

Date • Dyddiad 20/10/2017

Your ref. • Eich cyfeirnod

My ref. • Fy nghyfeirnod NS/0241/16

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Please ask for  
*Os gwelwch yn dda gofynnwch am*

Mike Simmons

Mr Rhys Rigby  
The Planning Inspectorate

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(by email only)

Dear Mr Rigby

**Proposed 49.9MW Biomass Energy Facility and Associated Development  
(including Eco-Park) (Development of National Significance)**

**PINS Ref. 3146073; LPA Ref. NS/0241/16**

**Land at Blackbridge & Waterson, Milford Haven, Pembrokeshire**

I write further to my correspondence of 18<sup>th</sup> October 2017. On the matter of ecology, I advised that I had nothing to add to the comments that you will receive from NRW. However, as these comments have not yet been submitted by NRW and being conscious of the deadline, I felt it prudent to relay the Council's position before the deadline expires.

The comments that are appended are those of the Council's Ecologist that respectfully seek to remind the Inspector of the information that was required (with reference to those matters detailed in email of 27<sup>th</sup> April 2017 from NRW to the Planning Inspectorate) and highlight areas that remain of concern.

I would be grateful for confirmation of receipt of this correspondence and that of 18<sup>th</sup> October. Please contact me if you have any queries.

Yours sincerely

*MSimmons*

**Mike Simmons**  
**Development Manager (Major Projects and Planning Obligations)**  
**Development Management**

## Appendix - Comments by PCC Ecologist

Ref No	Information Requested	Response to Additional Information
1	To be based on up-to-date condition assessment information; for avoidance of doubt please find attached the relevant information.	There are no references to any of the Designated Sites condition assessments in the shadow HRA or additional information. This information was shared with the applicants in the email dated 27 <sup>th</sup> April 2017. It is unclear how the applicants have concluded 'no impact' without considering the current condition.
2	To consider bats as mobile species of the Special Area of Conservation (SAC), not just impacts on the SAC sites themselves;	There is a lack of understanding throughout the shadow HRA of how to assess the impacts of the scheme on mobile species. Both Lesser and Greater horseshoe bats are roosting, breeding and hibernating on site and this would result in issues such as noise and vibration, lighting and emissions adversely affecting the integrity of the SAC. However the shadow HRA report continues to consider the distance from the SAC as reason to screen out impact. Statements to this effect undermine any conclusions drawn and emphasise the lack of consideration as to the potential significance of the impacts on bats.
3	To include an 'in-combination' assessment which considers other relevant proposals, for example Milford Marina Masterplan: to incorporate all aspects of the development including the jetty and the stack.	It is the responsibility of the applicants to identify potential in-combination projects and screen those that may have in-combination effects. The only in-combination project referenced was the one used as an example by PCC.  Unfortunately the applicants chose not to liaise with PCC during the suspension period to identify relevant projects.
4	Shadow HRA revised to address the matters below.	The Shadow HRA does not address the issues below.
5	Shadow HRA to be based on the same information as the ES and appropriately cross-referenced, with all annexes	There is no indication that the ES has been updated or cross referenced against the additional information (albeit that there is no procedural opportunity to amend the ES at

	provided	this late stage)
6	Shadow HRA to screen West Wales Marine cSAC and Skomer, Skokholm and Seas off Pembrokeshire cSPA. This should include but not be limited to an assessment of noise and vibration during construction and operations on marine mammals.	<p>The Shadow HRA screens out any potential impact on the West Wales Marine cSAC and Skomer, Skokholm and Seas off Pembrokeshire cSPA.</p> <p>It is unclear how this conclusion is drawn as there is no evaluation of the potential impact of barges, shipping, and piling (for the jetty) on Harbour porpoise. The report states the SAC is 6.6km from the scheme however again this demonstrates a lack of understanding of mobile species and how the scheme may cause significant adverse effects.</p>

### Description of the development

Ref No	Information Requested	Response to Additional Information
1	Details of the nature, location and extent of all foundations, footings and retaining walls required for the construction and installation of storage building 4 (scaled plans should be used to illustrate the relevant details) and how these will impinge on the stone arch and any connected subterranean structures that may be used by roosting bats. To include the results of the completed and subsequent ground investigations undertaken by the licensed bat surveyor.	<p>The submitted plans are not to scale and this creates uncertainty over the size, exact siting and subsequently the potential impact on nearby ecological receptors. This is of specific concern in relation to building four, the proposed retaining wall and the stone arch.</p> <p>Furthermore given the “indicative” nature of the plans it is uncertain if building four has been reduced in size by 10m or if it has moved east by 10m.</p> <p>Such details are fundamental in assessing potential impact and it is not considered that an issue of such significance can be dealt with via condition.</p>
2	Details of the nature and form of the conveyor that leads from the jetty to storage building 4, including scaled drawings to illustrate its construction and dimensions along its full length, and also its development footprint;	<p>The submitted plans are not to scale and, as above, this creates uncertainty when associated with a scheme of this scale and nature.</p> <p>There are no details of footings or the size and type of supporting structure, there are no cross sections of the conveyors and no</p>

		dimensions along its full length. Furthermore it is not clear what height it is along its full length.
3	Confirmation of the mechanism for the transfer of feedstock from storage building 4 to the pyrolyser/biomass plant, and full information giving operational details. If the feedstock transfer is also to be via a conveyor, scaled drawings should be provided to confirm the conveyor's construction, in particular its location and extent, dimensions, and its arrangement in relation to the jetty conveyor, blast wall (attached to the stone arch), the internal access road adjacent to storage building 4 and watercourse at the eastern end of the Blackbridge site, and the proposed protected species mitigation buffer zones/corridors south of storage building 4;	The submitted plans are not to scale and although an indicative plan was submitted this is not what was requested. As above, this creates uncertainty and does not allow conclusive assessments to be made.
4	Provide operational details for points II and III above to include levels of lighting, noise and vibration.	Details of lighting, noise and vibration have been submitted. Refer to recommended planning conditions.
5	Details of the requirements of the construction phase along the foreshore, with particular reference to the use of barges and any other machinery that will be required. This should include the number and size of machinery/barges, where and how they will operate and be docked, hours of operation, duration of construction phase in which they will be required, implications for the foreshore, seabed assessment.	The details submitted are vague making an impact assessment difficult to undertake. Outstanding information would include tide dependency of construction delivery; the extent and frequency of deliveries; an assessment of the implications of construction on the foreshore and details of the type of boats to be used.

6	<p>In addition to point V details of the delivery of the biomass during operation of the site should be provided in order to understand levels of disturbance.</p>	<p>The Planning Hearing Addendum states a delivery will take a maximum of 10 hours to offload and this will only take place during daylight hours. In the winter this would mean a ship would have to remain moored for two days to offload. This appears somewhat impractical. However as the applicants assessment is based on these timings a condition is recommended that the offloading of ships could only be undertaken during daylight hours.</p>
7	<p>Details of the pipework that will be required to run between the elements of the development, both within the Blackbridge site itself for example the stack and green houses and between the Blackbridge site and the Eco-parks, for transfer of heat, water, air and/or liquid;</p>	<p>An “indicative” plan has been submitted; however this has not met the requirements of point 7. Furthermore it is unclear how the pipe work relates to the proposed new road as no details/plans are provided.</p>
8	<p>Details of proposed lighting within and of the greenhouses at the Blackbridge Ecopark (on top of the cliff behind buildings B and C), details of likely light spill, and details of any mitigation that will be put in place to ensure that a dark, vegetated corridor for will be retained along the cliff.</p>	<p>As above, an indicative lighting scheme has been submitted for external lighting.</p> <p>It is noted that there would be no lighting within the greenhouses (buildings 16). Is this practical, particularly in winter? Internal and operational lighting will result in extensive light spill.</p> <p>Furthermore the lighting plan creates a light barrier at the western end of the site (where high numbers of bats forage and commute along the existing access road).</p>
9	<p>Details of how the area immediately in front of tunnels 1-3 and the stone arch and behind the derelict bund/blast wall will be managed. This should include details of vegetation clearance, retention/removal of the bund, ground works and lighting. If proposed as a ‘conservation area’ details of how this will be delineated, what access will be permitted how it will be</p>	<p>There is no clarity as to how this area will be maintained and managed. The applicants contradict themselves by stating the bund will be retained but then caveat this by saying unless it becomes unstable. It is not clear what criteria will be used to assess instability and no compensatory measures are proposed should the bund be removed.</p> <p>The bund is a significant feature in sheltering the tunnel entrances and there are implications if it is not to be maintained. This lack of certainty raises concerns over the</p>

	<p>managed during construction and operation</p>	<p>impacts on this area of the site and it is not considered that an issue of such significance can be dealt with by condition.</p> <p>In relation to references to vegetation clearance, ground works, planting, fencing and access, there are inconsistencies between plans and reports and the July and September submissions.</p> <p>Furthermore there are no details as to what the area between building four and the stack is to be used for. There are no details of how the construction of the stack will interfere with the conservation area and tunnels 1-3.</p>
10	<p>Details of the proposed new access route. Plans should include location plan, route, dimensions, cross sections and details of the approximate construction corridor. Further information is required on lighting and likely vehicle movements including number, frequency and time of day. Details are required as to the extent of woodland to be removed and vegetation cleared along the full length and the potential impact on foraging and commuting bats. This assessment should be informed by appropriate bat surveys with due consideration given to the habitat fragmentation and loss of potential tree roosts.</p>	<p>The submitted plans are not too scale and there is no section location plan to reference the cross sections against.</p> <p>The indicative drawings do not clarify if the proposed width of road includes a footway (for the realigned coastal path) and services (pipe work).</p> <p>There are inconsistencies with regard to lighting. The Planning Addendum states there will be no lighting on the new road but goes on to state lighting on the road will be mitigated.</p> <p>No information is supplied regarding vegetation clearance along the route. Previous surveys (2011) identified this route as important for foraging and commuting bats and yet there is no data to undertake an assessment. The conclusion is drawn that there will be no impact, however other than a tree survey there are no supporting arguments, evidence, justification or analysis to support this.</p> <p>There is an overall lack of regard to the design, siting and mitigation required for the introduction of the proposed access road.</p>
11	<p>Details of the proposed realignment of the watercourse, adjacent to</p>	<p>The submitted plans are not to scale so there is uncertainty if the proposed compensatory features will adequately</p>

	building 4 and extending to the sea wall, including route, plans and cross sections with relevant internal features (with supporting assessment report)	mitigate the impacts of the proposed development.
12	Plan confirming the location of all bat roosts found across the site - the species and type of roost present also indicated.	No plans have been submitted.
13	Details of fencing around the whole site to confirm how protected species will be protected from the proposals whilst still retaining the ability to move freely through the site (scaled plans should be provided to show the relevant details)	The submitted plans are not to scale and it is unclear what purpose the fencing serves as there are no details to justify use, type or rationale. There are no elevation plans and no plans showing fencing details.
14	Details of vegetation, clearance, phasing of clearance, new planting and areas of habitat loss/retention.	Generic details have been provided but this is not adequate to assess potential impact on European Protected Species.  There is no consideration of how phasing will be applied.
15	Details of mitigation to ensure a dark corridor for commuting bats along the northern elevation of buildings 1-3. This should consider light spill from proposed windows and include details of proposed road lighting, levels of use (vehicle movements), proposed vegetation clearance of the adjacent cliff and compensatory landscaping if necessary.	The applicant provides additional information on this matter in the September submission however there is uncertainty about which windows are to be blocked, which windows are existing and the levels of use (vehicle movements).
16	Atmospheric dispersion modelling to assess aerial emissions.	There is no reference to any modelling in the additional information received.
17	Confirmation of discharges, e.g., process water, surface water, contaminated runoff during construction from and	The applicant has confirmed there will be no discharges to the Pembrokeshire Marine SAC during operation however surface water runoff will discharge into the SAC. Further

	to Pembrokeshire Marine SAC.	assessment as to the potential impacts of this would be required.
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### **Assessment of Impacts**

In view of the above, a revised assessment of impacts to take account of the above, to include:

<b>Ref No</b>	<b>Information Requested</b>	<b>Response to Additional Information</b>
1	Assessment of the likely impacts of the proposals on the bat roost(s) on site, with particular reference to the stone arch and associated subterranean structures, and tunnels;	<p>No assessment has been carried out.</p> <p>It is unclear if the applicants are aware of the brick arches below the ground level of proposed building four (the old mining filling building). This is referenced in the report '<i>The Decontamination of RNAD, Milford Haven</i>' L.H. Armstrong, RN Supply &amp; Transport Service, July 1991. I believe this document was included in the original submission and referred to during the hearing.</p> <p>P.14, paragraph two states '<i>...inspection of the original building construction drawings showed that the concrete floor of the building... did not rest upon the natural ground, but laid upon a series of brick arches.</i>'</p>
2	Assessment of the likely impacts of the proposals on bats' use of the woodland to the east of the site, where the main access road is proposed, including those that may be roosting in trees that may require pruning or felling (additional survey may be required for this);	No assessment has been carried out.
3	Implications for the integrity of the protected species mitigation measures in the vicinity of storage building 4 (E.g. otter buffer zone/dark corridor) as a result of the	No assessment - given the lack of clarity over infrastructure it would not be possible to assess at this stage.

	arrangement of infrastructure around this building (E.g. a potential pinch point around its SW corner?).	
4	Revised assessment of impacts of the proposals on otters, The assessment should be based on and include the breeding otter survey for the reservoir( to include an assessment of the potential impact of the proposed new road including disturbance, lighting and pollution from run-off and spillages); <u>an otter survey of the proposed swing bridge and new footpath, to include impacts from the river to the foreshore at the western end of the Blackbridge site,</u> proposed fencing, drainage (and in particular the role that the culvert will play in the site's drainage), vegetation and lighting proposals, in addition the assessment should consider construction impacts especially if the foreshore is to be used.	<p>Revised otter surveys have been submitted including a breeding otter survey and this does provide an assessment of the proposed new road.</p> <p>However an otter survey for Castle Pill and the new swing bridge has not been undertaken and there is no impact assessment of these proposed works. This survey cannot be conditioned as it relates to the potential impact on a feature of the Pembrokeshire Marine SAC and European Protected Species.</p> <p>There is no assessment of impacts to the foreshore relating to fencing, drainage, vegetation and lighting.</p> <p>There is no impact assessment for construction.</p>
5	Refurbishment plan of the jetty to include a comprehensive structural survey, scaled drawings, areas and extent of works which will impact seabed and work details of such potential impact (depth, methods of construction etc.)	There is no refurbishment plan, structural survey, scaled drawings, or plans showing areas and extent of works and no identification of which elements will cause an impact.

## Mitigation

Ref No	Information Requested	Response to Additional Information
1	Confirmation of what each of the bat houses is proposed to be mitigating for;	Limited details to this effect have been provided however due to the uncertainty of impact of the proposed development on the

		existing roosts there is an ambiguity about what function the compensatory roosts will have.
2	Details of proposed mitigation (taking the above into account) with supporting justification for choice of mitigation, its location, design, layout, materials, dimensions, access points with reference to the bat survey results.	Limited details to this effect have been provided, however due to the uncertainty of impact of the proposed development on the existing roosts there is an ambiguity about what function the compensatory roosts will have.
3	Details of the otter mitigation corridor, adjacent to building 4, to include drawings, cross sections and internal features, landscaping, fencing and any potential methods to reduce light spill and disturbance	No information is submitted in relation to landscaping.  No assessment has been made of potential impact on otters from the proposed piling for the jetty.
4	Comprehensive otter mitigation strategy for the site to include the otter mitigation corridor, the reservoir and access to the culvert to be produced utilising survey data	Although much work has been completed for the otter surveys and mitigation the applicant has introduced new elements to the scheme which result in additional impacts. These appear to include a proposed new swing bridge and piling. No surveys have been undertaken for these areas and no assessment made or mitigation proposed.
5	We welcome the commitment to undertake a badger survey and produce appropriate mitigation	No comment.