

Carl Sargeant AC / AM  
Y Gweinidog Cyfoeth Naturiol  
Minister for Natural Resources



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref SF/CS/3885/14

Alun Ffred Jones AM  
Chair  
Environment and Sustainability Committee  
National Assembly for Wales

10 December 2014

Dear Alun,

Thank you for your letter of 25 November about European Commission reasoned opinions on the matters of protection for harbour porpoises and reducing the emissions from Aberthaw Power Station.

#### **Protection of harbour porpoises**

On 16 October 2014, the UK received the European Commission's reasoned opinion about the number of Special Areas of Conservation (SACs) for harbour porpoise in the UK under the EU Habitats Directive.

I assure the Committee that the Welsh Government is committed to the full implementation of the Habitats Directive, and to proposing sites for harbour porpoise where they can be identified in accordance with our obligations under the Habitats Directive. The Joint Nature Conservation Committee continues to work to identify potential SACs for harbour porpoise, using the best available evidence and in accordance with the criteria set out in the Directive. The latest analysis of data for harbour porpoise in the UK waters, with the aim of identifying possible sites for SAC designation, is due to report before the end of the year.

The Welsh Government is working with the other UK administrations in considering the EC correspondence and replying to the Commission. In the interests of resolving this matter with the Commission, and the confidential nature of the discussions, it would not be appropriate for me to comment further at this stage.

#### **Emissions from Aberthaw power plant**

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

*Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)*

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Through the European Commission reasoned opinion in relation to the UK's implementation of Directive 2001/80/EC on the limitation of emissions of certain pollutants into the air from large combustion plants, or the LCP Directive, the Commission has taken the view that a requirement of this Directive - emission limit values for nitrogen oxides - has not been properly implemented at Aberthaw coal-fired power station in the Vale of Glamorgan.

The LCP Directive sets general maximum emission limit values for certain pollutants. The general values for nitrogen oxides are set out in Annex VI to the LCP Directive. Aberthaw power station is a coal-fired power station with a rated thermal input of 4,135MWth. The Annex prescribes that the maximum general emission limit value applicable to coal-fired combustion plants with a rated thermal input of over 500MWth is 500mg/Nm<sup>3</sup>. Note (3) to Part A of the Annex contains an derogation from that general emission limit value for combustion plants of a certain type; the maximum emission limit value for nitrogen oxides for these plants is 1,200mg/Nm<sup>3</sup>.

The derogation was included in the LCP Directive specifically with the unusual design of Aberthaw power station in mind. Its environmental permit has therefore always reflected the derogation provision. The emission limit value currently contained in Aberthaw power station's environmental permit is 1,050mg/Nm<sup>3</sup>, reflecting advancements in the application of best available techniques.

The Welsh Government has been in discussions with the European Commission about the application of the derogation and those discussions are ongoing. The Welsh Government and UK Government are considering the reasoned opinion that has been received from the European Commission and will be responding to that opinion within the specified two month period.

In the light of the ongoing legal proceedings, it would be inappropriate for me to provide specific details on this matter at this time, but I would like to reassure the Committee that the Welsh Government is committed to ensuring compliance with all EU requirements. These proceedings have significant implications for the UK, and for Wales in particular, and the Welsh Government continues to seek an acceptable resolution.



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