

Ein cyf/Our ref: CAS-262955-J4Q0
Eich cyf/Your ref: P/24/0196

Merthyr Tydfil County Borough Council
Unit 5 Triangle Business Park
Pentrebach
CF48 4TQ

Dyddiad/Date: 06 September 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: Erection of Hydrogen Electrolyser Plant Facility (8 Megawatts) including associated storage containers, support infrastructure, CCTV, security fence and landscaping

LLEOLIAD/LOCATION: Land At Pengarnddu Industrial Estate, Dowlais, Merthyr Tydfil

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 20 August 2024.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding drainage. Further details are provided below.

Drainage

We note that Under 4.12 of the planning statement it says "*There will be small quantities of effluent comprising effectively the concentrated minerals in the incoming water.*" We seek clarification on how this effluent will be managed as the application form states that "*this doesn't necessarily need to be disposed to sewer.*"

Only clean uncontaminated water e.g. surface runoff can be discharged to surface or groundwater without a permit. Other discharges would be classed as trade effluent and would require a permit if discharge to sewer is not an option:

[Natural Resources Wales / Apply for a permit to discharge trade or mixed effluent](#)

We also note an amenity cabin/ office is to be installed as part of the application. Under the "*Further Information*" document the applicant states that "*Typically, Conrad would connect to sewer where a connection is available and viable.*" We understand that the proposal is located in an area served by the public foul sewer.

We refer you to Welsh Government Circular 008/2018 on the use of private sewerage in new developments, and specifically paragraphs 2.3-2.5, which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer.

Please consult us again if foul sewage from the proposed development is to be disposed of by a private sewerage system.

Protected Species

We note the submission of a Preliminary Ecological Appraisal, by West Ecology, dated May 2024 in support of the application. We recommend you seek the advice of your Authority's Ecologist in relation to the application and whether any species-specific surveys are required to accompany this application.

Notwithstanding the above, we have the following advice for your Authority and the applicant regarding additional permits/authorisations for the operation of the proposal.

Environmental Permitting Regulations (EPR)

The production of hydrogen by any process requires an installation permit from NRW and will be regulated by us. Proposals that meet the constraints for the low risk permitting of electrolytic production of hydrogen will be able to use the following application process: [Natural Resources Wales / Apply for a permit to produce hydrogen by electrolysis](#)

The developer will need to check that the proposal qualifies for the low-risk permit process for hydrogen production facilities. This includes a number of conditions which are listed, otherwise a bespoke installation permit would be required. Please refer to [Natural Resources Wales / Apply for an Environmental Permit for a new installation](#)

One of the conditions is a limit on water abstraction volume. Where the water supply for the water tanks comes from is not stated in the application. If abstracting from surface or groundwater an abstraction/impoundment licence may be required:

[Natural Resources Wales / Find out if you need a water abstraction or impoundment licence](#)

Another option is to apply for a Low Impact Installation (LII) permit. If the criteria for LII are met, then a simpler permitting approach applies but all other aspects of the Environmental Permitting Regulations (EPR) still need to be addressed in the application. LII sites are expected to require minimal regulatory effort. To qualify, the proposal must have a low environmental impact due to its design. Low impact installation criteria can be found here: [Natural Resources Wales / Find out if your installation qualifies for a low impact Environmental Permit](#)

Control of Major Accident Hazards (COMAH) Regulations

If the proposal includes 5 tonnes or more of hydrogen storage which is at the Lower Tier threshold for notification of the Control of Major Accident Hazards (COMAH) Regulations Competent Authority (UK Health & Safety Executive and Natural Resources Wales) then the company will become a duty holder under the COMAH regime.

Details covering how to notify and duty holder requirements can be found on the HSE website: [Control of major accident hazards - Notifications \(hse.gov.uk\)](#)

Note that for storing quantities of hydrogen less than 5 tonnes (2 tonnes or more) Hazardous Substances Consent will still be required [HSE: Land use planning - Hazardous substances consent](#)

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

Advice for the Developer

Pollution Prevention

Our records indicate that there is a watercourse approximately 65m from the development site. During the construction phase you should ensure appropriate pollution prevention measures are employed to protect the nearby watercourse during construction. Guidance for Pollution Prevention (GPP) documents are available on the [NetRegs website](#).

We refer in particular to Guidance for Pollution Prevention 5: Works and maintenance in or near water, and Pollution Prevention Guidelines 6: Working at construction and demolition sites.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Claire McCorkindale

Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales

E-bost/E-mail: southeastplanning@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: 03000 65 3098

Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.