

# Elwy Solar Energy Farm

## ENVIRONMENTAL STATEMENT

### APPENDIX 2.1 SCOPING DIRECTION

P19-2023 | JULY 2020



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

# DNS: EIA Scoping Direction

## 3247619: Elwy Solar Farm

03/06/2020

**Contents**

1. Introduction ..... 2

2. Site Description..... 2

3. Proposed Development..... 3

4. Consultation ..... 3

5. Environmental Impact Assessment Approach ..... 4

    5.1 Reasonable Alternatives ..... 4

    5.2 Currency of Environmental Information..... 4

    5.3 Cumulative Effects..... 5

    5.4 Mitigation..... 5

    5.5 Population and Human Health..... 5

    5.6 Transboundary Effects..... 6

6. Environmental Impact Assessment Topics..... 6

    6.1 Aspects scoped in..... 6

        Landscape and Visual Impact Assessment (LVIA)..... 6

        Ecology and Nature Conservation..... 6

        Transport and Traffic (construction only)..... 6

        Human Health..... 6

        Air Quality (construction only) ..... 6

        Risk of Major Accidents..... 6

Table 1: The Planning Inspectorate’s Comments..... 7

7. Other Matters ..... 12

    7.1 Habitats Regulation Assessment ..... 12

    7.2 Well-being of Future Generations Act..... 12

    7.3 SuDS Consent..... 13

    7.4 Rochdale Envelope ..... 13

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**This Scoping Direction is provided on the basis of the information submitted to the Planning Inspectorate on 8 April 2020, in addition to consultation responses received. The advice does not prejudice any recommendation made by an Inspector or any decision made by the Welsh Ministers in relation to the development, and does not preclude the Inspector from subsequently requiring further information to be submitted with the submitted DNS application under Regulation 24 of [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#) (“The 2017 Regulations”).**

## 1. Introduction

The Planning Inspectorate (“the Inspectorate”) received a request under Regulation 33 of the 2017 Regulations for a Scoping Direction in relation to a proposed development for a solar farm, battery energy storage and associated infrastructure generating up to 62MW at Gwernigrion Farm, St Asaph in the County of Denbighshire.

The request was accompanied by a Scoping Report (SR) ([DNS/3247619-000008](#)) that outlines the proposed scope of the Environmental Statement (ES) for the proposed development.

This Direction has taken into account the requirements of the 2017 Regulations as well as current best practice towards preparation of an ES. In accordance with the 2017 Regulations the Inspectorate has consulted on the SR and the responses received from the consultation bodies have been taken into account in adopting this Direction.

The Inspectorate is authorised to issue this Scoping Direction on behalf of the Welsh Ministers.

## 2. Site Description

The Site comprises 117.47 ha of agricultural land near to the city of St Asaph, approximately 2 km east of Bodelwyddan and 2.5 km south of Rhuddlan. The Site is located within the administrative boundary of Denbighshire County Council.

The Site is located to the north of the A55 and to the west of the A525. There are a number of trees and hedgerows present across the site along with several ponds. An area of Ancient Semi Natural Woodland is located within the site to the north-west of Gwernigrion Farm House.

The Site is intersected by a several of Public Rights of Ways. It is not subject to any statutory designations relating to its environmental or historic value. However, the Grade II Listed Gwernigrion Farmhouse and its Grade II\* Listed Dovecote is excluded from but surrounded by the application site.

### 3. Proposed Development

The likely description of development according to the SR is "*Construction of a solar farm and energy storage hybrid park, together with all associated works, equipment and necessary infrastructure*".

The elements included as part of the scheme and associated works, equipment and necessary infrastructure are listed in the SR: Photovoltaic (PV) arrays; inverter and transformer blocks; Battery Storage Facility; Boundary fencing; CCTV system; access tracks; Storage container; communications and monitoring equipment; vehicular accesses; and a temporary construction compound.

The scope of the EIA should include all elements of the development as identified in the SR, both permanent and temporary, and this Scoping Direction is written on that basis.

The ES should describe all aspects of the development, including dimensions of infrastructure, and materials and resources used during construction, operation and decommissioning. Paragraphs 2.12 and 2.18 of the SR gives a brief description of the temporary construction compound, with more detail to be included in the ES. The Planning Inspectorate expects to see details of how the temporary compound site would be restored after the construction phase.

In line with the requirements of [Regulation 17](#) and [Schedule 4](#) to the 2017 Regulations, any reasonable alternatives considered should be presented in the ES. The reasons behind the selection of the chosen option should also be provided in the ES, including where environmental effects have informed the choices made.

### 4. Consultation

In line with [Regulation 33\(7\)](#) of the 2017 Regulations, formal consultation was undertaken with the following bodies:

- Denbighshire County Council (DCC)
- Natural Resources Wales (NRW)
- Cadw

Responses received are included in **Appendix 1**.

It is noted that DCC could not complete the technical consultations in time due to the unprecedented circumstances caused by the national lockdown in response to the Covid-19 outbreak. The Planning Inspectorate recommends that the Applicant liaise with the relevant technical consultees at DCC. Should it be necessary, following discussions with the LPA, it is open to the applicant to request an updated Scoping Direction.

## 5. Environmental Impact Assessment Approach

The Applicants should satisfy themselves that the ES includes all the information outlined in [Schedule 4](#) of the 2017 Regulations. In addition, the Applicant should ensure that the Non-Technical Summary includes a summary of all the information included in Schedule 4. Consider a structure that allows the author of the ES and the appointed Inspector and Decision Maker to readily satisfy themselves that the ES contains all the information specified [Regulation 17](#) and Schedule 4 of the 2017 Regulations. Cross refer to the requirements in the relevant sections of the ES, and include a summary after the Contents page that lays out all the requirements from the Regulations and what sections of the ES they are fulfilled by.

As the assessments are made, consideration should be given to whether standalone topic chapters would be necessary for topics that are currently proposed to be considered as part of other chapters, particularly if it is apparent that there are significant effects and a large amount of information for a particular topic.

There may also be topic areas scoped out of the ES where the developer may wish to include application documents that sit outside of the ES and provide information that will support their consultation(s) and the decision-making process. The developer is encouraged to liaise with key consultees regarding non-ES application documents which are not a legislative requirement of the DNS regime. If agreement cannot be reached over non-ES application documentation, then the developer may wish to explore whether the Inspectorate can help provide clarity via its statutory pre-application advice service.

The ES should focus on describing and quantifying significant environmental effects. Policy considerations / arguments relating to those impacts should be addressed in other documentation supporting the application (e.g. a Planning Statement), which cross references the ES where necessary.

### 5.1 Reasonable Alternatives

In line with the requirements of [Regulation 17](#) and [Schedule 4](#) to the 2017 Regulations, any reasonable alternatives studied by the Applicant should be presented in the ES. The reasons behind the selection of the chosen option should also be provided in the ES, including where environmental effects have informed the choices made.

It is worth bearing in mind that under the [Conservation of Habitats and Species Regulations 2017](#) ("the Habitats Regulations") unless it can be clearly shown to the Welsh Ministers that the project would have no adverse effect on the integrity of any designated sites, it would have to be shown that there is no feasible alternative solution (see advice note from [IEMA](#)). Further advice regarding the Habitats Regulations is provided in the final chapter of this Scoping Direction.

### 5.2 Currency of Environmental Information

For all environmental aspects, the applicant should ensure that any survey data is as up to date as possible and clearly set out in the ES the timing and nature of the data on which the assessment has been based. Any study area applied to the assessments should be clearly defined. The impacts of construction, operation and decommissioning activities should be considered as part of the assessment where these could give rise to significant environmental effects. Consideration should be given to relevant legislation, planning policies, and applicable best practice guidance documents throughout the ES.

The ES should include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters. Where professional judgement has been applied this should be clearly stated.

The ES topic chapters should report on any data limitations, key assumptions and difficulties encountered in establishing the baseline environment and undertaking the assessment of environmental effects.

### 5.3 Cumulative Effects

The SR does not provide a list of other developments to be considered as part of the cumulative impacts. This limits the extent of the comments that could be provided at this stage.

Effects deemed individually not significant from the assessment, could cumulatively be significant, so inclusion criteria based on the most likely significant effects from this type of development may prove helpful when identifying what other developments should be accounted for. The criteria may vary from topic to topic.

Best practice is to include proportionate information relating to projects that are not yet consented, dependent on the level of certainty of them coming forward.

All the other developments considered should be documented and the reasons for inclusion or exclusion should be clearly stated. Professional judgement should be used to avoid excluding other development that is close to threshold limits but has characteristics likely to give rise to a significant effect; or could give rise to a cumulative effect by virtue of its proximity to the proposed development. Similarly, professional judgement should be applied to other development that exceeds thresholds but may not give rise to discernible effects. The process of refinement should be undertaken in consultation with DCC and other consultees, where appropriate.

The scope of the cumulative assessment should be fully explained and justified in the ES.

Although intended for larger schemes, the Inspectorate's guidance for Nationally Significant Infrastructure Projects – [Advice Note 17: Cumulative Effects Assessment](#) sets out a staged process for assessing cumulative impacts that may be of relevance to the Applicant.

### 5.4 Mitigation

Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should provide reference to how the delivery of measures proposed to prevent / minimise adverse effects is secured (through legal requirements or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.

### 5.5 Population and Human Health

The Applicant should ensure that the ES addresses any significant effects on population and human health, in light of the EIA Regulations 2017. This could be addressed under the separate topic chapters or within its own specific chapter.

### 5.6 Transboundary Effects

[Schedule 4 Part 5](#) of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The ES should address this matter as appropriate.

## 6. Environmental Impact Assessment Topics

This section contains the Inspectorate's specific comments on the scope and level of detail of information to be provided in the Applicant's ES. The comments provided refer to the description of the development, the Environmental Impact Assessment process, structure of the ES and any other matter deemed relevant in the preparation of the ES. Environmental topics or features are not scoped out unless specifically addressed and justified by the Applicant and confirmed as being scoped out by the Inspectorate. In accordance with Regulation 17(4)(c) the ES should be based on this Scoping Direction in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant's SR.

The Inspectorate has set out in this Direction where it has / has not agreed to scope out matters on the basis of the information available at this time. The Inspectorate is content that the receipt of a SD should not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.

### 6.1 Aspects scoped in

Subject to the comments provided at Table 1, the following aspect are scoped into the ES:

**Landscape and Visual Impact Assessment (LVIA)**

**Ecology and Nature Conservation**

**Transport and Traffic (construction only)**

**Human Health**

**Air Quality (construction only)**

**Risk of Major Accidents**

**Table 1: The Planning Inspectorate's Comments**

ID	Reference	Issue	Comment
	<b>Description of the Development</b>		
ID.1	2.11	Elements of the Proposed Development	No dimensions or parameters associated with the elements of the solar area are presented in the SR. The Applicant is reminded that although a level of tolerance is accepted, the ES should be prepared using a clearly identified worst case scenario, as appropriate and that final design should not lead to greater likely significant effects than identified in the ES. See also comments from DCC <b>at Appendix 1</b> .
ID.2	2.11	Transport Access	The SR states that the main access will be into the south eastern boundary of the Site from St Asaph Road (A525). An additional access has been proposed into the north eastern site boundary. The SR states this will be for construction purposes only. The SR does not clarify whether the northern access will require improvement works. The ES should clearly describe the access and the potential effects associated with its construction.
ID.3	2.11	Battery Storage Facility	The SR states that a battery storage facility comprising either a single compound or multiple smaller battery installations will be incorporated in the Proposed Development. The ES should include a clear description of the battery storage facility and a single solution should be presented in the ES. Significant effects associated with the battery storage facility (See Comment ID.14 in relation to Risk of Major Accidents) should be considered in the assessment, if appropriate.
ID.4	2.16	Grid Connection	The ES should consider the effects of the grid connection to the electricity network. Paragraph 2.16 states that the connection will be part of the Proposed Development. The Applicant should clearly consider the effects of the underground cabling and Horizontal Directional Drilling (HDD). If the intention is to apply for consent separately, it should be noted that following <a href="#">amendments</a> to The Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016, an electric line above ground of up to 132kV associated with a DNS Generating Station is specified as a DNS in itself.

ID	Reference	Issue	Comment
	<b>Aspects proposed to be scoped out</b>		
ID.5	Table 1	Population and Transport	<p>Based on the information provided, the Inspectorate agrees that effects on population in terms of demographic changes can be scoped out. However, the SR appears to include transport and access within this aspect. The SR states at Table 1 that construction and operational traffic can be adequately addressed as part of the planning application process through standalone technical reports. The Applicant is reminded that where mitigation is required to ensure that residual effects are not significant, that the detail of measures and how they will be implemented should be clearly set out in the ES. The information presented in the SR does not clarify this point, and there is limited information in terms of the proposed access improvement works and construction traffic. Therefore, the Inspectorate does not agree that transport can be scoped out of the ES at this time, as the Applicant has not presented up to date information regarding the potential impact of the Proposed Development on traffic and transport during construction, as has been done with other aspects.</p> <p>The Applicant should include a proportional section on this aspect. If after further work has been conducted, they consider that it should be scoped out, it is open to them to request an updated Scoping Direction.</p> <p><b>Transport and Traffic is therefore scoped in to the ES.</b></p>
ID.6	Table 1	Human Health	<p>The Applicant proposes to scope out Human Health on the ground that where potential effects have been identified in relation to pollution and nuisances it is unlikely that the Proposed Development would cause a significant effect as appropriate management measures will be included as part of a Construction Management Plan. This statement however is not supported by any additional information. The Inspectorate expects that where mitigation is required to ensure that residual effects are not significant, that these details are set out in the ES. The Inspectorate understands that there are residential properties in the vicinity of the Proposed Development which may be impacted, and agrees</p>

ID	Reference	Issue	Comment
			with DCC (see <b>Appendix 1</b> ) that this aspect cannot be scoped out at this stage.  <b>Human Health is therefore scoped in to the ES.</b>
ID.7	Table 1	Land	The Inspectorate agrees that this aspect can be scoped out.
ID.8	Table 1	Soil	The Inspectorate agrees that this aspect can be scoped out.
ID.9	Table 1	Water	Based on the comments received by NRW and DCC and the Applicant's intention to submit a Flood Consequence Assessment with the Application, the Inspectorate agrees to scope this aspect out.
ID.10	Table 1	Air Quality	The Applicant proposes to scope out Air Quality on the basis that during operation the solar farm will not generate emissions, and that standard construction methods for dust suppression will be sufficient to ensure no significant impacts on air quality. However, the Inspectorate notes that the information provided to date does not consider whether there are nature conservation designated sites along the proposed construction traffic route which could be affected by the emissions generated by construction traffic, in particular HGVs. Additional information is required regarding construction traffic emissions and location of any ecological sensitive receptors before this aspect could be scoped out.  <b>Air Quality is therefore scoped in to the ES.</b>
ID.11	Table 1	Climatic Factors	The Inspectorate agrees that this aspect can be scoped out.
ID.12	Table 1	Material Assets	The Inspectorate agrees that this aspect can be scoped out.
ID.13	Table 1	Cultural Heritage	The inspectorate notes the comments submitted by Cadw and DCC. The Inspectorate draws the Applicant's attention to Cadw's comment ( <b>Appendix</b>

ID	Reference	Issue	Comment
			<b>1)</b> regarding the review of the scale of the impact on heritage assets at a later stage. The Inspectorate agrees that this aspect can be scoped out.
ID.14	Table 1	Risk of Major Accidents	<p>It is noted that the proposal may include energy storage capacity on Site. At this stage it is not clear which type of batteries are proposed. The Inspectorate notes that there is a potential fire risk associated with certain types of batteries such as lithium-ion and that safety measures are required in the design to minimise the risk of fire. The Inspectorate considers this to be part of the EIA process in line with Schedule 4 of the EIA Regulations (Wales) 2017. The Proposed Development should include adequate measures to ensure that an isolated fire would not become widespread and lead to a major incident. The Applicant may consider the submission of a Battery Safety Management Plan confirming that the risks are understood, accounted for and mitigated as far as practicable, in agreement with relevant consultees. The Applicant is reminded of the responsibilities set by the Regulatory Reform (Fire Safety) Order 2005. The ES should ensure that risks of accidents are accounted for and mitigated in line with Schedule 4.</p> <p><b>Risk of Major Accidents is therefore scoped in to the ES.</b></p>
	<b>LVIA</b>		
ID.15	3.19	Study Area	The Inspectorate notes the SR states an initial study area of 5 km radius. The SR does not provide the dimension of the panels and other structure on Site and therefore it is not possible to understand whether the Study Area is appropriate. Justification for the selection of the Study will need to be provided in the ES.
ID.16	3.22	Landscape Assessment methodology	Paragraph 3.22 of the SR states that the Applicant propose to omit the identified National Landscape Character Areas from the assessment. These should be included in the EIA process.
ID.17	3.23- 3.26	Photomontages	The Inspectorate draws the Applicant attention to NRW comment (Appendix 1) regarding the need for photomontages. The SR does not include the production of photomontages. The Applicant should liaise with the relevant authorities to identify an appropriate methodology.

ID	Reference	Issue	Comment
ID.18	3.27	Cumulative Impacts	The SR does not provide which schemes will be considered in the ES as part of the cumulative impacts. The Inspectorate recommends that the Applicant engages with the relevant authorities to agree which schemes should be considered as part of the cumulative assessment.
<b>Biodiversity</b>			
ID.19	3.34	Great Crested Newt Surveys	The Inspectorate highlights the comments made by NRW in their response to the Scoping consultation and advises the Applicant to liaise with NRW about ongoing survey work. We note the SR explains that further ecological surveys for breeding birds and Great Crested Newts will have due regard to government advice in respect to Coronavirus which may restrict travel. If the Applicant has any queries about implications of the restrictions as government advice changes over time, then they can contact the Inspectorate.

## 7. Other Matters

**This section does not constitute part of the Scoping Direction, but addresses other issues related to the proposal.**

### 7.1 Habitats Regulation Assessment

[The Conservation of Habitats and Species Regulations 2017](#) require competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects). The competent authority in respect of a DNS application is the relevant Welsh Minister who makes the final decision. It is the Applicant's responsibility to provide sufficient information to the competent authority to enable them to carry out an AA or determine whether an AA is required.

As identified in paragraph 3.37 of the SR, there are several statutory designated sites in the surrounding area that will need consideration. When considering whether or not significant effects are likely, applicants should ensure that their rationale is consistent with the [CJEU finding](#) that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an AA and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site when determining whether an AA is required ('screening'). The screening stage must be undertaken on a precautionary basis without regard to any proposed integrated or additional avoidance or reduction measures. Where the likelihood of significant effects cannot be excluded, on the basis of objective information the competent authority must proceed to carry out an AA to establish whether the plan or project will affect the integrity of the European site, which can include at that stage consideration of the effectiveness of the proposed avoidance or reduction measures.

Where it is effective to cross refer to sections of the ES in the HRA, a clear and consistent approach should be adopted.

The Inspectorate's guidance for Nationally Significant Infrastructure Projects – [Advice Note 10: Habitat Regulations Assessment relevant to Nationally Significant Infrastructure Projects](#) may prove useful when considering what information to provide to allow the Welsh Ministers to undertake AA.

### 7.2 Well-being of Future Generations Act

The Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies to carry out sustainable development. It is the responsibility of the decision maker to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales. Under the Well-being Act, the planning system is required to deliver an improvement in all four aspects of well-being: social, economic, environmental and cultural. In order to demonstrate that appropriate consideration has been given to the Well-being goals and sustainable development principle in the decision-making process, public bodies are required to have regard to the 'five ways of working' contained in the Well-being Act. These require consideration of: involvement; collaboration; integration; prevention; and long term factors. It will be for each decision-making body to demonstrate how they have operated in this manner. Whilst not a legislative requirement, as part of the application documentation, the applicant may wish to

consider submitting a statement to illustrate their view on how proposed developments contribute to the goals set by the Well-being Act.

### **7.3 SuDS Consent**

Whilst a separate legislative requirement from planning permission, the Applicant's attention is drawn to the statutory SuDS regime that came into force in Wales in January 2019. The requirement to obtain SuDS consent prior to construction may require iterative design changes that influence the scheme that is to be assessed within the ES and taken through to application. As such, it is recommended that the applicant contact the local SuDS Approval Body early on.

### **7.4 Rochdale Envelope**

Whilst this approach may be appropriate for the pre-application Environmental Impact Assessment work, it should be noted that a DNS application is an application for full planning permission under the Town and Country Planning Act 1990 (as amended). It is therefore not possible to submit a DNS application with as much uncertainty over what is proposed as is acceptable for an Outline application, or for a Development Consent Order under the Planning Act 2008.

Eich cyf / Your ref

Ein cyf / Our ref : 46/2020/0156

Dyddiad / Date : 26 May 2020

Rhif union / Direct dial : [REDACTED]

Dear Sir / Madam

**Town and Country Planning Act 1990**  
**Town and Country Planning (Development Management Procedure) (Wales) Order 2012**

CAIS / 46/2020/0156 (PINS ref: DNS/3247619)  
APPLICATION:

CYNNIG / DNS Solar Farm EIA Scoping Direction Consultation  
PROPOSAL:  
LLEOLIAD / Land at Gwernigron Farm The Roe, St. Asaph  
LOCATION:

I write on behalf of Denbighshire County Council as local planning authority in relation to the request for a Scoping Direction in relation to the above development.

Our comments are based on the information set out in the Scoping Report (Doc Ref: Pegasus Group doc ref: P19-2023 | APRIL 2020 on behalf of Solarcentury), having regard to the provisions of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (the 2017 Regulations).

The Council would note the appendices submitted with the Scoping Report appear to be the same suite of documents submitted with the Screening Opinion Request. On this basis, rather than revisit issues, the Council would request the Council's previous Screening Opinion consultation response (dated 10 March 2020) is used to inform the Scoping Opinion request.

The Council agree that biodiversity, visual amenity and landscape Character and cumulative effects should be scoped in to the EIA. The Council however disagree that human health should be scoped out.

The Council note the proposal has not been any further defined since Screening Stage, and would reiterate that whilst an indicative layout has been provided, no elevational or cross section plans have been provided, and no dimensions have been provided for the various elements of the proposal (in particular the battery storage facility, inverter / transformer units and boundary fencing / pole mounted CCTV which are components which are all likely to exceed the height of the solar arrays themselves and may give rise to different environmental effects); accordingly the full scale of the proposal is difficult to determine at this stage, and a precautionary approach should be following with regards to Scoping.

Given the proximity to individual residential properties and residential areas, and the lack of specific details provided with the Scoping Opinion Request regarding the individual elements of the proposal,

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the Council disagrees that human health should be scoped out. The Council consider human health and impacts on public and residential amenity should be fully considered in the EIA.

The Council however note the responses from Cadw, CPAT and NRW to the previous Screening Opinion consultation, and agree that Heritage and Water can be scoped out.

In terms of the assessments to be carried out, the Council consider the proposal as a whole should be the subject of the assessments.

It is noted that the proposed grid connection is proposed to form part of the development, which would form an underground cable connecting the site to an unidentified National Grid substation. However, it is not clear from the information provided where this substation is located or whether a new off-site substation would be required to serve the proposed development, and if so, where this would be sited.

Accordingly, full details of the nature and form of the grid connection should be clearly set out, and the Council consider the route for the underground cable and any other off-site infrastructure required to connect the solar park to the grid (e.g. new substation or any other infrastructure required to facilitate the grid connection) should be included within the red line boundary for the proposal.

The individual components of the proposal should be clearly defined and the impact of the proposal as a whole in combination with all necessary off-site grid connection infrastructure should be fully assessed as part of the EIA.

If elements are proposed to be finalised at later stage (e.g. the exact grid connection alignment / specific infrastructure upgrades requires at the existing substation) then all options should be included within the environmental assessments to ensure a worst case scenario is assessed.

I would advise that this response is based on the information available. Any opinions contained herein are those of the officer concerned and cannot be held as binding on the Council or its elected members.

Yours sincerely

Denise Shaw MRTPI

Planning Officer

(on behalf of Denbighshire County Council).

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Eich cyf / Your ref

Ein cyf / Our ref : 46/2020/0156

Dyddiad / Date : 10 March 2020

Rhif union / Direct dial : [REDACTED]

Dear Sir / Madam

**Town and Country Planning Act 1990**  
**Town and Country Planning (Development Management Procedure) (Wales) Order 2012**

CAIS / 46/2020/0156  
APPLICATION:

CYNNIG / DNS Solar Farm EIA Screening Direction Consultation (Elwy Solar Energy)  
PROPOSAL:  
LLEOLIAD / Land at Gwernigron Farm The Roe, St. Asaph  
LOCATION:

I write on behalf of Denbighshire County Council as local planning authority in relation to your letter dated 26 February 2020 inviting comments from the Council on a request for a Screening Direction in relation to the above development.

Our comments are based on the information set out in the Screening Direction Request Report (Doc Ref: Pegasus Group doc ref: P19-2023 February 2020 on behalf of Solarcentury), having regard to the provisions of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (the 2017 Regulations).

Please note, due to time and resource constraints, technical specialists within the Council have not provided an input into this response to the Screening Direction consultation and the comments on the relevant chapters in the Report set out below are limited to the views of planning officers only, however the project promotor has already sought pre-application advice from the Council and we have drawn upon the detailed pre-application responses from technical specialists previously:

**COMMENTS ON SCREENING DIRECTION REQUEST REPORT:**

**1 Introduction**

No comments.

**2 Location of development**

No comments

**3. Development Proposals**

The development proposal includes a description of the elements of the proposal to be included within the application.

Appendix 1 includes an indicative layout for the proposed solar park, however no elevational or cross section plans have been provided, and no dimensions have been provided for the various elements of the proposal (in particular the battery storage facility, inverter / transformer units and boundary fencing / pole mounted CCTV which are components which are all likely to exceed the height of the solar arrays themselves), and accordingly the full scale of the proposal is difficult to determine at this stage.

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e-mail: [REDACTED] Website: [www.denbighshire.gov.uk](http://www.denbighshire.gov.uk)



It is noted that the proposed grid connection is proposed to form part of the development, which would form an underground cable connecting the site to an unidentified substation.

It is not clear from the information provided whether a new off-site substation would be required to serve the proposed development, or if the underground cable would connect directly to an existing DNO / National Grid substation. This needs to be clarified and the cable route and grid connection point need to be clearly identified.

Accordingly, full details of the nature and form of the grid connection should be clearly set out, and the Council consider the route for the underground cable and any other off-site infrastructure required to connect the solar park to the grid (e.g. new substation or any other infrastructure required to facilitate the grid connection) should be included within the red line boundary for the proposal.

The exact components of the proposal should be clearly defined and the impact of the proposal in combination with all necessary off-site grid connection infrastructure should be fully assessed in the environmental assessments.

If elements are proposed to be finalised at later stage (e.g. the exact grid connection alignment / specific infrastructure upgrades requires at the existing substation) then all options should be included within the environmental assessments to ensure a worst case scenario is assessed.

#### **4 EIA Regulations**

The Council does not agree with all the conclusions of table contained in 4.7 in terms of likelihood of significant effects for the reasons set out in the sections below.

#### **5. Natural Resources**

The proposal would result in the loss of high grade agricultural land, however the proposal would also harness energy from a renewable energy source.

Further comments are proposed under the land use chapter below.

The Council has no other comments to make on this topic.

#### **6. Pollution and Nuisances**

The full scale of the proposal has not been defined, and no details are provided regarding the construction works, however the proposal will nevertheless be a very large major development project which has the potential to release pollutants into the environment, and it should be noted that watercourses are present on the site.

3.10 states the cable route will involve horizontal directional drilling (HDD) under the A55, however this is not stated in Chapter 6. HDD has the potential to give rise to adverse effects on the environment.

The Council consider insufficient information has been provided with the Screening Direction Request to enable significant effects from pollution and nuisance to be ruled out at this stage.

#### **7. Pollution and Human Health**

The site would surround a number of resident dwellings including dwellings at Gwernigron Farm, Hen Waliau, and Plas Coch Nursing Home amongst others and the amenity current enjoyed by residents of these dwellings could be significantly impacted by the development in terms of residential visual amenity, overbearing impact, glint and glare, noise and disturbance.

Whilst the solar panels themselves are inert, the ancillary electricity infrastructure could generate noise which could adversely impact on human health.

Not details of the construction works have been provided, and the exact scale and nature of the various elements of the proposal have not been clearly defined at this stage, and therefore the potential impacts during the construction and operational phase on human health is unknown, and the Council cannot rule out the potential for the proposal to have significant effects on pollution and human health.

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## 8. Water Resources

The site is a greenfield site which lies within a C1 Flood Risk area as defined by TAN15 and there are a number of water bodies within the boundary of the site.

Whilst the Report states the project promotor is currently consulting with NRW and flood mitigation and SUDS features will be installed within the site, It has to be noted that a flood consequence assessment has not yet been undertaken and not details of ground / soil conditions have been provided, and therefore the capacity of the soil to store and infiltrate water is unknown at this stage.

Having regard to the nature, scale and location of the development and the lack of information regarding ground conditions and flood risk, the Council consider the proposal has potential to give rise to significant effects with respect to water resources and flooding.

## 9. Biodiversity (Species and Habitats)

Section 3.3 of the Preliminary Ecological Appraisal submitted as Appendix 2 identifies protected and notable species potentially impacted by the proposal, and confirms Cofnod data has been accessed to inform the assessment.

The Appraisal states bird surveys have been carried out between October 2019 and January 2020, however resultant survey data has not been provided. It is noted that no other protected or notable species specific surveys have not been carried out to date.

With respect to bats, the Appraisal identifies 331 records of nine species of bats within 20m of the site, and this site includes a range of habitat features suitable for roosting and ranging bats.

With respect to badger, the report states badgers are considered highly likely to be present in the local area and to use land within and around the sit.

With respect to Hazel dormouse, there are 2 records so this species within the site boundary, and several dormouse nesting tubes were found within the main woodland and that site provided suitable habitat for these species.

With respect to Water Vole, the Appraisal sates watercourses / ditches could provide potentially suitable habitat for this species.

With respect to Otter, it is noted that the grid connection corridor may provide suitable habitat for otter.

With respect to great crested newt (GCN) it should be noted that this area of North East Wales is home to nationally important numbers GCN, and it is the Council's understanding that the neighbouring St Asaph Business Park is currently being considered for SSSI designation.

The Appraisal notes a total of 150 records of GCN have been recorded within 2km of the site, including record from within the site. In addition, there are seven ponds onsite, of which two have been assessed as having good potential for newts.

The Council consider it is highly likely that GCN will be present on the site.

With respect to other protected and notable species, the Appraisal notes a range of invertebrates may utilise the site, including butterfly and moth priority species. Hedgehog and brown hare are also known to be locally present.

The site therefore provides suitable habitat for a range of protected and notable species, and in particular GCN. In the absence of species specific surveys being carried out and any necessary mitigation measures being put forward as part of the proposal, the Council would have to conclude the proposal has the potential to give rise to significant effects on biodiversity interests.

## 10. Landscape and Visual

The site area extends to approximately 117 hectares, and is therefore a very large development site.

The site is located along the A55, which is the main highway route into Denbighshire and is the gateway to North Wales, and there are a range of sensitive receptors within 5km of the site including

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the Clwydian Range and Dee Valley AONB, heritage assets, settlements and residential areas, public rights of way and roads.

A Landscape and Visual Appraisal is included as Appendix 3 to the Report.

The Appraisal includes an overview of the development proposal, but again the exact dimensions of the various elements of the proposal have not been clearly defined.

Figure 3: Screened Zone of Theoretical Visibility map shows the Zone of Theoretical Visibility (4m). It is not clear from the information provided what the 4m height represents.

It is however noted in 6.2 it states the ZTVs were modelled at a 'worse case' maximum panel weight of 3m above current ground levels.

The 4m height should be clearly explained – does this representation the maximum height of the solar array or the tallest infrastructure on the site? It is noted that the proposal includes other infrastructure such as inverter and transformer blocks, battery storage facility, CCTV system, containers etc., as well as any necessary offsite grid connection infrastructure, which may have a height greater than 4m.

In the absence of further information above the scale and form of the development proposed and its component parts, the Council do not agree the ZTV mapping as shown represents a worst case scenario.

The Council consider the LVIA should assess the impact of the proposal in its entirety (including all onsite infrastructure and offsite grid connection infrastructure) should be assessed and not just the solar arrays themselves.

The conclusion set out in 10.3 states that existing and proposed mitigation planting around the site will limit the potential for significant effects. However, at this stage the layout has not be fixed and details of planting and screening have not been provided and therefore it cannot be concluded that any potential for significant effects can be successfully mitigated through planting, and this should be discounted in the assessment of likely significant effects.

Having regard to the nature, scale and location of the development and the proximity to a range of sensitive receptors within 5km of the site, the Council consider the proposal has potential to give rise to significant effects on landscape character and visual amenity.

Cumulative effects should also be considered in the proposal. The solar farm, would result in the gap between the St. Asaph settlement boundary and the Bodelwyddan key strategic site becoming development, which in combination may result in more significant impacts on landscape character and visual amenity than indicated in the Appraisal (please also see comments under cumulative effects chapter below).

## 11. Cultural Heritage

There are a number listed buildings immediately adjacent to the site boundary, with further heritage assets in close proximity to the site including Bodelwyddan. The site is undeveloped greenfield land and there may be sub-surface archaeological remains within the site which may be disturbed during construction which also need to be assessed.

A heritage desk based assessment is provided as Appendix 4.

The Council has no comments to make on the substance of the heritage desk based assessment and would instead defer to Cadw and the Clwyd Powys Archaeological Trust (CPAT) with respect to the conclusions of the assessment and the potential for the proposal to give rise to significant effects on cultural heritage.

## 12. Transport and access

The site is located along side A525 and new access points are proposed to serve the site. The Council do not envisage the proposal would give rise to significant effects with respect to traffic and transport, however Welsh Government are the relevant Trunk Road Highway Authority, and the Council would defer to Welsh Government in terms of impact of the proposal on the A55.

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With respect to public rights of way, public footpaths and a bridleway traverse the site, and the indicative site layout plan shows these routes are to be diverted.

For the avoidance of doubt, the Council have previously advised the project promoter that the Council would not support the proposed public right of way diversions as shown on the indicative layout plan, and the project promoter has been advised to engage with the Council's Public Rights of Way team to discuss alternative diversion options.

### 13. Land Use

#### Agricultural land

The site is agricultural land outside of defined settlement limits. Based on the Council's mapping data, the site is a mix of Grade 3a and 3b agricultural land, and therefore includes agricultural land to be considered the best and most versatile. Planning Policy Wales Section 3.54 and 3.55 indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

A case would therefore need to be made to demonstrate an overriding need for the development in this location in accordance with the tests set out in PPW, however having regard to the scale and nature of the development, the Council do not consider the loss of high grade agricultural land would result in significant effects.

#### Mineral safeguarding

The majority of the proposed site is safeguarded for minerals, sand and gravel in the Denbighshire LDP. Policy PSE 15 in the LDP safeguards minerals from development that would result in its permanent loss or hinder future extraction. Development will only be permitted where it can be demonstrated that the development outweighs the need to protect the mineral resource or would not have a significant impact on the viability of that mineral being worked or where the mineral is extracted prior to the development.

The North Wales Minerals and Waste Planning Service has advised they would not raise an objection to the proposal on minerals safeguarding grounds for the following reasons:

- Solar Farms are a temporary use of land which does not sterilise the mineral in perpetuity.
- The solar panel infrastructure can be comparatively easily removed should access to mineral be required.
- There is no recent economic exploitation of the particular sand and gravel resources in this, or near-by locations.
- There is no information on the quality of the deposit to indicate that they are of a particularly high quality.
- The need to de-carbonise the generation of electricity outweighs the short term sterilisation of the mineral.
- The mineral will remain in place for future generations to exploit.
- The land take of safeguarded sand and gravel is modest and other safeguarded sand and gravel resource remain in place capable of meeting any short to medium term (year zero to say 50 years) need to exploit the mineral.

The proposal therefore would not give rise to significant effects on mineral reserves.

### 14. Land Stability and Climate

No comments.

### 15. Cumulative Effects

The Council consider the potential in-combination effects of the proposal have not been fully considered.

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Whilst there is no other solar parks within the vicinity of the site, the site is close to existing energy infrastructure in the St. Asaph Business Park / Glascoed Road area of St. Asaph, and is close to the St. Asaph settlement and the St. Asaph Business Park.

The Denbighshire LDP has also allocated the land immediately to the west of the site for mixed use development (Bodelwyddan Key Strategic Site (KSS) which also benefits from extant outline consent) and land to the south of the site on the opposite side of the A55 has been allocated for employment use as an extension to the St. Asaph Business Park.

The County also hosts a number of wind energy developments of varying scales, including offshore and onshore windfarms, and individual turbine developments and other renewable energy and energy infrastructure developments. Electrical transmission and distribution infrastructure (overhead lines and substations) are also present in the north of the County, and in particular in the St. Asaph area. This has not been acknowledged in the Screening Direction Request Report and the Council consider the cumulative effects of the proposal in combination with other renewable energy and energy infrastructure developments should also be assessed, as well as the cumulative effects of the proposal with any other major development in the vicinity of the site which are built, consented, allocated in the LDP or currently in the planning system.

Other energy generation and infrastructure projects which converge in the St. Asaph Business Park / Glascoed Road area of St. Asaph include existing high voltage overhead lines (National Grid pylons and DNO overhead lines); high voltage underground cables (export cables for offshore windfarms lead from the coast to substations south of Glascoed Road); DNO (Scottish Power Energy Networks) substation on St. Asaph Business Park; flexible gas fired power station on the St. Asaph Business Park; National Grid substation to south of Glascoed Road; Gwynt y Mor offshore windfarm substation to the south of Glascoed Road; and the Burbo Bank Extension offshore windfarm substation to the south of Glascoed Road.

Please see the plan attached which shows the approximate location of site relative to the 4 no. substations, flexible gas fired power station; National Grid pylons; Bodelwyddan KSS; St. Asaph development boundary; St. Asaph Business Park and allocated extension to the Business Park and Glascoed Road.

## 16. Transboundary Effects

No comments

## 17. Conclusion.

The Council does not agree with the conclusions.

Having regard to the selection criteria for screening Schedule 2 development contained in Schedule 3 of the 2017 Regulations, for the reasons set out above, it is the opinion of the Council that the proposed development is likely to have significant effects on the environment by virtue of factors such as its nature, size and location. Consequently the Council consider the proposed development should be subject to Environmental Impact Assessment.

I would advise that this response is based on the information available. Any opinions contained herein are those of the officer concerned and cannot be held as binding on the Council or its elected members.

Yours sincerely

Denise Shaw MRTPI

Planning Officer

(on behalf of Denbighshire County Council).

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Robert Sparey  
Planning Inspectorate

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Eich cyfeirnod  
Your reference 3247619

Ein cyfeirnod  
Our reference

Dyddiad  
Date 15 May 2020

Llinell uniongyrchol  
Direct line [REDACTED]

Ebost  
Email: [REDACTED]

Dear Robert

**PROPOSED DEVELOPMENT:** Construction of a solar farm and energy storage hybrid park  
**LOCATION:** St Asaph, Denbighshire

Thank you for your letter of 9 April 2020 asking for Cadw's view on the likely impact of the proposed development described above on the environment and whether or not Environmental Impact Assessment (EIA) is required.

Cadw, as the Welsh Government's historic environment service, has assessed the characteristics of this proposed development and its location within the historic environment. In particular, the likely impact on designated or registered historic assets of national importance. In assessing if the likely impact of the development is significant Cadw has considered the extent to which the proposals affect those nationally important historic assets that form the historic environment, including scheduled ancient monuments, listed buildings, registered historic parks, gardens and landscapes.

These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

Our records show that the following historic assets are potentially affected by the proposal.

#### **Non-Designated Archaeological Sites**

Cropmarks of a possible medieval field system in the north-eastern corner;  
Possible location of a First World War temporary tented camp in the south-western area;  
A Royal Observer Corps monitoring post in the southwestern area

#### **Listed Buildings:**

Grade II Listed Gwernigrn Farmhouse and Grade II\* Listed Dovecote, surrounded by the site;  
Grade II Listed Plas Coch, located outside the eastern boundary of the site;  
Grade II\* Listed building and historic park and garden of Bodelwyddan Castle, c.2km and c.1.1km west of the site;

Mae'r Gwasanaeth Amgylchedd Hanesyddol Llywodraeth Cymru (Cadw) yn hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

The Welsh Government Historic Environment Service (Cadw) promotes the conservation and appreciation of Wales's historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.  
We welcome correspondence in both English and Welsh.



BUDDSODDWR MEWN POBL  
INVESTOR IN PEOPLE



Grade II Listed Pengwern Hall, c.750m north of the site; and  
Grade I Listed Rhuddlan Castle, c.1.8km north of the site.

**Scheduled Ancient Monuments:**

FL004 Rhuddlan Castle

FL015 Twthill (Further and Additional Areas)

A scoping report for the proposed EIA has been produced by the Pegagus Group. It suggests that as the impact of the proposed development on the Cultural Heritage as already been assessed in a heritage desk-based assessment, then there is no need for this topic to be included in the EIA and the existing report will be instead be submitted as a standalone technical report.

We noted in our response to the screening opinion that the heritage desk-based assessment had identified all of the heritage assets that would be affected by the proposed solar farm. Consequently, we do not object to this approach, subject to the scale of the impact of the development of the heritage assets being reviewed as indicated in our letter responding to the screening opinion and the results being included in the technical report. It is therefore, subject to the above review being undertaken, my opinion that cultural heritage can be scoped out of the EIA.

Yours sincerely

Jenna Arnold  
Diogelu a Pholisi/ Protection and Policy

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14/05/2020

Dear Robert Sparey,

**TOWN AND COUNTRY PLANNING ACT 1990  
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (PROCEDURE) (WALES)  
ORDER 2016 (as amended)  
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT  
(WALES) REGULATIONS 2017 (as amended)**

**Site Address:** St Asaph, Denbighshire

**Proposed Development:** Construction of a solar farm and energy storage hybrid park, together with all associated works, equipment and necessary infrastructure.

Thank you for referring the above proposal for a scoping opinion, which we received on 09/04/2020. NRW has reviewed the information provided in the 'Elwy Solar Energy Farm, St Asaph, Denbighshire – Scoping Report (Solar Century – P19-20203 | April 2020)

Please note that our comments are without prejudice to any comments we may wish to make when consulted on any subsequent planning applications or on the submission of a more detailed scoping report or the full Environmental Statement. At the time of any planning application there may be new information available which we will need to take into account in making a formal response.

These comments include those matters NRW consider will need to be taken into consideration and applied to the Environment Impact Assessment (EIA) and the resulting Environmental Statement (ES).

### **Landscape and Visual**

1. We are in general agreement with the proposals in the Scoping Report regarding the Landscape and Visual Impact Assessment and have the following comments:
2. We note the reference at section 3.9 to the Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> Edition and Landscape Institute TGN 06/19 Visual Representation of Development Proposals (2019). The TGN indicates that Types 2-

4 visualisations are appropriate to inform LVIA and EIA. This also indicates that photomontages would be required, particularly from sensitive areas such as the AONB.

3. We note the reference at sections 3.16 & 3.18 to the review of LANDMAP Aspect Areas and advise that all 5 layers should be considered.
4. We note the reference at section 3.21 to the review of the AONB Management Strategy 2014-2019 and AONB SPG 2018. The review should include reference to the Special Qualities of the AONB.
5. The representative viewpoints include two (8 & 9) within the AONB. The detailed assessment should consider whether further viewpoints are required from within the AONB including from the Offas Dyke Path National Trail.
6. We note at section 3.30 that a glint and glare assessment will be provided as requested; as appendices and to inform the landscape masterplan.
7. We note at sections 4.7 & 4.9 that the cumulative effects with strategic sites and employment allocations will be considered.

## **Biodiversity**

8. We note sections 3.34 and 3.44 note that further ecological surveys for Great Crested Newts are ongoing. We will provide comments on the survey report once this has been formally submitted. We have been liaising with Avian Ecology and have advised a full mitigation scheme carried out under licence will be required including compensation area. Consideration should also be given to the fact that the agricultural landscape forms the predominant habitat for the species.
9. We note sections 3.46 – 3.50 and agree with the proposed approach with regards to Bats, Otter, Water Vole and Dormice. We agree that further consideration should be provided in the Biodiversity chapter of the Environmental Statement.
10. We note section 3.40 and agree that full results of the overwintering bird surveys should be included as part of the application. We will provide comments on the the survey report once this has been formally submitted.
11. We note section 3.37 and concur with the requirement for consideration of Elwy Woods SSSI/SAC, Liverpool Bay SPA, the Dee Estuary SSSI/Ramsar/SPA/SAC and Coedydd ac Ogofau Elwy a Meirchion SSSI.

## Water

We are satisfied with the 'scoping out' of the 'Water' topic from the Environmental Statement.

However we have the following comments to make:

### - Flood Risk

12. We note that the applicant acknowledges the need for a Flood Consequences Assessment (FCA), and that reference has been made to the mitigation measures that will be required to manage flood risk at the site. We will provide detailed comments on the acceptability of the FCA once this has been formally submitted.
13. We note that limited reference has been made in the 'Water' section to the development layout, and how this could affect our access to the Main River (Pengwern Drain) adjacent to the site's south eastern/eastern boundary) for maintenance purposes. This section should acknowledge the need to design the layout in a way that does not adversely impact our access to, and ability to undertake maintenance on, Pengwern Drain.

### - Geoscience

14. The site sits on secondary A superficial and bedrock aquifers with high vulnerability to surface pollution. The nearest groundwater abstraction is at Bryn Gwyn Farm (NGR 302509, 376700), approximately 500 m north of the Site. It will be important to ensure that no pollutants enter the ground during or following construction activities, and that both surface water (including drainage ditches) and groundwaters are not impacted.

## 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.

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

Yours sincerely,

### **Siôn M. Williams**

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

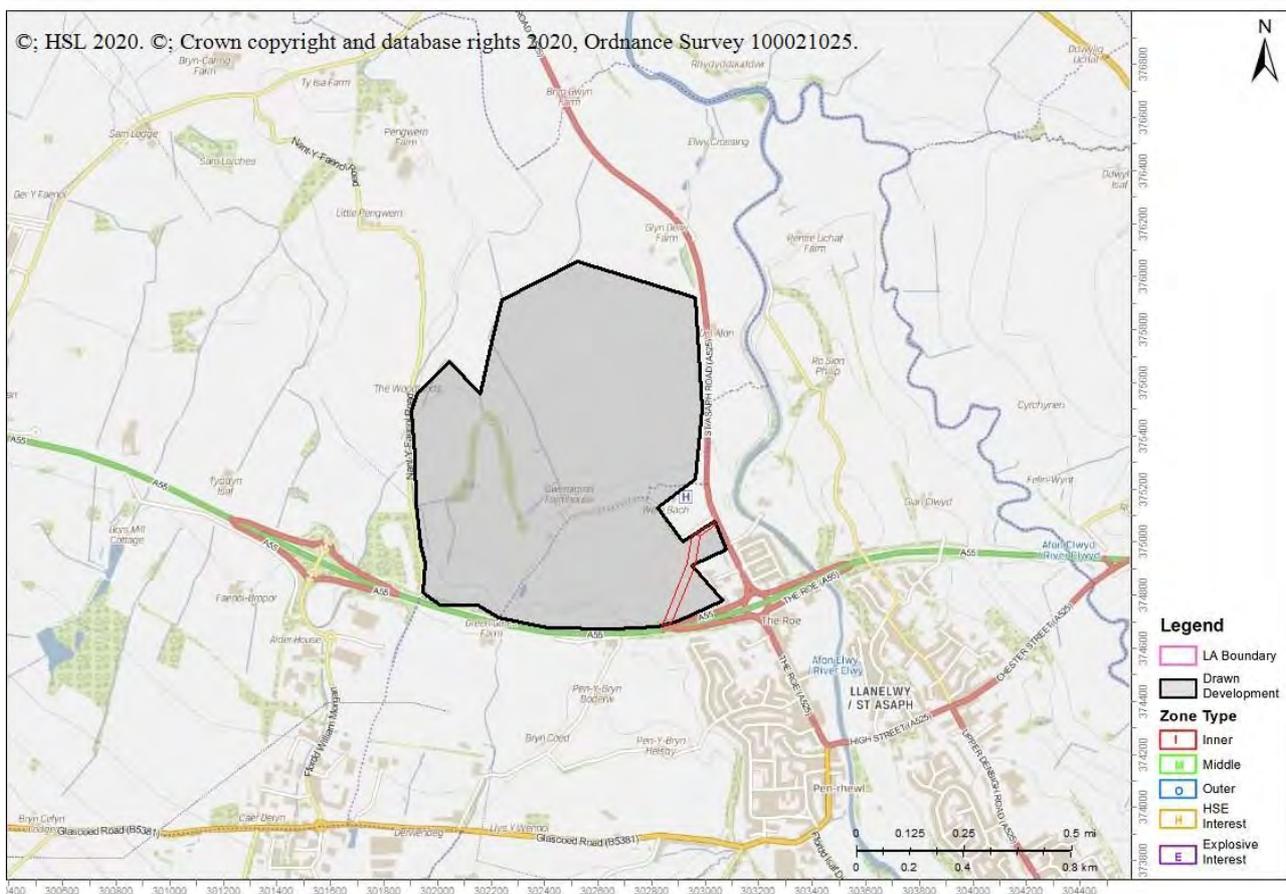
## Advice : HSL-200409091901-450 Crosses Consultation Zone

Please enter further details about the proposed development by continuing with the enquiry on the HSE's Planning Advice Web App from the Previous Enquiries tab either now or at a later time, unless the Web App has stopped the process and notified you to contact HSE.

**Your Ref:** 3247619

**Development Name:** Elwy Solar Farm

**Comments:**



The proposed development site which you have identified currently lies within the consultation distance (CD) of at least one major hazard site and/or major accident hazard pipeline; HSE needs to be consulted on any developments on this site.

This advice report has been generated using information supplied by Robert Sparey at Welsh Assembly Government on 09 April 2020.

You will also need to contact the pipeline operator as they may have additional constraints on development near their pipeline.

- 7740\_1992 Wales and West Utilities

HSL/HSE accepts no liability for the accuracy of the pipeline routing data received from a 3rd party. HSE/HSL also accepts no liability if you do not consult with the pipeline operator.

You may wish to contact HSE's Planning Advice team to discuss the above enquiry result on 0203 028 3708 or by email at [REDACTED]