p> <ul style="list-style-type: none"> • Are there any foreseeable sources of significant vibration impact at sensitive receptors not identified in the ES? • Is there a need for any additional performance measures or controls to address vibration?
1.10.5.	The Applicant and WCBC	<p>Noise: construction traffic</p> <p>The assessment of road traffic noise for the gas connection concluded upon in ES Chapter 9 at paragraph 9.188 [APP-057] suggests that the assessment presented in relation to the main plant construction works (paragraph 9.145) covers the gas connection works as well. However, Figure 3.2 of the CTMP at Appendix 7.5 [APP-114] shows access routes for the gas connection construction traffic that do not appear to be</p>

FWQ 1	Question to:	Question:
		<p>considered through the selection of measurement locations in Figure 9.4 or the presentation of location assessments in Table 9.18 of Chapter 9.</p> <ul style="list-style-type: none"> • Does the ES sufficiently predict and assess construction traffic impacts, taking account of all proposed access routes for gas connection construction traffic? • If it does not, is additional traffic data and modelling required?
1.10.6.		<p>Noise: construction traffic ES Chapter 9 at Table 9.18 identifies 'Site 6' as the only location likely to experience significant effects in EIA terms (moderate adverse effects). However, as no noise sensitive receptors are identified near 'Site 6', no mitigation is proposed.</p> <ul style="list-style-type: none"> • Could any significant effects from the environs of 'Site 6' be experienced at any noise sensitive receptor location (including those already identified in the ES)?
1.10.7.	The Applicant	<p>Noise: general construction and construction traffic in combination Can the Applicant please explain how the effect of construction traffic noise associated with the generating station and the gas connection has been assessed in combination with construction-related noise from both activities?</p>

FWQ 1	Question to:	Question:
1.10.8.	NRW and WCBC	<p>Noise: operational effects ES Chapter 9 at Table 9.2 [APP-057] presents the list of operational noise sources associated with the application proposal. The sound power levels (SPLs) for these sources are not related back to verifiable data such as manufacturers specifications. The draft DCO does not appear to restrict the Applicant to selecting equipment that is no more adverse in terms of SPLs than that assessed in the ES.</p> <ul style="list-style-type: none"> • Will all relevant operational effects be regulated under the EP and, if not; • does an operational noise envelope need to be secured in the draft DCO?
1.10.9.	The Applicant and WCBC	<p>Noise: monitoring Noise monitoring is referred to in generic terms in ES Chapter 9 [APP-057] (see paragraphs 9.165 (mitigation of the generating station assessment) and 9.191 (mitigation for the gas connection works). There appears to be no direct reference to monitoring plans or programmes as part of the draft CEMP. The draft DCO does not appear to have a mechanism for securing operational noise monitoring through a management plan or otherwise.</p> <ul style="list-style-type: none"> • Can the Applicant and WCBC advise further on the need for monitoring and the details as to how it will be agreed and secured as part of the draft DCO?

FWQ 1	Question to:	Question:
1.10.10.	The Applicant, NRW and WCBC.	<p>Noise: operational effects and mitigation ES Chapter 9 [APP-057] at paragraphs 9.108 and 9.151 state some assumptions regarding the design of the plant and buildings providing mitigation to the propagation of sound. <i>“For the purpose of this assessment an insulated metal panel system construction that will achieve an overall Rw of 43dB has been assumed”</i> (where Rw characterises the airborne sound insulation of a material or building element). (BS EN ISO 10140:2010 <i>“Acoustics – Laboratory measurement of sound insulation of building elements.”</i>) Similarly, paragraph 9.109 of chapter 9 of the ES states that <i>“Stack noise will be mitigated by the use of silencers as standard, limiting the noise emissions to an SWL of 86dB”</i>.</p> <ul style="list-style-type: none"> • Should there be a commitment to meeting the assessed Rw factors and stack noise limits as part of the design in the DCO, or would/should these matters fall to be controlled via the EP? •
1.10.11.	The Applicant	<p>Noise: CIA The CIA is undertaken in ES Chapter 9 [APP-057] at paragraphs 9.204 to 9.214.</p> <p>Paragraph 9.206 acknowledges <i>“impacts to NSRs to the north of the Power Station Complex Site are likely to be ‘significant’, but dominated by the intervening Kingmoor Park North construction”</i>. There is no attempt to quantify this ‘significant’ impact to noise sensitive receptors. There is no information provided as to the likely overlap in construction programmes and timescales associated with the Kingmoor Park</p>

FWQ 1	Question to:	Question:
		<p>construction and the application proposal.</p> <p>Significant cumulative noise effects are identified during construction at paragraph 9.206 of Chapter 9 of the ES. Paragraph 9.214 states (in summary) "<i>No additional mitigation measures have been identified as being required as a result of this cumulative assessment</i>" so it is not clear if additional mitigation could be proposed in response to the significant construction impacts identified above. There is also no description as to if or how the mitigation that is proposed (in the form of the draft CEMP) addresses this 'significant' cumulative effect and whether this significant effect is a residual effect, notwithstanding the delivery of the proposed mitigation.</p> <ul style="list-style-type: none"> • Can the Applicant provide quantitative modelling taking into account common receptors within both assessments (e.g. receptors 1, 3 and 4) as to the magnitude of these significant impacts as well as clarification by way of further defining the overlap in construction programmes. • Notwithstanding the Applicant's conclusion at paragraph 9.210 of ES Chapter 9, can the Applicant comment on the potential cumulative effects in terms of construction road traffic noise at 'site 6' where moderate adverse (significant) effects are identified as a result of the proposed development alone (Table 9.18 of ES Chapter 9).
1.11.	Option Development	

FWQ 1	Question to:	Question:
	No questions have arisen in relation to this topic at this stage in the examination.	
1.12.	Other Strategic Projects and Proposals (including cumulative and in-combination impact assessment)	
1.12.1.	The Applicant, NRW, WCBC and any other IP with an interest in cumulative and / or in-combination impact assessment	<p>CIA included projects</p> <p>Chapter 4 [APP-052] of the ES identifies the projects which have been considered in CIA within the ES. These are:</p> <ul style="list-style-type: none"> • the electrical connection for the project; • the North Wales Prison proposal; • the Kingmoor Park North application; and • Pickhill Bridge Farm Solar Park. <p>The ES does not clearly explain how the Applicant identified the schemes to be taken into consideration in the CIA.</p> <p>One other consented scheme within 2km of the project has been excluded on the grounds that it considered to be is too far away to lead to cumulative impacts with the project, but it is not clear what the effects of this scheme would be and so whether this decision was appropriate.</p> <ul style="list-style-type: none"> • Can the Applicant explain and justify how they identified the developments included and not included in the CIA? • Are stakeholders satisfied that all the relevant developments have been included in the CIA? • Should any others be included and if so, what are they, why should they be included and what ES topics are they relevant to?

FWQ 1	Question to:	Question:
		<p>If additional developments are identified at Deadline 1, can the Applicant please respond to these at Deadline 2, providing a table to make clear for each additional development that either:</p> <ul style="list-style-type: none"> • analysis is not required (for stated reasons); or • a need for analysis is accepted and that analysis is provided.
1.12.2.	The Applicant	<p>Cumulative Impact Assessment (CIA): worst-case scenarios The Applicant is asked to clarify what has been included in the 'worst case' cumulative impact scenario. Paragraph 5.55 of the ES says that it covers the construction of the Kingmoor Park North development at the same time or sequentially with the power station complex, gas connection and electrical connection. It is not clear whether this means that the Applicant has used one scenario which covers a combined worst case scenario consisting of both the worst temporal and the worst spatial effects, or one scenario for the worst temporal effects and another for the worst spatial effects?</p> <p>(It should be noted that a combined worst case scenario is likely to be significantly worse than any realistic assessment of project effects and hence that providing separate temporal and spatial scenarios can provide a more realistic assessment.)</p>
1.13.	Risk and Hazard Management	
1.13.1.	Public Health Wales (PHW)	Health impact assessment

FWQ 1	Question to:	Question:
		<p>ES Chapter 17 [APP-065] states that it has been drafted to ensure a discrete reference source for public health impacts and the ways in which the Applicant proposes that these might be addressed.</p> <ul style="list-style-type: none"> • PHW are asked to elaborate on their relevant representation, to draw out any specific public health risks in respect of which it is concerned and to identify any particular action that it considers should be taken, including the securing of design or mitigation through the draft DCO.
1.13.2.	The Applicant	<p>Health impact assessment: EMF assessment for 132kV switchyard</p> <p>ES Chapter 17 [APP-065] states that it has aimed to meet PHE advice at the scoping stage. Whilst the PHE relevant representation accepted that the ES did not need to include an electro-magnetic field (EMF) evaluation for the electrical connection (as this is to be separately consented), it identified that such an assessment should still be provided for the proposed 132kV switchyard included in the application proposal (part of Work 1D as identified in ES Chapter 4 [APP-052] in Table 4.1). An EMF assessment has not been provided.</p> <ul style="list-style-type: none"> • The Applicant is requested to provide an assessment of the potential EMF impacts of the switchyard proposal, to meet PHE requirements, or alternatively to demonstrate why such an assessment is not necessary.
1.13.3.	Mr Christopher James Briggs and	Specific health, hazard and security issues

FWQ 1	Question to:	Question:
	the Applicant	<p>Mr Christopher Briggs' relevant representation [RR-005] outlines but provides no detail in respect of possible concerns in respect of (amongst other issues):</p> <ul style="list-style-type: none"> • security arrangements; • blast radius; • evacuation planning; and • proximity to local housing and the primary school. <ul style="list-style-type: none"> • Mr Briggs is requested to detail these concerns in his written representation or in a specific response to this question at Deadline 1. • The Applicant is requested to respond to them at Deadline 2.
1.13.4.	The Applicant	<p>Risk in relation to land uses</p> <p>A number of local resident IPs have expressed concerns that:</p> <ul style="list-style-type: none"> • the application site and/ or the gas connection are located too close to residences; • the application site and/ or the gas connection are located too close to a primary school; • that hydraulic fracturing might pose a risk to the integrity of the gas connection; and / or • that there could be risks associated with accidents or leakage or other breach of the gas connection. <p>The Applicant is requested to respond to these concerns and to clarify the measures taken to manage these risks. In relation to leakage risks, would an odourant such as mercaptan be present in gas to be</p>

FWQ 1	Question to:	Question:
		transported through the connection or within the application site?
1.13.5.	Local resident IPs	<p>Health, risk and security assessment</p> <p>A number of local resident IPs have expressed concerns about the health, risk and security effects of the application proposal, including the generating station, gas and electricity connections. IPs who have made such representations are requested to review ES Chapter 17 [APP-065] and identify whether the Applicant has addressed their concerns through the design of the application proposal including any mitigation. If further mitigation is sought it should be identified.</p>
1.13.6.	The Applicant	<p>Risk in relation to land uses</p> <p>A number of local resident IPs have expressed concerns that:</p> <ul style="list-style-type: none"> • the application site and/ or the gas connection are located too close to residences; and • the application site and/ or the gas connection are located too close to a primary school. <p>There have been no representations from relevant agencies suggesting that any consequential risks have been managed in an inappropriate manner.</p> <p>The Applicant is asked to review and respond to such matters raised in relevant representations and provide a table relating their responses to the locations in the ES at which risk management is considered.</p>

FWQ 1	Question to:	Question:
1.14.	Socio-economic Effects	
1.14.1.	The Applicant	<p>Local security of supply and related economic benefits ES Chapter 6 [APP-054] suggests that socio-economic benefits of the application proposal could include:</p> <ul style="list-style-type: none"> • enhanced local security of electricity supply, with particular reference to reduced intermittency for local businesses; • enabling local business users to obtain local and reduced-cost energy (reference is made at paragraph 6.39 to a potential gas buying consortium, but there does not appear to be a reference to the provision of reduced cost electricity); • the potential development of a heat network (CHP) (although this is not part of the current application proposal); • opportunities for local business to become involved in construction and in the operational supply chain; and • supporting science, technology, engineering and maths (STEM) education opportunities for local schools, colleges and universities. <p>These benefits are disputed by some local resident IPs. ES table 6.16 records the proposed socio-economic enhancements flowing from the application proposal in operation. It appears to make few firm commitments.</p> <p>To the extent that the Applicant seeks to rely on economic benefits and takes the view that they should be accorded weight in the planning decision-making process, it is asked to:</p> <ul style="list-style-type: none"> • document the particular local benefits proposed to be provided;

FWQ 1	Question to:	Question:
		and <ul style="list-style-type: none"> • identify whether and how they are proposed to be secured?
1.14.2.	FibreSpeed	<p>Effects on Infrastructure FibreSpeed [RR-018] has identified infrastructure that may require protection or diversion as a consequence of the application proposal.</p> <ul style="list-style-type: none"> • What infrastructure is affected (please describe the infrastructure and provide a location plan)? • What measures are required to protect or divert it? • Are there any matters that in your view require to be subject of a commercial agreement with the Applicant? • Are there any matters that in your view require to be addressed in the draft DCO, whether by way of requirements, protective or other provisions?
1.14.3.	Kellogg Company of Great Britain Ltd.	<p>Effects on Nearby Manufacturing Processes and Plant: Kelloggs The Kellogg Company of Great Britain Ltd (Kelloggs) operates manufacturing plant close to the application site. Kelloggs has made a relevant representation [RR-020] but has not identified whether the application proposal would have any material effects on its manufacturing processes and/ or plant.</p> <ul style="list-style-type: none"> • Please identify any material effects of the application proposal on your manufacturing process and / plant that you would wish the ExA to take into account. • Are there any matters that in your view require to be the subject of

FWQ 1	Question to:	Question:
		<p>a commercial agreement with the Applicant?</p> <ul style="list-style-type: none"> • Are there any matters that in your view require to be addressed in the draft DCO, whether by way of requirements, protective or other provisions?
1.14.4.	Royal Mail Group Ltd.	<p>Effects on Deliveries and Logistics Royal Mail Group has made a relevant representation [RR-033].</p> <ul style="list-style-type: none"> • Please identify any material effects of the application proposal on deliveries or logistics that you would wish the ExA to take into account. • Are there any matters that in your view require to be subject of a commercial agreement with the Applicant? • Are there any matters that in your view require to be addressed in the draft DCO, whether by way of requirements, protective or other provisions?
1.14.5.	Any other IP with an interest in infrastructure or plant on the Wrexham Industrial Estate or prospectively affected by the application proposal	<p>Effects on infrastructure or plant</p> <ul style="list-style-type: none"> • Please identify the location of existing infrastructure or plant that requires to be protected or relocated. • Please identify any matters that in your view require to be subject of a commercial agreement with the Applicant? • Please identify any matters that in your view require to be addressed in the draft DCO, whether by way of requirements, protective or other provisions?
1.14.6.	Any other IP with any interest in agriculture that is potentially	<p>Agriculture</p> <ul style="list-style-type: none"> • Please identify any accommodation, protective or related works

FWQ 1	Question to:	Question:
	affected by the application proposal	<p>necessary to secure agricultural production during construction.</p> <ul style="list-style-type: none"> • Please identify any matters that in your view require to be the subject of a commercial agreement with the Applicant? • Please identify any matters that in your view require to be addressed in the draft DCO, whether by way of requirements, protective or other provisions?
1.14.7.	Any other IP with any interest in business activity or employment	<p>Employment and production</p> <ul style="list-style-type: none"> • Please identify any accommodation, protective or related works necessary to secure continued employment and production during construction. • Please identify any matters that in your view require to be the subject of a commercial agreement with the Applicant? • Please identify any matters that in your view require to be addressed in the draft DCO, whether by way of requirements, protective or other provisions?
1.14.8.	The Applicant and WCBC	<p>Nearby development proposals</p> <p>A relevant representation from Mr Michael Morris refers to appeal decisions under references APP/H6955/A/09/2113258 and APP/H6955/A/12/2188910 on land close to the application site.</p> <ul style="list-style-type: none"> • WCBC are requested to provide copies of the application and appeal papers for these proposals at Deadline 1 and to provide a view as to whether these relate to active development proposals. • The Applicant is requested to comment on the effects (if any) of the DCO development on these appeal proposals and on the effects

FWQ 1	Question to:	Question:
		(if any) of the appeal proposals on the DCO development
1.15.	Statutory Undertakers	
1.15.1.	The Applicant	<p>Statutory undertakers: land or rights</p> <p>The Applicant is requested to review relevant representations and written representations made as the Examination progresses and to prepare a table identifying if any representations made by statutory undertakers with land or rights to which the PA2008 s127) applies. Where such representations are identified, the Applicant is requested to identify:</p> <ul style="list-style-type: none"> • the name of the statutory undertaker; • the nature of their undertaking; • the land and or rights affected (identified with reference to the most recent Book of Reference [OD-003] and to the Land Plans [APP-007]); • in relation to land, whether (and if so how) the tests in s127(3)(a) or (b) can be met; • in relation to rights, whether (and if so how) the tests in s127(6)(a) or (b) can be met; and • in relation to land and/or rights, whether any protective provisions and/or commercial agreement are required, and if so whether they are already available to the ExA or whether a new document describing them is attached to the response to this question?
1.15.2.	The Applicant	Statutory undertakers: extinguishment of rights and removal of apparatus etc.

FWQ 1	Question to:	Question:
		<p>The Applicant is requested to review its proposals to acquire or possess land and rights and to prepare a table identifying if these proposals affect the relevant rights or relevant apparatus of any statutory undertakers to which PA2008 s138 applies. If such rights or apparatus are identified, the Applicant is requested to identify:</p> <ul style="list-style-type: none"> • the name of the statutory undertaker; • the nature of their undertaking; • the relevant rights to be extinguished; and / or • the relevant apparatus to be removed; • how the test in s138(4) can be met; and • whether any protective provisions and/or commercial agreements are required, and if so whether they are already available to the ExA or whether a new document describing them is attached to the response to this question?
1.16.	Transportation and Traffic	
1.16.1.	WCBC	<p>Highway safety: Bryn Lane during construction Inter-relationships are considered in ES Chapter 18 [APP-066]. A combined effect on drivers using Bryn Lane from the interaction of noise, visual amenity and accident risk during the construction phase is considered but this is not predicted to be significant because of the temporary nature of drivers passing along a road and the fact that drivers' attention will not be fully on visual and sound effects (paragraph 18.25).</p> <ul style="list-style-type: none"> • As the highways authority, is WCBC also satisfied that the effect is

FWQ 1	Question to:	Question:
		insignificant?
1.16.2.	The Applicant	<p>Public rights of way The Applicant is asked to confirm that none of the streets referred to in Schedules 3, 4 or 5 to the DCO or land identified in the latest Book of Reference [OD-003] and the Land Plans [APP-007] forms part of or is subject to a public right of way to be extinguished and to which PA2008 s136 applies.</p>
1.16.3.	The Applicant	<p>Public rights of way Are there any public rights of way to which PA2008 s136 applies affected by the CA of land for the gas connection? Is any additional provision needed in the DCO?</p>
1.16.4.	Welsh Government (WG):Transport Division, WCBC and the Applicant	<p>Engagement on transport matters The WG Transport Division has sought the submission of the following information / documentation either through the examination or pursuant to requirements:</p> <ul style="list-style-type: none"> • a Transport Assessment 'detailing the traffic values for the duration of the works'; • a Construction Traffic Management Plan (CTMP) detailing the proposed delivery routes in-line with the programme; and • A Traffic Management Plan (but making clear that this is only required if Abnormal Indivisible Loads (AIL's) are to be delivered to the site).

FWQ 1	Question to:	Question:
		<p>The WG Transport Division is asked to liaise with WCBC to agree the additional transport information / documentation that is sought and the specification of this documentation.</p> <p>By Deadline 3, the Applicant is requested to provide the additional transport information / documentation that is sought or to indicate for reasons why it is not necessary.</p>
1.17.	Water Environment	
1.17.1.	NRW, WCBC	<p>Water environment: baseline data and study area</p> <p>The study area used to collect the baseline data is defined in paragraph 14.27 of ES Chapter 14 [APP-062]. The study area includes the land within the Order limits (including the gas connection corridor). Ground conditions are considered up to 0.5km from the Order limits, main rivers are covered up to 1km and designated sites are covered up to 3km. Although paragraph 14.27 provides some justification for the area considered it is not entirely clear why these distances were chosen.</p> <ul style="list-style-type: none"> • Are NRW and WCBC satisfied that the Applicant has provided adequate reasoning for selecting the study area? • Is the study area appropriate?
1.17.2.	NRW and WCBC	<p>Water environment: methodology</p> <p>The assessments in ES Chapter 14 [APP-062] include:</p> <ul style="list-style-type: none"> • flood consequences assessment; • Water Framework Directive (WFD) screening;

FWQ 1	Question to:	Question:
		<ul style="list-style-type: none"> • effects on groundwater and aquifer quality and flow; • effects on surface water quality and flow; and • effects on the River Dee Site of Special Scientific Interest (SSSI) and Special; • Area of Conservation (SAC). <p>It is noted that the methodology described in Chapter 14 of the ES appears to be based on the approach suggested in the Design Manual for Roads and Bridges which is designed for road schemes.</p> <ul style="list-style-type: none"> • Are NRW and WCBC satisfied that the Applicant has used appropriate methods to assess effects on the water environment due to the application proposal? • Are there any particular matters in respect of which a different method or methods should have been used? • Are there any matters in which methodological concerns are sufficient to affect judgements reached in the light of the assessment, and if so, is any additional data and/ or analysis required?
1.17.3.	NRW	<p>Water environment: WFD screening</p> <p>The Water Framework Directive (WFD) screening in ES Appendix 14.3 [APP-146] does not identify any effects which, once mitigation is taken into account, would cause deterioration in the ecological or chemical status of a water body or affect the attainment of good status under the WFD.</p> <ul style="list-style-type: none"> • Does NRW agree with the approach used by the Applicant in the

FWQ 1	Question to:	Question:
		<p>WFD screening?</p> <ul style="list-style-type: none"> • Does NRW agree with the conclusions of the WFD screening? • If not, what additional matters need to be taken into account? • Is mitigation sufficiently secured in the DCO?
1.17.4.	NRW	<p>Water environment: groundwater</p> <p>NRW's relevant representations [RR-028] state that it is generally satisfied with the approach in the ES to assessing effects on groundwater and contaminated land but it has 'some minor concerns' about the approaches used to assess potential source-pathway-receptor linkages which it would like the Applicant to resolve during the examination.</p> <ul style="list-style-type: none"> • Can NRW explain these concerns more fully? • Can NRW and the Applicant explain what progress has been made in resolving these concerns?
1.17.5.	The Applicant	<p>Water environment: flood risk assessment</p> <p>NRW's relevant representation [RR-028] identifies that the flood risk arising from the smaller watercourse on the application site is unknown. (The Applicant has relied on the Development Advice Map but this does not include watercourses with a catchment area of less than 3km².) NRW advised that the flood risk from this watercourse should be addressed.</p> <ul style="list-style-type: none"> • Can the Applicant provide an updated flood risk assessment which includes consideration of the smaller water course on the site

FWQ 1	Question to:	Question:
		together with any other relevant watercourses?
1.17.6.	WCBC, NRW and DC/WW	<p>Water environment: flood risk and drainage: construction phase WCBC is the lead flood authority. Relatively little detail is provided in the ES or the draft CEMP [APP-152] on the content of the construction drainage strategy. The delivery of the CEMP is secured under Requirement 4 of the draft DCO which states that no construction can begin before the CEMP has been approved by the local authority, must be substantially in accordance with the draft CEMP provided in Appendix 19.1 of the ES and must include a construction drainage strategy. Further to the issue raised in question 1.17.5 above and taking information provided by the Applicant at Deadline 2 into account together with information about the construction drainage strategy in the ES at appendix 14.3 [APP-148] (where a proposal for a permeable laydown area is set out in paragraph 5.19), WCBC are requested to address the following question at Deadline 3:</p> <ul style="list-style-type: none"> • Is the proposed construction drainage strategy appropriate? • Are WCBC and NRW satisfied with the current level of information about the content of the construction drainage strategy? • Is more detail needed in an updated outline CEMP? • Does DCO requirement 4 provide sufficient security that appropriate surface water drainage arrangements will be made? • Is any change required to DCO requirement 4?
1.17.7.	WCBC, NRW and Dwr Cymru/ Welsh Water (DC/WW)	<p>Water environment: flood risk and drainage: operational phase WCBC is the lead flood authority.</p>

FWQ 1**Question to:****Question:**

The surface water drainage strategy during operation is Work No. 3 in the draft DCO [APP-033]. The draft DCO also includes requirement 12 which states that Work No. 1 must not commence until the details of the foul and surface water drainage strategies have been approved by Wrexham CBC. These details must be '*substantially in accordance with the illustrative foul and surface water drainage plan*' [APP-015]. Other measures to avoid contaminants affecting the water environment (such as bunding of fuel tanks) would be delivered through the design of the project and through the controls imposed through the Environmental Permit (EP) (ES Chapter 19 [APP-067]). This means that the application proposal appears to rely on mitigation which is not secured in the DCO and will be delivered pursuant to the EP process under the oversight of NRW.

Further to the issue raised in question 1.17.5 above and taking information provided by the Applicant at **Deadline 2** into account together with information about the operational drainage strategy in the ES referred to above and at appendix 14.3 [APP-148], **WCBC are requested to address the following questions at Deadline 3:**

- Is the proposed operational drainage strategy appropriate?
- Is WCBC content with the division of matters and responsibilities between its own role and that of NRW pursuant to the EP?
- Are there any matters relevant to the surface water drainage strategy that require input from DC/WW and if so, is that body content with the arrangements and distribution of responsibility on

FWQ 1	Question to:	Question:
		this topic as currently proposed?
1.17.8.	The Applicant and DC/WW	<p>Water environment: foul drainage: operational phase DC/WW is the foul drainage provider in Wrexham Industrial Estate (WIE). The application proposal seeks a connection to the existing public sewer network in WIE and the ES suggests that both domestic and trade effluent (comprising flows up to 6l/sec) would be discharged to the network (Appendix 14.3 [APP-148) at para 6.2). It is not fully clear from the ES Appendix whether the existing network is capable of receiving domestic or trade effluent or both. The DC/WW relevant representation [RR-008] identifies a potential capacity shortfall in the existing infrastructure suggesting the need for works before a connection could be made and that it is unclear about the type(s) of trade effluent flows that are proposed to be discharged to the sewer, its volume, exact nature and composition and whether any screening or pre-treatment would be provided before discharge.</p> <ul style="list-style-type: none"> • The Applicant is requested to engage with DC/WW and to provide an update setting out responses to the matters raised at Deadline 2. • Are any additional works required that are not provided for in the DCO as applied for and if so, would these take place on land that is outside the Order land as currently identified? • How is it proposed that any additional works would be consented? • DC/WW are requested to identify any outstanding matters not agreed.

FWQ 1	Question to:	Question:
		<p>If these tasks are addressed in a Statement of Common Ground, the responses to this question should indicate where the information that it seeks can be found.</p>
1.17.9.	The Applicant and DC/WW	<p>Water environment: foul drainage adoption of assets: operational phase</p> <p>DC/WW has also commented on the application proposal for a retained (private) pumping station and rising main beyond the operational area of the generating station. It suggests that such assets are required to be adopted by it under s104 of the Water Industry Act (1991) (WIA1991). The implication from this is that the specification for these works would need to be to the satisfaction of DC/WW.</p> <ul style="list-style-type: none"> • The Applicant is requested to engage with DC/WW and to provide an update setting out responses to the matters raised at Deadline 2. • DC/WW is requested to identify any outstanding matters not agreed. <p>If these tasks are addressed in a Statement of Common Ground, the responses to this question should indicate where the information that it seeks can be found.</p>
1.17.10.	WBCB	<p>Water environment: foul drainage</p> <p>Taking the matters raised by the above questions into account, is WBCB satisfied with the proposed foul drainage arrangements?</p>

FWQ 1	Question to:	Question:
1.17.11.	The Applicant	<p>Water environment: new water supply/ abstraction</p> <p>The proposed generating station is to be air cooled and so water abstraction will not be required during operation (however please refer to question 1.3.4 in respect of CHP readiness above).</p> <ul style="list-style-type: none"> • Is there any foreseeable water demand on site that would require a new (additional) water supply or abstraction? • If so, what volume is likely to be required and where will this new supply / abstraction come from?
1.17.12.	NRW, DC/WW and WCBC	<p>Water environment: CIA</p> <p>Are bodies concerned with water environment effects (flooding, surface and foul drainage, water abstraction and supply) content that the cumulative impact assessment (CIA) in the ES takes sufficient account of additional development and other major projects?</p>

ANNEX A

**WREXHAM ENERGY CENTRE PROJECT:
LIST OF ALL OBJECTIONS TO THE GRANT OF COMPULSORY ACQUISITION OR TEMPORARY POSSESSION POWERS
(EXQ1: QUESTIONS 1.4.4 AND 1.4.5)**

Obj No. ⁱ	Name/ Organisation	IP/AP Ref No ⁱⁱ	RR Ref No ⁱⁱⁱ	WR Ref No ^{iv}	Other Doc Ref No ^v	Interest ^{vi}	Permanent/ Temporary ^{vii}	Plot(s)	CA? ^{viii}	Status of objection
1										
2										
3										

ⁱ Obj = objection number.

ⁱⁱ Reference number assigned to each Interested Party (IP) and Affected Person (AP)

ⁱⁱⁱ Reference number assigned to each Relevant Representation (RR) in the Examination library

^{iv} Reference number assigned to each Written Representation (WR) in the Examination library

^v Reference number assigned to any other document in the Examination library

^{vi} This refers to parts 1 to 3 of the Book of Reference:

- Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
- Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who "would or might" be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
- Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.

^{vii} This column indicates whether the applicant is seeking compulsory acquisition or temporary possession of land/ rights

^{viii} CA = compulsory acquisition. The answer is 'yes' if the land is in parts 1 or 3 of the Book of Reference and National Grid are seeking compulsory acquisition of land/ rights