



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

# DNS: EIA Scoping Direction

## 3217391: Parc Solar Traffwll

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This Scoping Direction is provided based on the information submitted to the Planning Inspectorate on 05 June 2019, 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](#) [as amended] (**"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 PV Solar Farm and Power Storage Units at Parc Solar Traffwll, Anglesey by Low Carbon (**"the developer"**).

The request was accompanied by a Scoping Report (SR) [[Request for Scoping Opinion: Parc Solar Traffwll, Anglesey June 2019](#)] 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 proposed development is located on the western coast of Anglesey and comprises of several areas of land situated between the A55 in the North and RAF Valley in the South. Cumulatively, the development areas cover approximately 117 ha.

Development sites are located to the west and south-east of Llanfihangel yn Nhowyn village, and to the south and south-east of the village Brygwrn. Development will also include cabling over third party land and/or the highway to connect the solar area to the grid connection.

Further details are given in section 2.1 of the SR.

## 3. Proposed Development

A detailed description of the development proposal is given in section 3.1 of the SR. In brief, the proposal is for a PV solar farm and power storage units with a maximum generating capacity of 75MW.

The solar panels will be mounted on frames and have a maximum height of 3m above ground level; the lowest part of the panel will be circa 1m above ground level. Solar panels will be connected to an existing substation by cabling over third party land or in the highway.

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.

## 4. History

The previous planning history for the proposed development areas extend across the seven parcels of land. The consultation response from Isle of Anglesey County Council sets out the details of previous planning applications at Appendix 1.

## 5. Consultation

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

- Isle of Anglesey County Council (IACC)
- Natural Resources Wales (NRW)
- Cadw
- Welsh Government (Aviation)
- RSPB Cymru
- Gwynedd Archaeological Service

Responses received are included in Appendix 1.

Consultee	Role
Isle of Anglesey County Council (IACC)	Statutory Consultee: Relevant Local Planning Authority (LPA)
Natural Resources Wales (NRW)	Statutory Consultee
The Welsh Ministers (Cadw)	Statutory Consultee: Historic Environment
The Welsh Ministers (Welsh Government: Planning Directorate)	Statutory Consultee: Development likely to affect aviation matters.
RSPB Cymru	Non-Statutory Consultee
Gwynedd Archaeological Service	Non-Statutory Consultee

The legislative requirements for publicity in relation to the ES are set out by [Part 5](#) of the 2017 Regulations. Specific examples of where the applicant may benefit from liaising over details of methodology may be cited under the relevant topics detailed in the Scoping Direction.

The ES submitted by the applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided as part of the ES summarising responses from the consultation bodies and how they are, or are not, addressed by the ES. Similarly, the ES should demonstrate how it has taken into account this Scoping Direction.

## 6. 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 (e.g. Welsh Language impacts). 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.

### 6.1 Baseline

[Schedule 4](#) of the 2017 Regulations states that the 'baseline scenario' is "A description of the relevant aspects of the current state of **the environment**". The baseline of the ES should reflect actual conditions at that time.

### 6.2 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. Section 4.5.6 of the SR confirms that alternatives will be considered in the ES.

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 Screening Direction.

### 6.3 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.

### 6.4 Cumulative Effects

Based on the information set out in the scoping request, the approach to the assessment of cumulative impact is considered largely appropriate. 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.

All other development 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 Anglesey County Council and other consultees, where appropriate.

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. The Planning 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 helpful.

### 6.5 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.

## 6.6 Transboundary Effects

[Schedule 4 Part 5](#) of the 2017 Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The ES should address this matter as appropriate.

## 6.7 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.

## 7. 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. 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 Scoping Report**.

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 Scoping Direction 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.

### 7.1 Ecology & Biodiversity – Scoped In

The Inspectorate welcomes the stated intention to undertake ecological impact assessment in line with the relevant best practice guidance issued by the Chartered Institute of Ecology and Environmental Management. The developer has obtained data from RSPB to inform the Scoping Report, and the Inspectorate directs that the developer should liaise with the RSPB, NRW, and the IACC closely while preparing this section of the ES.

The developer should provide a breakdown of the baseline habitats in each of the development areas in terms of the Environment (Wales) Act 2016 [Section 7](#) List, in line with the response from IACC.

The applicant has scoped in detailed survey work in relation to:

- Birds
- Bats
- Great Crested Newts
- Otter
- Water Vole
- Badger
- European Eel

- Invertebrates

The Inspectorate directs that each of those topics is Scoped In, and that Reptiles should also be Scoped In.

Two years of bird surveys should be undertaken to allow for annual variation. The developer should conduct the surveys in accordance with the advice provided by RSPB.

The developer should ensure the ES is clear as to whether any linear features are likely to be affected, and that the approach taken to Bat assessment is proportionate, given the concerns raised by NRW.

The developer should liaise with NRW regarding the approach to Great Crested Newts, and the need to provide Environmental DNA evidence.

## 7.2 Landscape and Visual Impact – Scoped In

As IACC highlight, the LVIA should be undertaken with reference to LANDMAP and [NRW's relevant guidance](#). The developer indicates that this chapter will be produced in line with Guidelines for Landscape and Visual Impact Assessments text (GLVIA, 3rd edition) and the Inspectorate welcomes that approach. The approach to residential impacts should be consistent with GLVIA, as highlighted by IOACC. NRW have highlighted the need to include the following in the LVIA:

“an appraisal of potential viewpoints from the AONB in the vicinity of Llanfairyneubwll, from **the road and public footpath network (Sustrans' national cycle route no.8 also passes through this area)**. A viewpoint from where the lane passes over the railway line to the north of Llanfairyneubwll, provides a slightly elevated open view towards the Solar Farm. A viewpoint photograph annotated to show the location and extent of the proposed development plots within the view, would be required. Also check for other elevated viewpoint locations within the AONB. These may show that the AONB can be scoped out of **any further assessment.**”

The developer is directed to include a proportionate assessment of the impacts on the AONB, with reference to the [Anglesey AONB Management Plan](#) as appropriate.

The developer should continue to liaise closely with IACC and NRW regarding this section of the ES.

## 7.3 Historic Environment – Scoped In

The ES must include a detailed assessment of impact on the settings of the Scheduled Ancient Monuments and Listed Buildings identified in the **developer's draft 'Desk Based Assessment and Site Visit'**. The detailed assessment should be carried out in accordance with Cadw's '[Setting of Historic Assets in Wales](#)'.

The developer has had preliminary discussions with Gwynedd Archaeological Planning Service [GAPS] (a section of Gwynedd Archaeological Trust). GAPS have provided a **response to the Inspectorate's** Scoping consultation that confirms the scope proposed by the developer is acceptable but clarifies that due to the potential sensitivity of the site, it will be necessary to ensure that (currently draft) Desk Based Assessment is accompanied by on site archaeological evaluation. As GAPS identify, the need to consider mitigation via design means that the fieldwork should be undertaken early on, before the design is

finalised. This should be reflected in the ES in terms of the alternatives considered for the project.

The developer is directed to continue to liaise with Cadw and GAPS regarding this section of the ES, ensuring that the ES explains the rationale behind the adopted methodology in respect of designated assets and archaeology.

#### 7.4 Noise – Scoped In

IACC request that the monitoring period undertaken as part of any noise assessment is conducted over a longer period than specified in the SR. Further comments from IACC also relate to low frequency noise. The Inspectorate endorses the comments from IACC and recommends that the applicant ensures that these comments are addressed as part of the ES.

IACC advise that vibration should not be scoped out of the EIA. The Inspectorate is in agreement with IACC and recommends that a proportionate assessment is undertaken.

The applicant should continue to engage with IACC regarding this topic. Any assessment of noise impacts should be carried out in line with relevant guidance and best practice methods.

#### 7.5 Hydrology, Flood Risk and Drainage – Scoped In

Hydrology will be addressed as part of the ES, and the SR sets out the proposed assessment methodology at Page 41. It is noted that the applicant intends to undertake a Flood Consequences Assessment (FCA). This approach is welcomed by the Inspectorate.

In their consultation response, NRW provides a number of comments in relation to flood risk. The Inspectorate endorses the comments from NRW and recommends that the applicant ensures that the issue of flood risk is adequately addressed by the ES and that the policy arguments and implications be explored in the associated application documents.

The full response from NRW is appended to this scoping direction. The applicant should consult with the relevant officers in IACC and NRW during preparation of the relevant chapter of the ES.

#### 7.6 Traffic and Transport – Scoped Out

The Inspectorate welcomes the confirmation in the SR that a Construction Traffic Management Plan (CTMP) will be submitted alongside any application. The CTMP should be agreed with the relevant highway authorities, and the applicant is advised to engage with the relevant local authorities with respect to proposed traffic management routes for construction traffic.

The response from IACC highlights the substandard road network serving the development site as a potential safety issue. IACC recommend a detailed Traffic Management Plan (TMP) is produced to cover both the construction and operational phases of the development. Any application should also include access details of each development site during the construction phase of development. The Inspectorate endorses this approach, and the TMP should be agreed with the relevant highway authorities. The applicant is advised to engage

with the relevant authorities with respect to proposed traffic management routes for construction traffic.

### 7.7 Air Quality – Scoped Out

It is accepted that due to the nature of development, there are unlikely to be significant effects on air quality during the operational phase.

The Inspectorate endorses that the Construction Management Plan will be undertaken in accordance with statutory requirements and best practice methods. This will require all construction activities to be undertaken in accordance with statutory requirements and best practice methods, including dust generation activities.

### 7.8 Major Accidents and/or Disasters – Scoped Out

Having considered the information in the SR, it is accepted that there is unlikely to be a significant effect from major accidents or disasters and as such this topic does not need a separate chapter within the ES. However, while the rationale provided in the SR refers to the likelihood of accidents arising from the development, the ES should also include justification as to why there are unlikely to be any significant effects resulting from disasters impacting upon the development (e.g. impact on electricity supply due to flooding or other major disaster).

### 7.9 Soils, Geology and Agricultural Land – Scoped Out

The SR identifies that contaminated land will not be considered as part of the ES, and the Inspectorate agrees with that approach.

It is welcomed that a detailed soil assessment will be included within the ES, and the Inspectorate agrees that a full assessment of BMV Agricultural Land can be scoped out of the ES. However, the applicant is advised to liaise with IACC over this section of the ES.

A proportionate section explaining the rationale for scoping this topic out, based on the available evidence, would be sufficient.

### 7.10 Public Health and Wellbeing – Scoped Out

The Inspectorate welcomes the approach to Public Health and Wellbeing at Page 44 of the SR. It is accepted that there is unlikely to be a significant impact in relation to public health and wellbeing.

### 7.11 Glint and Glare – Scoped Out

The proposed development has the potential to cause glint and glare and is located approximately 900 m from the boundary of RAF Valley.

If the applicant is confident that this issue will be satisfactorily avoided in the proposed scheme, a proportionate section in the ES setting out the approach to avoidance through design (accounting for potential landscape change arising from the scheme), the lack of potential for significant effects and the rationale for scoping out further assessment would be satisfactory.

### 7.12 Climate Change – Scoped In

It is welcomed that climate change will be proportionately addressed as part of the ES, in line with the approach on Page 45 of the SR.

### 7.13 Socio Economic – Scoped Out

Whilst IACC's consultation response requests that this topic be scoped in, it does not provide information to support a finding that there are likely to be significant effects in this regard in terms of the 2017 Regulations. This does not prevent the developer from providing separate assessments to support the decision-making process and inform any detailed work to be undertaken by IACC in their Local Impact Report.

## 8. Other Matters

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

### 8.1 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.

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 Planning 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.

## 8.2 Sustainable Drainage 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.

## 8.3 Potential Impacts on RAF Valley

**WG's consultation response recommends the applicant consult the Ministry of Defence** regarding the application, due to the potential for adverse effects on the operation of the airfield. The Inspectorate endorses this approach.

## Appendix: Consultation Responses

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Consultee	Role
Isle of Anglesey County Council (IACC)	Statutory Consultee: Relevant Local Planning Authority (LPA)
Natural Resources Wales (NRW)	Statutory Consultee
The Welsh Ministers (Cadw)	Statutory Consultee: Historic Environment
The Welsh Ministers (Welsh Government: Planning Directorate)	Statutory Consultee: Development likely to affect aviation matters.
RSPB Cymru	Non-Statutory Consultee
Gwynedd Archaeological Service	Non-Statutory Consultee



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Ein Cyf / Our Ref: CONS/2019/2  
Eich Cyf / Your Ref:

Dyddiad / Date: 11<sup>th</sup> July, 2019.

The Planning Inspectorate,  
c/o Miss Kym Scott,  
Crown Buildings,  
Cathays Park,  
Cardiff.  
CF10 3NQ.

Dear Miss Scott,

**Re: Town and Country Planning Act 1990**

**The Developments of National Significance (Procedure) (Wales) Order 2016.  
Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017**

**Potential Development of National Significance (DNS) application for the construction and operation of a 75MW solar farm, including ground mounted PV panels, point of connection, cabling, ancillary infrastructure, landscape and biodiversity improvements on land to the West of Llanfihangel yn Nhowyn and to the South West of Bryngwran.**

I refer to your correspondence dated 7<sup>th</sup> June, 2019 in relation to a request received by the Planning Inspectorate (PINS) for a Scoping Opinion in relation to the above proposed development.

In accordance with the requirements of the Environmental Impact Assessment (EIA) Regulations your correspondence confirms that the specific characteristics of the development and the environmental features likely to be affected by the development are identified by the developer in their Scoping Report.

It is acknowledged that IACC as local planning authority have been consulted upon the Scoping Report with a request to provide advice (relating to the Authority's functions) in terms of;

- (i) The scope of the EIA,
- (ii) The proposed methodologies outlined in the Scoping Report

A request dating back to July, 2014 under application reference number 32C191/RE/SCR was previously submitted to the Council for a Screening Opinion for parcels of land covering part of the current proposal. The application submitted by Cadnant Planning as agents on behalf of their clients 'The Solar Building Company' was presented on the basis that the proposal for the siting of a 49MW solar array park on 86 hectares of land at Llanfair yn Nhowyn would not require the submission of an EIA as there would be no significant environmental effects. IACC's formal response in the matter

dated the 10<sup>th</sup> September, 2014 disagreed with this opinion, stating that the proposed development was likely to have significant effects on the environment and that an EIA was required.

The council notes within paragraph 1.4.2 of the Scoping Report that the current applicant, 'Low Carbon' now volunteers to provide an EIA for the current proposal extending to some 117 hectares which is classed as a DNS. As noted by PINS in their correspondence to the Authority dated 7<sup>th</sup> June, 2019, Ref-3217391, IACC have already issued comprehensive written advice to the applicants in an effort to assist with the preparation and progression of these latest proposals.

Before adopting a Scoping Opinion the following must be taken into account;

- (a) The specific characteristics of the particular development
- (b) The specific characteristics of the development of the type concerned; and
- (c) The environmental features likely to be affected by the development

Although the Scoping Direction in this instance will be issued by PINS, IACC in its advice will also bear cognisance to the above.

This following Opinion sets out what information the IACC considers should be included in the Environmental Statement for the proposed development. The Scoping Advice has taken account of;

- (i) The EIA Regulations
- (ii) The nature and scale of the proposed development
- (iii) The nature of the receiving information, and
- (iv) Current best practice in undertaking and reporting of Environmental Impact Assessments

The matters addressed by the applicant have been carefully considered and use made of professional judgement and experience in order to formulate the advice which will inform the Planning Inspectorates Scoping Direction. In considering any ES subsequently submitted, IACC will take into account the relevant legislation and guidelines. Whilst the Council appreciates that any guidance or legislative change made immediately before the submission of the ES, or indeed during its consideration may be difficult to accommodate it will be for the applicant to determine the materiality of the information and the risk of ignoring such information should be the applicants' decision to do so.

IACC's advice on the scope of the EIA should not be construed as implying that the local planning authority agrees with the information or comments provided by the Applicant in their request to PINS for a Scoping Opinion. In particular, comments from the IACC which are provided to inform the Scoping Direction are made without prejudice to any decision taken on any application subsequently submitted.

Following preliminary consultations which have been conducted with the Authority's in-house consultees in relation to the Authority's functions, IACC would wish to submit the following information in an effort to assist with the scope of the EIA and the proposed methodologies outlined in the Scoping Report.

## Historical Planning History

In terms of the previous planning history for the areas under consideration, these date from 1947 to the present and extend across the 7 separate parcels of land (numbered 1,3,4,5,6,8 & 9) which are illustrated as 'Indicative Solar Plot Areas' on Plan Reference LOC1001/01/02 rev 3 which is attached to Report Number LOC1001/4 dated June, 2019. For ease of reference the planning history is grouped into 4 separate blocks, each of which correspond with the departments own database and document management system for the relevant period in question.

### 1947 – 2003

EL/974/E – Erection of electricity lines on land near Plas Llechylched, Bryngwran. Approved 18/01/80

EL/27/56 – Approved 21/4/56

V/2972 – Formation of a new vehicular access to field O.S. enclosure No 2700 at Plas Llechylched. Bryngwran. Refused 24/09/82

EL/265 – Proposed deviation of a 33Kv line 53A due to new housing, Valley, Anglesey. Approved 11/11/65

EL/113 – Overhead lines in the Llanfaeolg and Caergeiliog areas. Approved 09/07/62

EL/3/59 – To erect overhead lines on land at Bryngwran. Approved 06/02/59

28C/318 – Infilling of land at Bryn Gors, Caergeiliog. Refused 22/02/04

16/C/132 – Erection of a chicken rearing farm and associated works together with the erection of a farm managers dwelling on OS 0003. Withdrawn 04/05/1998

16/C/71 - Formation of an 18 hole golf course with a hotel and club house at Llechylched Farm, Bryngwran. Approved 06/04/1992.

16EL/1361/E - Erection of overhead electricity lines at Plas Farm, Bryngwran. Approved 19/08/92

### 2004 -2009

16C132A - Codi sied amaethyddol ar / Erection of an agricultural shed on O.S 1815, Bryngwran. Approved – 19/04/2007

16C132B - Creu trac i gael mynediad i'r sied amaethyddol a ganiatwyd gan gais cynllunio 16C132A ar dir yn / Construction of track to gain access to the agricultural shed approved under planning application ref: 16C132A on land at Plas Llechylched, Bryngwran. Permit – 08/10/2007

16C132D - Cais llawn ar gyfer codi annedd amaethyddol ar dir ger / Full application for the erection of an agricultural dwelling on land adjacent to Plas Llechylched, Bryngwran. Permit 04/04/2011

32C172 – Application to determine whether prior approval is required for a new farm track and drainage ditch along the boundaries of OS 7819 7100 8800 & 1685, Caergeiliog. Prior Approval not required 16/12/09

## **2010 - 2014**

16C187 - Codi sied amaethyddol ynghyd a creu mynedfa newydd i'r cae gyferbyn â / Erection of an agricultural shed together with the construction of a new access to the field opposite Plas Llechlched, Bryngwran. Permit – 13/12/2010

16C132E - Cais i bennu os oes angen caniatad blaenorol ar gyfer codi estyniad i'r adeilad amaethyddol ar gyfer storio offer a peiriannau amaethyddol ar dir rhan o gae yn / Application to determine whether prior approval is required for the erection of an extension to the agricultural shed to store agricultural equipment and machinery on land forming part of O.S. enclosure SH 3477 1815, Bryngwran. Permitted Development – 02/08/2011

32C172A - Cais llawn ar gyfer addasu'r fynedfa presennol ynghyd ag agor mynedfa newydd ar dir yn / Full application for alterations to the existing access together with the construction of a new access on land at Plas Trafwill, Caergeiliog. Permit – 14/08/2013

32C186/SCR - Cais am farn sgrinio ar gyfer lleoli fferm arae heulol ar dir ger / Application for a screening opinion for the siting of a solar array farm on land adjacent to Cerrig Cynrig, Llanfihangel yn Nohwyn. EIA not required – 03/06/2013

16C145G - Cais i bennu os oes angen caniatâd blaenorol ar gyfer creu ardal llawr caled ar dir yn / Application to determine whether prior approval is required for the construction of a hardstanding area on land at Plas Llechlched Farm, Bryngwran. Permission Required – 12/07/2012

## **2014 – 2018**

32C191/RE/SCR - Cais am farn sgrinio ar gyfer lleoli parc arae heulol 49MW ar dir yn / Application for screening opinion for the siting of a 49MW solar array parc on land at Llanfair yn Nhowyn. EIA Required – 10/09/2014

16C151A - Cais llawn ar gyfer ail-leoli'r modurdy a ganiatâwyd yn flaenorol dan ganiatâd cynllunio 16C151 ynghyd âg addasu'r annedd presennol yn / Full application for the re-siting of the garage previously approved under planning permission 16C151 together with alterations to the existing dwelling at Plas Llechlched, Bryngwran. Permit – 10/10/2014

16C204 - Cais llawn i newid defnydd yr adeiladau allanol i 5 annedd a 2 uned gwyliau ynghyd a gosod paced trin carthffosiaeth yn / Full application for conversion of outbuildings into 5 dwellings and 2 holiday letting units together with the installation of a package treatment plant at Plas Llechlched, Bryngwran. Permit – 07/06/2016

16C204A/DIS - Cais i ryddhau amodau (06) (cynlunn rheoli chynnal a chadw ar gyfer y system gymunedol dwr wyneb a dwr budr), (07) (cofnod ffotograffig llawn) a (11) (copi o Drwydded Rhywogaeth a Warchodir gan Ewrop) o ganiatâd cynllunio 16C204 yn /Application to discharge conditions (06) (management and maintenance for the communal foul and surface water system), (07) (full photographic record) and (11) (copy of an European Protected Species Licence) of planning permission 16C204 at Plas Llechlched, Bryngwran. Condition Discharged – 10/01/2017

## **Policy Considerations**

In terms of Policy it may be useful to set out the following by way of context against which the proposal should be weighed;

On 31st July 2017 the Anglesey and Gwynedd Joint Local Development plan (JLDP) was adopted. Following the Plan's adoption the previous local planning policy framework for the Plan area was superseded.

In relation to Anglesey this means the Gwynedd Replacement Structure Plan (1993) and the Ynys Môn Local plan (1996). In addition the stopped Ynys Môn Unitary Development Plan (UDP) (2005) and the Interim Planning Policies on Large Sites and Rural Clusters were also superseded. All of these are no longer a material planning consideration in dealing with current applications.

The Council resolved that the Supplementary Planning Guidance documents, which were adopted to support policies in the development plans listed above, continue to remain as material planning considerations in determining planning applications, until they are superseded or are withdrawn.

The site location plan presented in drawing LOC1001/01/02 rev 3 and figure 2.1 of the Scoping Request illustrate 7 separate parcels of land. A formal application should outline the connectivity between these sites to justify a single solar farm application and provide clarification as to why they are not submitted as a number of separate applications. Site 6 is especially detached with the settlement of Llanfihangel yn Nhowyn separating it from the other sites.

All the parcels of land lie outside any development boundaries in the JLDP and none of the sites area allocated for a specific use in the JLDP. The sites lie in the open countryside outside the Ynys Môn AONB.

The key policies for a solar farm application within the JLDP are Strategic Policy PS 7 'Renewable Energy Technology' and Policy ADN 2 'PV Solar Energy'.

Strategic Policy PS 7 promotes renewable energy technologies provided that they comply with the criteria within the Policy. For this specific proposal regard should be given towards criteria (4) and (5) of this Policy.

*4. Ensuring the installations in accordance with PS 19 do not individually or cumulatively compromise the objectives of international, national and local nature conservation designations;*

*5. Supporting installations outside designated areas provided that the installation would not cause significant demonstrable harm to landscape character, biodiversity or amenity of residential or holiday accommodation, either individually or cumulatively.*

Policy ADN 2 states that applications for Solar PV Farms of 5MW or more should be directed to the potential search areas shown on the proposals map. Proposals on this scale will only be permitted in other locations in exceptional circumstances when the need for the scheme can be justified and there are specific locational circumstances. In addition to this requirement proposals should satisfy the criteria within the Policy.

As part of the evidence base for the JLDP the Council had to undertake a study over the potential of allocating areas of opportunity for renewable energy schemes or other low carbon technologies. This was in response to the letter dated the 10 December 2015 by the Minister for Natural Resources in light of an update to the 'Practice Guidance: Planning for Renewable and Low Carbon Energy – A toolkit for Planners' (Sept 2015).

Initial work which used a site threshold of 0.5MW or more identified 36 potential sites within the Plan area a revised threshold size of 5MW or more (which is the size used in the toolkit) meant that 11 sites were identified and these appear within Table 11 in the Explanation text to Policy ADN 2 as

potential opportunity areas. These areas are not allocations but rather areas where such proposals should be directed to.

Since none of the parcels of land within this proposal lie within these potential opportunity areas such a proposal should only be permitted at such locations in exceptional circumstances where the need for the scheme can be justified and there are specific locational circumstances.

Need for the scheme - As clarified by Lesley Griffiths (Cabinet Secretary for Environment and Rural Affairs) in a letter dated the 7 August 2017: "The issue of demonstrating need for renewable energy has never been highlighted as a material consideration in the planning process and the over-riding imperatives to produce more renewable energy to reduce the impact of climate change and meet our decarbonisation targets are crucial in this regard." The need for the proposal in terms of Policy ADN 2 refers to the requirement to justify an alternative to the potential opportunity areas identified in the Plan rather than questioning the specific need for additional solar PV farms.

Specific Locational Circumstances - This refers to the need to justify how this specific site has been identified by the applicant through a site selection process.

In light of this a formal submission should be supported with justification over the need for the scheme outlining why the potential opportunity areas were not considered by the applicant and/or issues affecting the implementation of these opportunity areas. In addition, such justification should also outline the specific locational circumstances that led to the identification of the specific parcels of land subject to the application based upon a site selection process. Paragraphs 4.5.1 and 4.5.2 of the Scoping Request acknowledge the need to consider development alternatives throughout the environmental impact assessment however this assessment process should provide meaningful evidence to demonstrate the robust nature of the assessment exercise undertaken

Due to the close proximity / slight overlap with both natural and built environment designations a formal application should have regard to the following Policies within the JLDP:

PS 19 'Conserving and where appropriate enhancing the Natural Environment'

AMG 3 'Protecting and Enhancing features and qualities that are distinctive to the local landscape character'

AMG 5 'Local Biodiversity Conservation'

AMG 6 'Protecting sites of regional or local significance'

PS 20 'Preserving and where appropriate enhancing heritage assets'.

Other general Policies within the JLDP that the application should have regard to are:

PS 5 - 'Sustainable Development'

PS 6 - 'Alleviating and adapting to the effects of climate change'

PCYFF 1 - 'Development Boundaries'

PCYFF 2 - 'Development Criteria'

PCYFF 4- 'Design and Landscaping'

PCYFF 5 'Carbon Management'

Consultation responses from specific consultees will highlight specific issues in relation to natural or built environment matters that need to be addressed as part of the ES accompanying the submission. These are discussed in detail further on within the response.

In addition to the above, given the scale of that under consideration and the specific criteria contained within Policy ADN 2 and PCYFF 2 in respect of residential amenity it is also requested that any future submission is accompanied by a full and comprehensive Residential Impact Assessment. The applicants' intention to continue with its programme of community involvement and engagement (paragraphs 1.7.1 -1.7.3) is duly noted and actively encouraged throughout the iterative design process.

## **Planning Policy Wales 10th Edition**

In light of the Well-being of Future Generations (Wales) Act 2015 which places a duty on public bodies to carry out sustainable development, the updated version of Planning Policy Wales (10th Edition, Dec 2018) clarifies and strengthens this fundamental objective. The PPW has been re-structured into policy themes around the well-being goals with policies updated to reflect new Welsh Government strategies and policies.

Paragraph 3.54 of Planning Policy Wales (10th Edition, Dec 2018) seeks to protect Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC). Development at such locations should only be developed if there is an overriding need for the development. A formal application should indicate the grade of agriculture land at each of the locations. In addition it should also confirm whether the land will still be used for agriculture after the implementation of the panels.

[http://lle.gov.wales/map/alc?\\_ga=2.248126087.1033320282.1559564540-448280703.1554712590#m=-4.32251,53.25861,11&b=europa&l=908h;893h;1326;](http://lle.gov.wales/map/alc?_ga=2.248126087.1033320282.1559564540-448280703.1554712590#m=-4.32251,53.25861,11&b=europa&l=908h;893h;1326;)

Chapter 5 of PPW sets out sets out the Welsh Government's (WG) policy for Productive and Enterprising Placemaking and Well-being across Wales. One of the key aims in relation to Energy is to:

- reduce the amount of energy we use in wales;
- reducing our reliance on energy generated from fossil fuels; and
- actively managing the transition to a low carbon economy

Paragraph 5.7.8 highlights the benefits and paramount importance of renewable and low carbon energy as part of the overall commitment to tackle climate change and increasing energy security.

The support for renewable energy is further emphasised in paragraph 5.7.16 which sets out the Welsh Government's targets for the generation of renewable energy as follows:

- for Wales to generate 70% of its electricity consumption from renewable generation by 2030
- for one Gigawatt of renewable electricity capacity in wales to be locally owned by 2030; and
- for new renewable energy projects to have at least an element of local ownership by 2020

With respect to locational policies for Renewable and Low Carbon Energy Developments, paragraph 5.9.8 states that Planning authorities should support and guide renewable and low carbon energy development to ensure their area's potential is maximised. Paragraph 5.9.9 expands upon this point with respect to proposals which might lie outside identified areas.

Paragraph 5.9.9 – Outside identified areas, planning applications for renewable and low carbon energy developments should be determined based on the merits of the individual proposal. The local need for a particular scheme is not a material consideration, as energy generation is of national significance and there is a recognised need to optimise renewable and low carbon energy generation. Planning authorities should seek to ensure their areas renewable and low carbon energy

potential is achieved and have policies with the criteria against which planning applications outside of identified areas will be determined.

Further support to low carbon energy generation is provided within paragraphs 5.9.17, 5.9.19 and 5.9.20 which state the following:

5.9.17 Planning authorities should give significant weight to the Welsh Government's targets to increase renewable and low carbon energy generation, as part of our overall approach to tackling climate change and increasing energy security. In circumstances where protected landscape, biodiversity and historical designations and buildings are considered in the decision making process, only the direct irreversible impacts on statutorily protected sites and buildings and their settings (where appropriate) should be considered. In all cases, considerable weight should be attached to the need to produce more energy from renewable and low carbon sources, in order for Wales to meet its carbon and renewable targets.

Paragraph 5.9.20 goes on to state;

5.9.20 Prior to an application being submitted, developers for renewable and low carbon energy developments should, wherever possible, consider how to avoid, or otherwise minimise, adverse impacts through careful consideration of location, scale, design and other measures.

The above policy advice is amplified in the observations put forward by IACC officers following an internal consultation exercise conducted to inform the Scoping Direction.

### **Technical Advice Notes (TAN's)**

TAN's provide detailed planning advice on individual subjects. TAN's must be taken into account by the LPA when they are preparing their LDP. The following TAN's are considered relevant to this pre-application request:

#### **TAN 6- Planning for Sustainable Rural Communities (July 2010)**

The purpose of this TAN is to provide practical guidance on the role of the planning system in supporting the delivery of sustainable rural communities. This TAN provides guidance on how the planning system can contribute to sustainable rural economies, sustainable rural services and sustainable agriculture.

It emphasises the need to support working and living in rural communities by helping to ensure that a higher proportion of energy can be obtained from renewable sources. At paragraph 2.1 it states that;

'Simultaneously, the planning system must respond to the challenges posed by climate change, for example by accommodating the need for renewable energy generation'

It goes further at paragraph 3.7.2 stating that;

'Many economic activities can be sustainably located on farms. Small on-farm operations such as food and timber processing and food packing, together with services, sports and recreation services, and the production of non-food crops and renewable energy, are likely to be appropriate uses'

## **TAN 8- Planning for Renewable Energy (July, 2005) (as amended)**

The purpose of this TAN is to provide practical guidance on the land use planning considerations for renewable energy, including onshore renewable energy technologies. This TAN supplements the policy set out in PPW.

Whilst TAN 8 does not extend much in the way of prescriptive technical advice regarding solar PV installations, it does add emphasis and favour towards their development. Specifically, it states that:

‘Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermals and PV systems should be supported’

## **TAN 15 – Development and Flood Risk (July, 2004) (as amended)**

TAN 15 provides technical guidance which supplements the policy set out in PPW in relation to development and flooding. It advises on development and flood risk as this relates to sustainability principles and provides a framework within which risks arising from both river and coastal flooding, and from additional run-off from development in any location, can be assessed.

The general approach of PPW, supported by the TAN, is to advise caution in respect of new development in areas at high risk of flooding by setting out a precautionary framework to guide planning decisions. The overarching aim of the precautionary framework is, in order of preference, to:-

Direct new development away from those areas which are at high risk of flooding.

Where development has to be considered in high risk areas (zone C) only those developments which can be justified on the basis of the tests (outlined in Sections 6 and 7 of TAN 15) are located within such areas

The applicants’ intention to undertake a Justification Test in accordance with the requirements of TAN 15 is duly noted. Subject to satisfying the relevant criteria within paragraph 7.3 of TAN 15 a Flood Consequences Assessment would be required in support of a formal submission which was appropriate to the size and scale of the development.

### **General duty as regards listed buildings in exercise of planning functions.**

‘In considering whether to grant planning permission...for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’ - *Planning (Listed Buildings and Conservation Areas) Act 1990, S66 (1)*

Whilst no explicit instruction is given regarding the suitable location of solar PV developments, attention is drawn to the fact that there are three listed buildings and Scheduled Monument AN088 Castellor Hut Group located within the proximity of indicative solar plot area 3. The applicants are advised to pay particular cognisance to these matters early in the process as the results of evaluation work could influence the final design of the proposed development.

On balance, it is evident that the policies listed above provide a presumption in favour of renewable energy developments in meeting the identified targets for low carbon energy generation. As detailed in the policies listed however there are a number of environmental, economic, social and cultural considerations which also need to be assessed as part of the consultation/determination process.

To provide further clarity and direction in these matters an internal consultation exercise has been undertaken within the Council. The responses which are listed below, relate to the functions of the Authority only and are principally restricted to;

- advice on the scope of the EIA
- proposed methodologies outlined in the Scoping Report

The observations put forward are made following an examination of the documentation submitted by Sirius Planning on behalf of Low Carbon in requesting a Scoping Opinion of the Planning Inspectorate together with issues discussed during teleconferences held between James Cook and others of Sirius Planning with IACC officers during June, 2019.

## **Ecological and Biodiversity**

### Scope of EIA

Paragraph 5.2 of the Scoping Request confirms that the ecological impact assessment will follow the data gathering guidelines recommended by the institute of Environmental Assessment and the most recent guidance of site evaluation and impact assessment, as issued by the Institute of Ecology and Environmental Management. IACC confirm that the suggested approach is acceptable.

### Reptiles

It is important that reptiles should be effectively covered within the scope of the ES and included within the list of further survey work identified within paragraph 5.2.14 of the Scoping Report. Habitats suitable for reptiles should be identified in association with the extended Phase I work and particularly where proposals are likely to impact any reptile habitat areas. Appropriate levels of survey should be carried out to inform the application. Reptiles and their habitat should also be fully factored in to mitigation/enhancement proposals.

### Baseline Habitat Areas

It is advised that the applicant provides a breakdown in hectares of the baseline habitats in the area, in terms of the Environment Wales Act section 7 list. This is to allow comparisons and figures for gains to be made as part of enhancement and management proposals. Local Wildlife Sites illustrated below in figs 1-4 should also feature in the EIA to ensure due consideration has been taken of these areas for all project impacts.

Fig 1 – Location of Tywyn Trewan

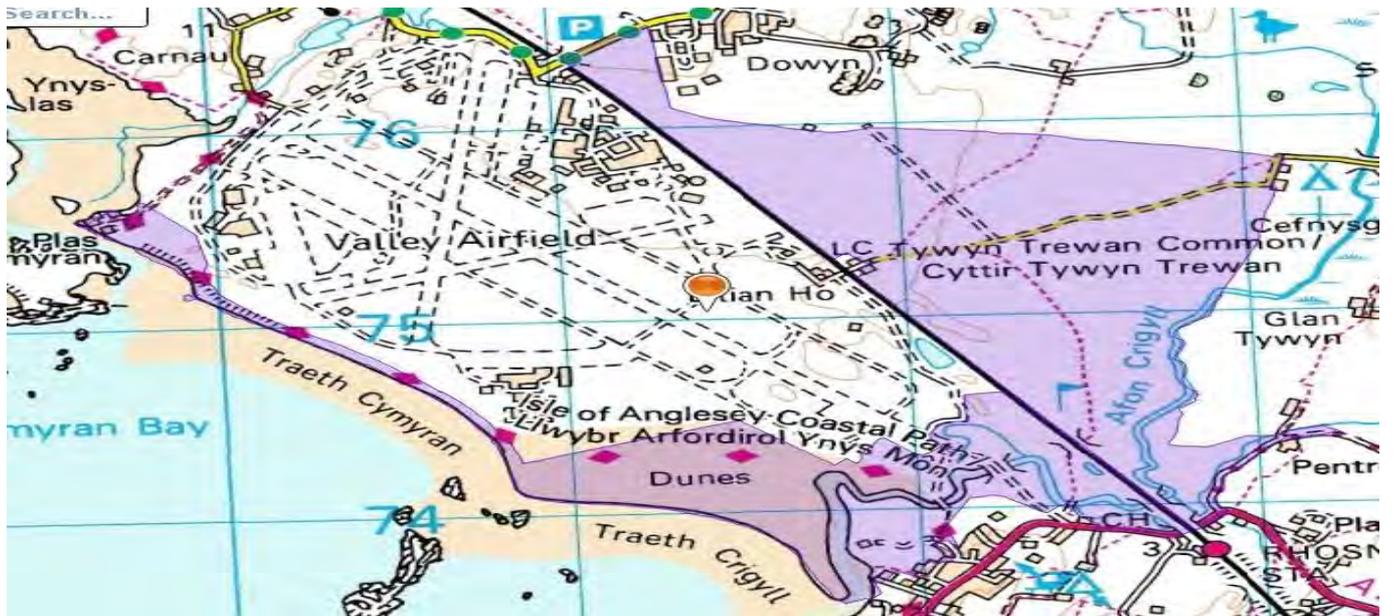
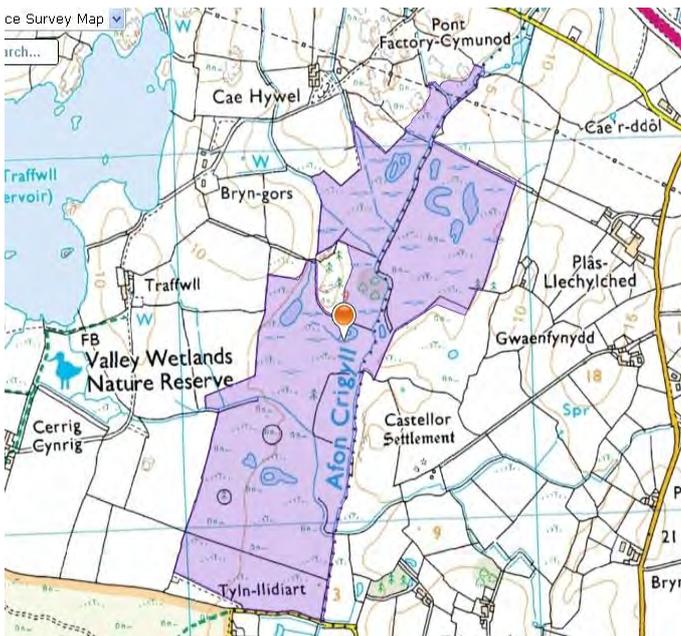


Fig 2 – Aerial Image of Tywyn Trewan



**Fig 3 – Location of Cors Plas**



**Fig 4 – Aerial Image of Cors Plas**



### SAC and SSSI designations

The inclusion of part of the proposal area within the Llynau y Fali/ Valley Lakes SSSI and SAC sites is potentially problematic. Any adverse impacts on the sites are likely to be unacceptable, particularly in terms of the SAC designation, where, under the Habitat Regulations 2017 (as amended) the applicant would have to provide necessary material to allow an Appropriate Assessment to be carried out under the Regulations' requirements. This Assessment would have to determine whether proposals could lead to any significant effects on the SAC designated features.

The Appropriate Assessment would need to consider the application as a whole, to ensure that no other aspects of proposals would have adverse impacts on the SAC designation. It would be advisable for the Applicant to carefully consider potential for impacts on all relevant protected sites (including the local Wildlife Sites detailed above), and seek to ensure that proposals clearly avoid adverse impacts on the sites. For the SAC, providing a 'shadow' Appropriate Assessment with the application would be a means to show how impacts could be avoided (though the actual AA would have to be undertaken by the determining body).

It is understood following recent communication with the agents acting for the applicant that the inclusion of an area of SAC and SSSI within part of the proposal site is intended to help integrate ecological enhancement and that the areas are not intended to be developed in any commercial way. The applicant is advised to formulate a clear programme of enhancements for this site in consultation with NRW. In line with the advice provided in paragraph 5.9.20 of PPW (10<sup>th</sup> Edition) the applicant should seek to avoid effects through appropriate design and layout if possible in an effort to allow the project to be screened out from Habitat Regulations Requirements.

### Proposed methodologies outlined in the report

The proposed approaches identified within Appendix D, parts 1,2 & 3, covering Bats, Crested Newts and Otters/Voles are noted. Whilst these appear satisfactory, advice for these protected species is covered by NRW specialists to a more detailed level than local authorities and it is, therefore, important that NRW's advice on the proposed methodology approaches is also sought and obtained.

## Landscape

Two documents (or sections thereof) have been reviewed as part of the Authority's assessment in relation to its functions which extend to matters of Landscape.

(i) Scoping Request Chapter 5.3 Landscape and Visual Impact; and

(ii) Landscape and Visual Impact Assessment- EIA Methodology.

### Landscape and Visual Impact

In relation to Landscape and Visual Impact Assessments IACC agree with the applicants proposals within paragraph 5.3.1 of the Scoping Request to consider a 5km study area from the outer edge of the deployment areas with more detailed consideration of effects to be considered within a 2.5km study area.

### Landscape Baseline and Receptors

This assessment process should also include LANDMAP data, particularly the Visual and Sensory and Cultural Aspect Areas. See: <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/evidence-to-inform-development-planning/landmap-the-welshlandscape-baseline/?lang=en> and not additional guidance as noted in the LVIA methodology 1.1.4. The baseline should consider the potential search areas shown on the proposals map of the JLDP.

### Residential Impacts

A greater level of detail should be provided on how the assessments for visual and amenity effects upon residential properties will be undertaken for properties within 100 metres and those who may experience significant effects. In paragraph 5.3.45 of the Scoping Report reference is made to Guidelines for Landscape and Visual Impact Assessments text (GLVIA, 3<sup>rd</sup> edition) however it is thought that this may have been extracted from Appeal Decision APP/D0840/A/09/2103026 for Carland Cross Wind farm as opposed to any edition of the GLVIA. In relation to residential amenity the GLVIA states:

*6.17 In some instances it may also be appropriate to consider private viewpoints, mainly from residential properties. In these cases the scope of such an assessment should be agreed with the competent authority, as must the approach to identifying representative viewpoints since it is impractical to visit all properties that might be affected. Effects of development on private property are frequently dealt with mainly through 'residential amenity assessments'. These are separate from LVIA although visual effects assessments may sometimes be carried out as part of a residential amenity assessment.*

*6.36 The issue of whether residents should be included as visual receptors and residential properties as private viewpoints has been discussed in Paragraph 6.17. If discussion with the competent authority suggests that they should be covered in the assessment of visual effects it will be important to recognise that residents may be particularly susceptible to changes in their visual amenity-residents at home, especially using rooms normally occupied in waking or daylight hours, are likely to experience views for longer than those briefly passing through an area. The combined effects on a number of residents in an area may also be considered, by aggregating properties within a settlement, as a way of assessing the effect on the community as a whole. Care must, however, be taken first to ensure that this really does represent the whole community and second to avoid any double counting of the effects.*

## Zones of Theoretical Visibility and Viewpoints

IACC understand that the high point for the solar panels is 2.5metres. The height of all other structures should be clarified if any exceed panel height. This includes transformers, substations, inverters, fencing and battery storage units. The Council are currently involved in in the selection of viewpoints and providing comments as part of their efforts to assist with the progression and preparation of Low Carbon's submission. As previously emphasised by the Council in its engagement with the applicants the avoidance of significant effects through careful design is preferable to the mitigation of effects. Moreover, as effects would be long term, IACC consider that the potential reversibility of effects is unlikely to be a consideration of the acceptability of significant adverse effects. There should also be a clear distinction between assessment of private visual effects and public visual effects.

## Visualisations

IACC recommend that the images depict the position of the panels within the enclosures and their orientation. Other substantial features such as containers should also be shown where visible in the images. For clarity, surrounded houses/farms or other local features should be identified in the images to aid field visits.

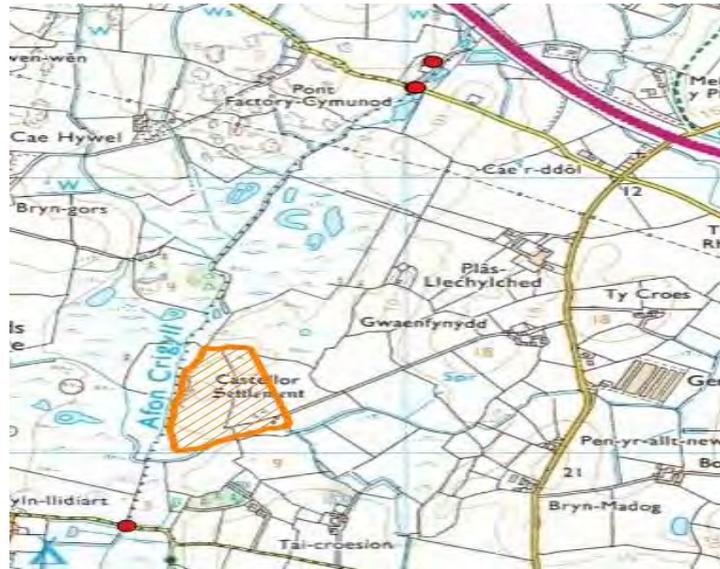
The simple rendering of an image e.g. to show the area occupied would normally be inadequate except for viewpoints at the edge of the study area where detailing would be imperceptible. Wireline images and photomontages should also be presented in hard copy format as well as being submitted electronically.

## **Built Heritage**

There are 3 Grade II listed buildings adjacent to the proposed development sites which have been marked in red on the attached plan below. The site layout of the proposed sites are presently unknown and consequently the impact of the development on the setting of the listed buildings is difficult to assess.

Whilst there is not an abundance of designated built heritage assets there may well be significant archaeological remains in the area in addition to the Castellor Hut Group SAM which has been marked in orange on the attached plan. Advice on such sites should be sought from GAPS/Cadw

**Fig 5 – Location of SAM and Listed Buildings**



### **Gwynedd Archaeological Planning Service (GAPS)**

GAPS have been in ongoing discussions with Archaeology Wales, who have been commissioned by the applicant as their archaeological contractor, and have recently received a draft desk-based archaeological assessment of the proposed development sites for curatorial review. GAPS have not yet had an opportunity to read the assessment, but based on the scale of the proposed scheme and preliminary discussions held with Archaeology Wales about the known and potential archaeological resource of the site, it can be confirmed that an archaeological evaluation will need to be undertaken. This will entail two stages of work, geophysical survey followed by trial trenching, and the results of both stages would need to be submitted as supporting documentation, along with the final desk-based assessment, should an application be forthcoming.

It is recommended that the evaluation work is undertaken early in the process as the results will inform not only the submission itself, but also the design of the proposed development. Design modification is the most effective means of mitigating archaeological impact for solar farms. In addition, there is potential for overlapping or conflicting interests between archaeology and mitigation that may be proposed for ecological or landscape and visual constraints. Obtaining a sufficient understanding of the archaeological resource of the site is necessary to ensure that these are appropriately resolved before final submission.

Due to the very large scale of the development and the potential archaeological sensitivity of the landscape, there can be no question of deferring all or part of the evaluation to post-determination stage. The evaluation reports, along with the desk-based assessment, will need to be produced as stand-alone reports suitable for accessioning to the regional Historic Environment Record, in addition to being appended to the ES. Regarding impact assessment methodology (5.4.23), IACC would advise that use of DMRB is not appropriate in this case as the proposed development is not a road, bridge or other highways development.

In terms of above ground heritage assets, given the proximity of the proposed development sites to scheduled monument AN088 Castellor Hut Group, Cadw must be consulted on this proposal. IACC would recommend that an assessment of the potential impact of the proposed development on the setting of the monument is prepared as a matter of good practice, following the guidance document 'Setting of Heritage Assets in Wales' (Cadw, May 2017). The Landscape and Visual Impact Assessment is likely to be able to contribute to this assessment, and should include relevant photomontages of the proposed development from the scheduled area.

## **Public Rights of Way Officer**

Confirm there are 3 public footpaths located within the site. These are path numbers 32/014/1, 32/014/2 and 32/017/1 sited within plot area 6. The solar panels will need to be positioned well away from the paths to ensure that there is no interference with access. Furthermore, in the interest of amenity, suitable measures should be put in place to ameliorate and mitigate the impacts upon the public rights of way network located within the site.

## **Coastal Footpaths Officer**

Confirm that as the proposed development does not alter the route of the coastal footpath they have no observations to offer.

## **Chief Engineer (Network)**

Have no observations or recommendations to offer in relation to site drainage or local flood risk at this stage. However it is noted that the proposed site is partly within a C2 designated flood zone. IACC therefore request that the suitability of the proposal with regard to this flood risk is discussed with NRW and that a Flood Consequences Assessment accompany the formal submission.

## **Chief Engineer (Highways)**

Following a review of the submitted documentation it appears that no information has been presented in respect of traffic and transport and the impact upon the local highway network.

While acknowledging that there will be no adverse impact during the operational phase, the impact of construction traffic on the minor road network which serves the site has significant potential to damage the highway as well as the environment whilst also inconveniencing and posing safety risks to existing users of the road network in the area (both motorised and non-motorised), particularly if the appointed contractor uses large vehicles of a size and weight which would be unsuitable for the roads serving the area. IACC do not consider that this topic should be scoped out.

Any DNS application should take into account the impact of construction traffic, and any permission should include condition(s) to ensure that the developer must submit a Construction Traffic Management Plan (CTMP) to be agreed with the highway authority and formally approved by the Local Planning Authority prior to the commencement of any works on the site. The CTMP should also include provision for the decommissioning of the solar farm

In addition to this it is also requested that details are presented to illustrate how each parcel of the application site is to be accessed during the construction phase as this is not readily apparent following a review of the submitted material and visits to the locality.

## **Chief Public Protection Officer**

### Noise Comments

The report states within 5.5.3 (page 37) *“Whilst the proposal site is located in a rural location there are a number of residential properties located in close proximity to the indicative deployment area. Furthermore, the ambient noise climate is influenced by road traffic using the A55(T) and aeroplanes associated with RAF Valley. To fully understand the baseline conditions a noise survey would be undertaken in the vicinity of NSRs over a sensitive operational period (e.g. Saturday into Monday period) to establish representative background sound levels based on BS4142: 2014 methodology.”*

IACC would request that the monitoring period is conducted over a longer period i.e. Saturday to Friday. This request is based upon current RAF flying schedules as no RAF aircraft fly on Saturdays and Sundays (Special Forces exercises are possibly the only exception to this), as well as the fact that night time flying may occur during this period. The applicant may wish to contact the MoD direct to discuss or view the flying programme which is available at <https://www.raf.mod.uk/our-organisation/stations/raf-valley/flying-info/>

No issues were identified with the assessment criteria / methodology. However, it should be noted that owing to low frequency issues associated with electrical transformers / AC/DC inverters etc. IACC would wish to recommend that the noise monitoring undertaken (ideally for the recommended 7 day & night period), should also capture the 1/3 octave bandwidth between the 10Hz to 160Hz range as this is generally regarded as low frequency noise. Electrical transformers generally emit noise around the 50Hz and 100Hz frequencies.

### Vibration Comments

IACC note the point in relation to vibration within page 38 of the Scoping Report which states; *“Vibration is not expected to be perceptible from site operations at NSRs. As such it is proposed (if agreed) to scope this element out of the operational assessment.”*

However, IACC would reiterate the advice which has previously been communicated to the applicant in that vibration from any pecking or rock removal during the site preparation may be a significant factor within this development owing to the geological area. Therefore, mitigation measures should be incorporated to control the hours of work any pecking is undertaken and subsequent monitoring limits and positions adopted during the site preparation phase of the development. As a consequence it is not considered that this should be scoped out at this stage.

### **Destination Management (Countryside)**

Anglesey's Area of Outstanding Natural Beauty (AONB) is predominantly a coastal designation covering most of Anglesey's 201 kilometre coastline.

Part of the policy framework established to conserve and enhance this protected landscape and habitat is an AONB Management Plan which evaluates and determines what the special qualities of the AONB are, then determines what actions are required to ensure that these qualities are conserved and enhanced for future generations. A copy of the plan including all relevant appendices can be accessed through the following link:

<https://www.anglesey.gov.uk/en/Residents/Countryside/Areas-of-Outstanding-Natural-Beauty-AONBs/Anglesey-AONB-Management-Plan.aspx>

Policies of relevance contained within the plan which should be reviewed as part of the assessments in moving forward include;

Paragraph 4.6 Anglesey Energy Island. From an AONB perspective all proposed development as part of the Energy Island Programme should have regard to the AONB designation in terms of the AONB's primary purpose of conserving and enhancing natural beauty.

Leading on from this, paragraph CCC 3.1 also states that... 'all development proposals within and up to 2km adjacent to the AONB will be rigorously assessed to minimise inappropriate development which might damage the special qualities and features of the AONB or the integrity of European designated sites'.

Paragraph CCC 3.2 further adds that... 'all new developments and re-developments within and up to 2km adjacent to the AONB will be expected adopt the highest standards of design, materials and landscaping in order to enhance the special qualities and features of the AONB. Proposals of an appropriate scale and nature, embodying the principles of sustainable development will be supported'.

It is also noted that there are 3 Public Rights of Way running through the site. In accordance with the requirement of VE 4.2 it is imperative that... 'the PRow network is maintained at a high standard and that appropriate information and clear signage conserves and enhances the special qualities and features of the AONB and the integrity of the European sites'. (Natura 2000). The applicants should also be mindful of paragraph CCC 4.2 of the above document which aims to work towards securing Dark Skies status for Anglesey.

Attention is drawn to Appendix A attached at the end of this correspondence which provides 3 annotated maps detailing environmental designations which lie in proximity to the application site. These include the Anglesey AONB, Heritage Coast, SSSI's, SAC, SPA, Ramsar sites as well as Local and National Nature Reserves.

### **Economic Development Unit**

The Traffwll proposal is a significant development which will provide enough generating capacity to power 12,250 homes for 40 years and covers an area measuring 117 hectares. However it is noted within the Scoping Request that the Socio-Economic elements of the proposal will not be considered within an EIA.

This is disappointing as IACC remain of the opinion that a scheme of this scale and complexity should not only be scoped within the EIA but should also be subject to a separate economic impact assessment to fully understand the construction (site services, installation etc.) and operational (ongoing maintenance) employment opportunities that will be created as a result of the development.

The County Council is of the opinion that every effort be made by the developer during construction, operation and subsequent decommissioning to use local goods and services providing opportunities within the supply chain, skills and minimising the carbon footprint of the development.

The above can be explored and established through the provision of both scoping the work into the EIA and also undertaking an economic impact assessment.

The absence of detailed socio-economic information makes it difficult to reach an evidence-based view on the likelihood, and robustness of any positive local outcomes generated by the proposed development and how its activities could contribute towards the achievement of all relevant economic and energy related policies including the Energy Island Programme Framework.

The request for this additional information is based on sound planning policies and practices which is wholly consistent with the approach the Regulatory and Economic Development Service has adopted with previous economic development planning applications of this scale.

### **Welsh language and Culture**

The Planning (Wales) Act 2015 which came into force on the 6<sup>th</sup> July 2015 gives greater weight to the Welsh language as a material planning consideration when determining planning applications. In response to these legislative requirements IACC would expect the applicant to demonstrate that consideration has been given towards the impact which this proposal will have upon Welsh speaking

local communities from construction workers involved in the construction works by way of a Welsh Language Statement.

Notwithstanding the legislative framework which supports this requirement, IACC would expect the applicant to develop the Traffwll Solar farm project in a way which respects and protects the islands Welsh language and culture. IACC would wish to see the applicants taking steps to mitigate any adverse effects and to realise opportunities to enhance beneficial effects on the Welsh language and culture in relation to its proposals. The approach to the assessment of effects should not merely be siloed as a standalone document but should also be embodied as the 'golden thread' within all documents submitted in support of the proposal. Furthermore, any assessment should be informed although not limited to, the following national and local planning policy guidelines, all of which are adopted:

- Supplementary Planning Guidance: Planning and the Welsh language (2015); and
- TAN 20: Planning and the Welsh language (2017)
- Draft SPG Sustainable Communities (Scheduled for formal adoption 17<sup>th</sup> July, 2019)

## **Summary of Responses**

### **- Planning Policy**

Planning policies in Wales encourage the provision of green energy sources, specifically in this case PPW (2018) and TAN 8: Renewable Energy (2005). These policies are also supported in principle within the local planning policy framework for the Plan area through the Anglesey and Gwynedd Joint Local Development Plan (JLDP) which was adopted in July, 2017.

Whilst acknowledging the general encouragement and support for renewable energy developments, planning applications must be determined in accordance with the PPW and JLDP unless material considerations indicate otherwise. Notwithstanding the fact that all of the issues identified above will need to be addressed (and acknowledging the fact that a number of surveys will need to be carried out to inform the case before a full answer can be given to some aspects), in terms of the main issues and concerns which have been identified following preliminary consultations conducted with the Authority's own in-house consultees these can be summarised as follows;

### **- Ecology and Biodiversity**

Limited information currently presented in terms of ecology and habitat. The scope should also be extended to include amphibians, reptiles and mammals as well as birds likely to be (or have potential to be) in the areas of the proposal whilst making full use of 'Cofnod' local records as well as seeking the advice of NRW. Any adverse impacts upon Natura 2000 sites are likely to be unacceptable and would be subject to the provisions of the Habitats Regulations ACT 2017 (as amended). In this regard attention is drawn to the recent CJEU ruling in the matter of *People over Wind & Sweetman* case. The applicants should seek to avoid effects through appropriate design and layout if possible in an effort to allow the project to be screened out from Habitat Regulations Requirements. The Scoping Request also omits any reference to local wildlife sites.

### **- Gwynedd Archaeological Planning Service**

Notwithstanding the known archaeological record there is considerable potential for presently unknown archaeology given the scale and location of the site. A full archaeological assessment will be required for each part of the site. Geophysical surveys and trial trenching will also be required. Attention is drawn to the proximity of Scheduled Ancient Monument AN088 'Castellor Hut Group' and the need to consult with CADW. In accordance with good practice it is also recommended that

a HIA be prepared in support of the proposal. In respect of the methodology it is advised that the Design Manual for Roads and Bridges (DMRB) is not appropriate in this instance.

- **Built Heritage**

Advise that there are 3 Grade II Listed Buildings in the vicinity of the proposed development sites as well as the Castellor Hut Group SAM. In line with the advice from GAPS and recognised good practice it is recommended that a HIA accompany the proposed submission.

- **Landscape**

Confirm that an LVIA will be required as part of the iterative design process which follows the latest guidelines laid down within the GLVIA (3<sup>rd</sup> Edition). The proposal should be supported by a Residential Impact Assessment and the avoidance of significance of effects is preferable to mitigation. This applies to all elements of the proposal. Greater detail should be provided on the form of modelling to be used in the visualisations and viewpoints should be agreed with all interested parties, including IACC.

- **Public Rights of Way**

The solar panels will need to be positioned away from the 3 public footpaths located within the site and suitable measures implemented to mitigate the visual impacts of the development.

- **Coastal Footpaths Officer**

Confirm that as the proposed development does not alter the route of the coastal footpath they have no observations to offer. It is imperative however that the visual effects of the proposed development are ameliorated such that they do not adversely affect the enjoyment of users of the Coastal Footpath.

- **Chief Engineer (Network)**

No specific recommendations at the preliminary stage however it is requested that a comprehensive FCA accompany the submission following the justification of the proposal in accordance with the requirements of TAN 15 given the fact that the proposed site is partly located within a C2 designated flood zone.

- **Chief Engineer (Highways)**

Confirm that Traffic and Transport should not be scoped out of the EIA. Highlight the substandard road network serving the site (in relation to the developers' proposals) and the potential safety concerns arising as a result coupled with the potential for damage to the highway and environment. A detailed TMP is requested to cover both the construction and operational phases of the development together with details illustrating how each parcel of the application site is to be accessed during the construction phase.

- **Chief Public Protection Officer**

Confirm that Vibration should not be scoped out of the EIA. IACC would request that the monitoring period be extended to cover the recommended 7 day and night period and that it should also capture the 1/3 octave bandwidth between the 10Hz to 60Hz range. No other issues were identified with the assessment criteria/methodology.

## - Destination Management

All proposed development as part of the Energy Island Programme should have regard to the AONB designation in terms of the AONB's primary purpose of conserving and enhancing natural beauty.

## - Economic Development Unit

Confirm that the socio-economic elements should not be scoped out. Acknowledge the fact that the proposal is a significant development. As a result, IACC would expect the socio-economic elements to be covered within the EIA as well as being subject to a detailed Economic Impact Assessment which would explain how the project would contribute towards the achievement of all relevant economic and energy related policies (supply chain, jobs and skills) including the Energy Island Programme Framework. Given the scale and complexity of the proposal the socio-economic elements should not be scoped out.

## - Welsh language and Culture

Aligning with the requirements of the Planning (Wales) Act 2015 IACC would expect the applicants' submission to be accompanied by a Welsh Language Statement which demonstrates that consideration has been given towards the impact which this proposal will have upon Welsh speaking local communities from construction workers involved in the construction works. In addition, IACC would wish to see the applicants taking steps to mitigate any adverse effects and to realise opportunities to enhance beneficial effects on the Welsh language and culture in relation to its proposals. Welsh Language and Culture should be embodied as the 'golden thread' within all documents submitted in support of the proposal.

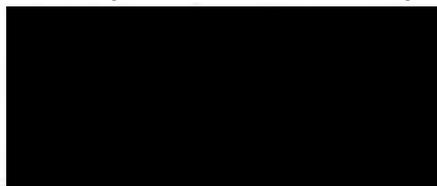
## Conclusions

To close, it can be confirmed that the proposal under consideration is a major development in close proximity to sensitive receptors and any application will inevitably need to be informed and supported by a number of various assessments. On the basis of the limited information presented to date, IACC has presented a number of high-level comments provided by its own in-house officers on various points in an effort to provide guidance with informing the Scoping Direction.

The above comments are offered on a 'without prejudice' basis in the context of a consultee and are made at officer level only. They shall not be taken as being any determination by the Council as local planning authority or binding upon the Authority or any of its officers. In addition to the above PINS are also advised to carry out further enquiries with other authorities, organisations and stakeholders who will also wish to comment on the proposal.

I hope that the above is of some assistance with the progression of matters and informing the Scoping Direction.

Yn Gywir / Yours Sincerely



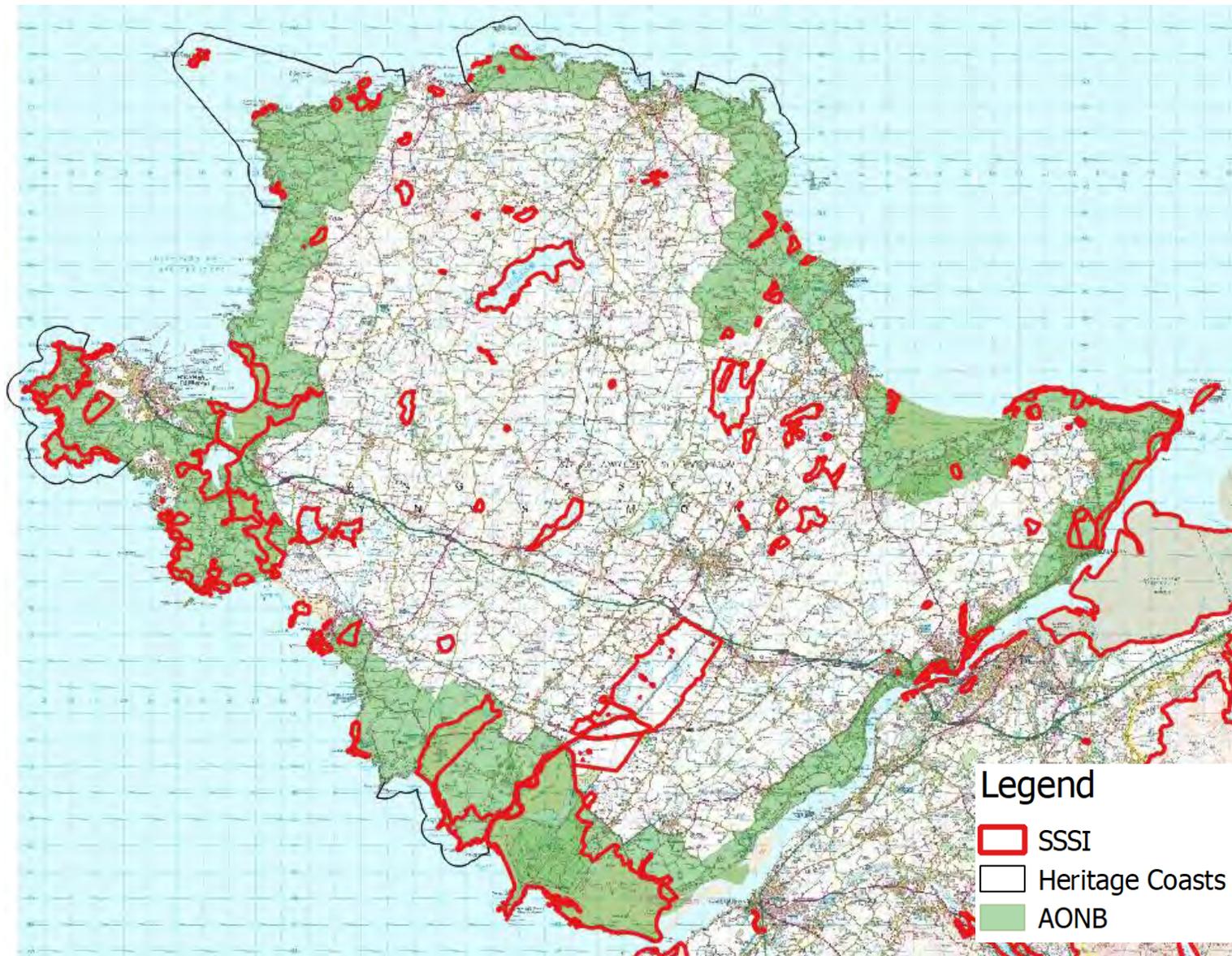
**DYLAN J. WILLIAMS**

**Pennaeth Gwasanaeth – Rheoleiddio a Datblygu Economaidd  
Head of Service - Regulation and Economic Development**

(i) Encs- Appendix A- Environmental Designation Maps

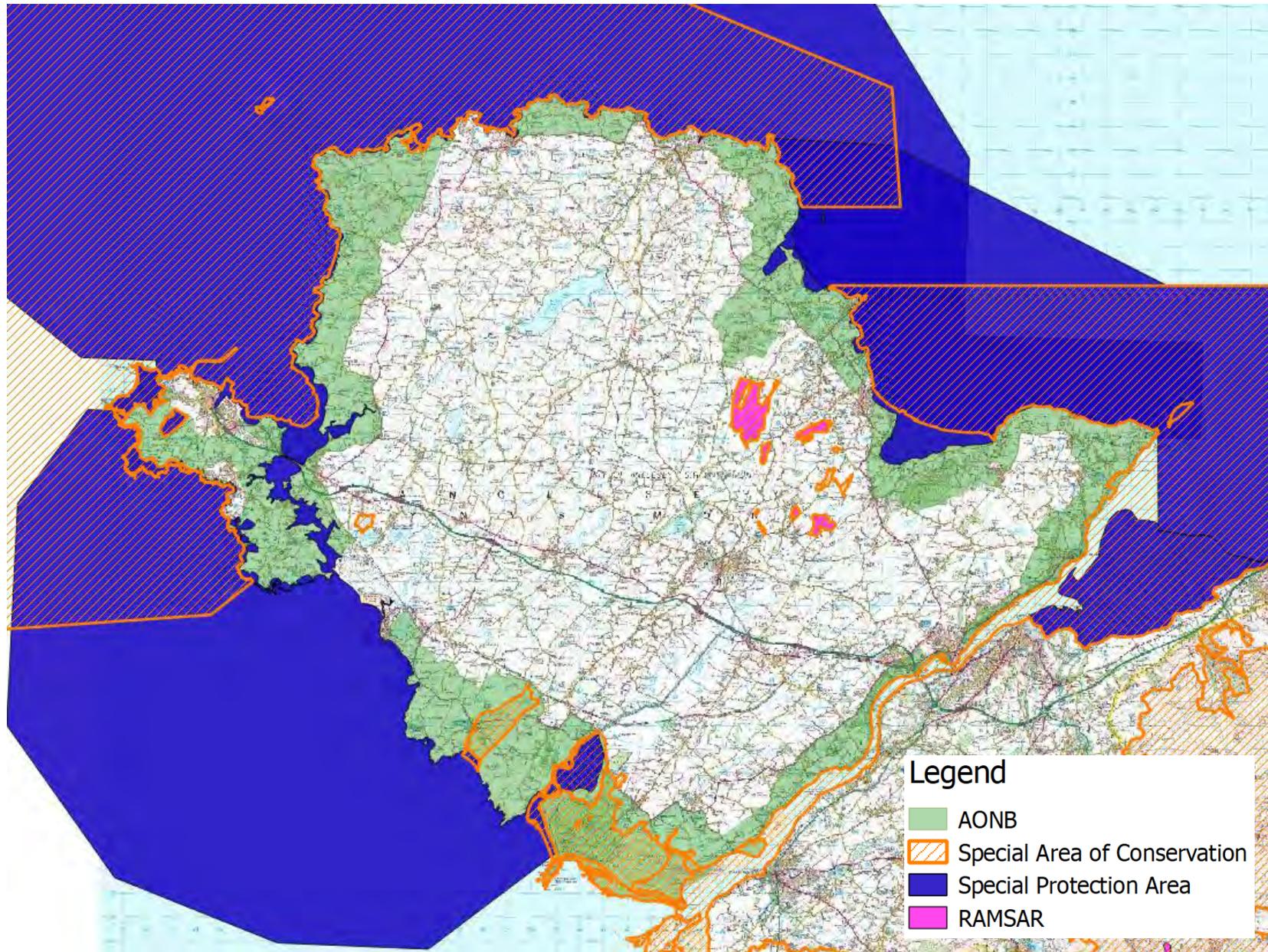
APPENDIX A

**Anglesey AONB - Heritage Coast and SSSI designations.**



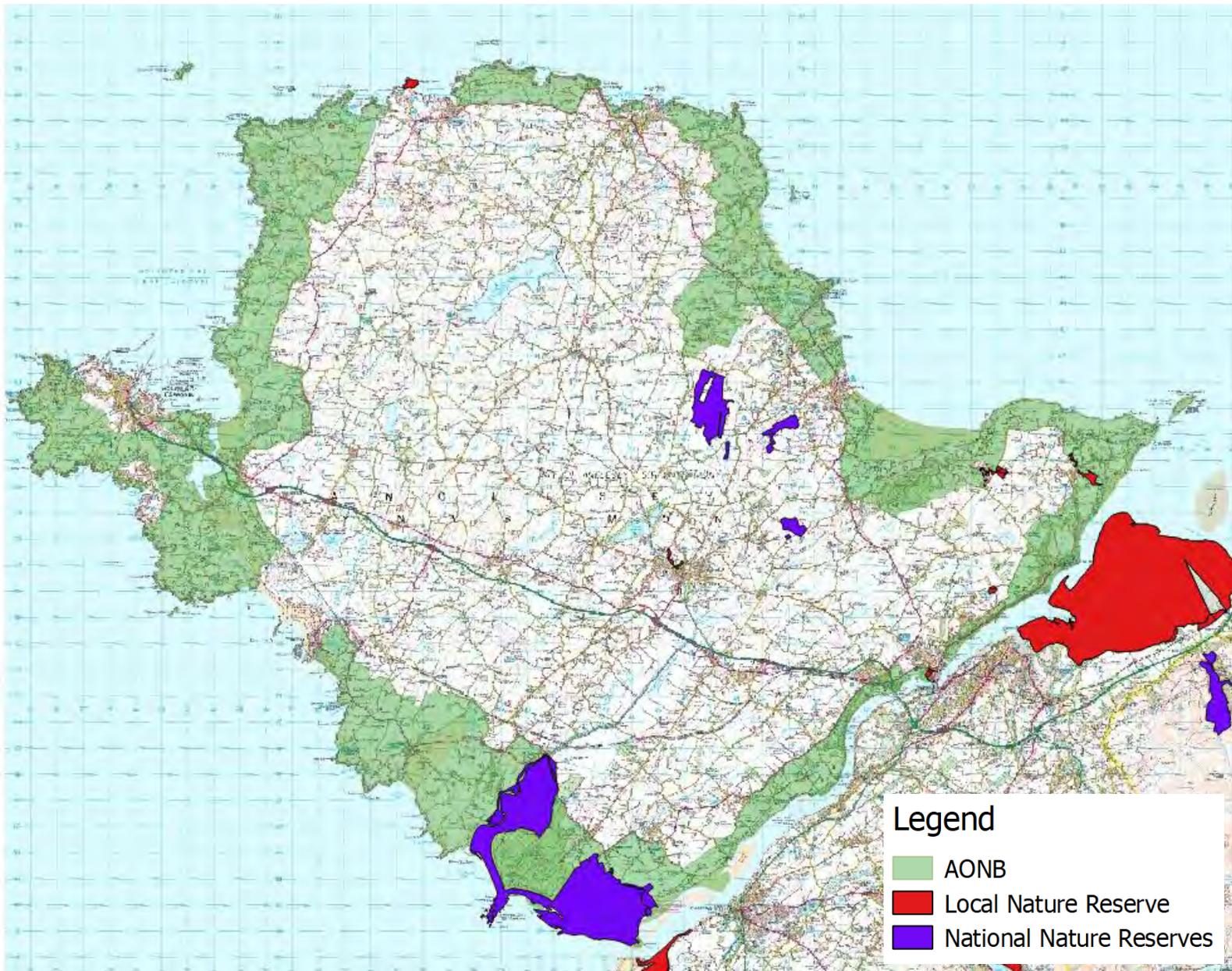
APPENDIX A

**Anglesey AONB – SAC, SPA and RAMSAR designations.**



APPENDIX A

Anglesey AONB – Local and National Nature Reserves.





**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

Ein cyf/Our ref: CAS-90105-Q2M8  
Eich cyf/Your ref: 3217391

Maes y Ffynnon,  
Penrhosgarnedd,  
Bangor,  
Gwynedd,  
LL57 2DW

[northplanning@cyfoethnaturiolcymru.gov.uk](mailto:northplanning@cyfoethnaturiolcymru.gov.uk)

03000 655 241

11/07/2019

Er sylw / For the attention of Kym Scott

Annwyl Syr/Madam / Dear Sir/Madam,

**BWRIAD / PROPOSAL: SCREENING OPINION: CONSTRUCTION AND  
OPERATION OF A 75MW SOLAR FARM, INCLUDING GROUND  
MOUNTED PV PANELS, POINT OF CONNECTION, CABLING,  
ANCILLARY INFRASTRUCTURE, LANDSCAPE AND  
BIODIVERSITY IMPROVEMENTS**

**LLEIOLIAD / LOCATION: LAND TO THE WEST OF LLANFIHANGEL YN  
NHOWYN AND TO THE SOUTH WEST OF BRYNGWRAN**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 07.06.2019.

NRW have the following comments to make on the proposed solar farm. Please note that our comments are without prejudice to any comments we may subsequently wish to make when consulted on any application, the submission of more detailed information or on the Environmental Statement. At the time of any full application there may be new information available which we will need to take into account in making a formal response.

**Protected Sites:**

The development may affect:

- Glannau Ynys Gybi/ Holy Island Coast Special Protection Area (SPA)
- Llyn Dinam Special Area of Conservation (SAC)
- Llynnau y Fali - Valley Lakes Site of Special Scientific Interest (SSSI)
- Llyn Traffwll SSSI

The developer should assess the potential effects on these sites and their features by the following pathways:

- Effects on mobile features of these sites which may utilise the areas (e.g. over-wintering through foraging in the area). NRW recommend 2 years of survey to assess effects on relevant mobile features.
- Changes to hydrology/drainage patterns in the catchments of the sites and any impact on water quality this may have in the short and long term
- Direct effects on features where the redline boundary enters the sites
- Risks from construction activities -which will depend on the construction methods employed.
- Risk posed by operation of the facility (e.g. washing panels with chemicals, changes to grazing regimes etc.)
- Risk of collision from the potential grid connections on mobile features
- Biosecurity during construction and operation

The assessments undertaken must clearly substantiate how the features of each protected site have been adequately assessed, the magnitude of effects and any subsequent measures required to avoid, mitigate or compensate for any potential effect on each feature.

#### Habitat Regulations Assessment:

The determining authority is a Competent Authority for the purposes of the Conservation of Habitats and Species 2017 Regulations. As such, they must not agree to any plan or project unless they are certain that it will not adversely affect the integrity of a SAC or SPA.

The competent authority should carry out a test of likely significant effects (TLSE) for the European Protected Sites, which is required under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. This test applies to impacts on the SAC /SPA from the proposed works, either alone or in combination with other plans and projects.

If the test concludes there is likely to be a significant effect then an appropriate assessment of the impacts on the SAC from the proposed works, either alone or in combination with other plans and projects, will be required. We would be able to assist with that assessment in our role as the statutory nature conservation body under the above Regulations.

#### Site of Special Scientific interest:

The Wildlife and Countryside Act 1981 (as amended) places a duty on public authorities in exercising their functions, so far as this is likely to affect the flora, fauna, geological or physiographical features of a SSSI, to take reasonable steps consistent with the proper exercise of their functions to further the conservation and enhancement of those features.

#### Flood Risk:

Some of the sites are shown to be within zone C2 according to the development advice maps accompanying TAN15: Development and Flood Risk. It is our understanding that solar farms are power generating facilities and it is unclear as to what development

category such proposals would fall under using Figure 2 in the TAN. The figure describes types of development which would fall under the 3 categories with '*..especially vulnerable industrial development (e.g. power stations....)*..' being classed as Highly vulnerable developments. Section 6.2 of the TAN states "*...that highly vulnerable development and Emergency Services in zone C2 should not be permitted...*".

You as the determining body will have to consider and address justifying the location of the development whilst Natural Resources Wales shall provide comments on flood risk in line with section 7 and Appendix 1 of the TAN against the content of the submitted Flood Consequence Assessment (KRS Environmental Ltd. May 2019. KRS.0297.012.R.001.A). Our comments are –

- Section 3.5- NRW would advise that the river Crigyll (at sites 4 and 5) has a catchment area in excess of 3km square and as such the flood zones (and Dam zone C) are based on fluvial flood risk and not surface water flood maps. With regards to the site being classified as being located in DAM zone A, should the authors wish to challenge and change the zones/flood maps the NRW have a formal process which needs to be followed for any flood maps challenges ([GN029 Flood Map Challenge](#)). We therefore confirm that sites 1, 3, 4, 5, 9 are partially within zone C2.
- The author suggests that the development should be classed as that of a less vulnerable development; as stated above, NRW would welcome the position of the determining authority on development classification.
- Section 3.6- The author advises that the solar farm has a design life of 40 years (i.e. 2059) and suggests using the climate change allowances (as per correct guidance [CL-03-16](#) ) of an additional +25% in fluvial flows (between 2040 to 2059). The letter from Welsh Government does not refer to 40 years but does state that residential is assumed to have a 100 years with 75 years for non-residential development. NRW would therefore seek the determining authorities views on the appropriate lifetime of the development which should be assessed.
- Section 3.7- for sites 1 & 3 the author advises that the catchment areas associated with these watercourses are small and consider the flood risk to be not significant. This is based on the authors opinion and no evidence is presented to substantiate this or any impacts of any structures/blockages etc. which could influence flood risk. Sites 4 & 5- These sites are shown to be at risk of flooding from the river Crigyll. The content of this paragraph are not sufficient for us to conclude that the site would remain flood free should a flood event of a 1% Annual exceedance flood event occur with an allowance for climate change be included (% increase is dependent on development lifetime). Also the FCA should identify and culverts/bridges which could influence flood risk during such a large flood event.
- Section 3.8- NRW is satisfied that the sites are elevated above current and future (2119) sea levels for this section of Anglesey coastline.
- Section 3.10- Surface water (pluvial) flooding. NRW notes that some sites are shown as at risk from the 1 in 30 (3.3%) current day event which is classed as high risk. The Lead Local Flood Authority is best placed to advise on surface water flooding/surface water drainage
- Section 3.13- Until such time that the FCA has presented evidence that the sites are compliant with TAN15 (tables A1.14) in being flood free for the 1% AEP with allowances for climate change, then we are not in a position to agree

with this section. Structures in floodplains (such as the panels and their associated supports) could accumulate flood debris and increase flood risk elsewhere.

- Section 6.0- It is agreed that the fluvial flood zones/Zone C have been produced using our Nationalised flood modelling technique (JFLOW). Although the author considers the risks not to be significant or of low significant no site specific hydraulic modelling has been carried out to evidence this assertion. Section 6.45 states that the solar farm is '*expected to remain dry in all but the most extreme conditions*'. TAN 15 specifies the threshold events and exceedance events which need to be demonstrated in an FCA compiled in support of a development proposal.

NRW is therefore of the opinion that the FCA does not provide sufficient evidence that the flood risk associated with the sites is acceptable and in line with TAN15. As such further information will need to be produced to address the above comments as part of any future application.

## Protected Species:

### Great Crested Newts (GCN)

Solar farms can cause significant impacts on this species, particularly during construction. NRW is concerned about a potential over reliance of the 2001 English Mitigation Guidelines. The use of HSI scoring for ponds is encouraged, however is not a reliable indicator to evidence the absence of individuals from a pond. Notwithstanding the results of any HSI scoring, NRW is likely to require as a minimum eDNA analysis to evidence absence. Without this information, the developer must detail appropriate measures to account for the potential presence of this species.

It will be especially important to detail appropriate measures to be implemented during the construction of the site to avoid and minimise any potential effect on this species as well as ensuring connectivity between key habitats is maintained. NRW would flag at this stage that (without prejudice to the outcome of surveys) long term compensation may be required.

Any further assessment must be undertaken in the context of the favourable conservation status of the species in the vicinity, clearly evidencing the measures required to maintain this in the short and long term for this species.

### Bats

The survey methodology proposed is considered to be acceptable. The recording devices placed in the middle of the fields are unlikely to detect the range of bat activity over the site, but will provide a snapshot of those species more likely to forage over open areas. These results combined with the transect surveys covering the edges of the sites should provide an accurate picture of the bats likely to utilise the areas.

However, these surveys will not accurately show longer term usage patterns in and around areas. It is currently unclear whether the development will result in the removal of linear features (temporarily or permanently). Should the developers intend to remove substantial lengths of linear features, it may be appropriate to undertake

further assessment to gain a higher resolution of data. This may be necessary to ensure no significant foraging/commuting route is being severed with no suitable alternative. Suitable mitigation/compensation will need to be identified should any adverse effects be identified.

The developer does not propose any external lighting within this scoping assessment. A lighting plan should be produced detailing any required lighting and considering any potential effect on bat species utilising the area. The measures put in place to avoid, mitigate or compensate for any impact should be detailed in any future assessment. Lighting requirements during construction should also be assessed.

Biodiversity enhancements are referenced in the documents, however no detail is provided. Any enhancements should be secured in the long term by appropriate condition/106 agreement.

Any further assessment must be undertaken in the context of the favourable conservation status of the species in the vicinity, clearly evidencing the measures required to maintain this in the short and long term for this species.

### Water Vole and Otter

NRW is satisfied with the methodologies proposed in regards to these two species.

### Landscape:

The proposals have the potential to affect the Anglesey Area of Outstanding Natural Beauty (AONB). We are satisfied with the Landscape and Visual Impact Assessment Methodology and scoping of the landscape baseline.

At pre-application we had requested the inclusion of zone of theoretical map to assist our understanding of viewpoints the EIA would need to assess and clarify potential effects upon views from the AONB. This hasn't been submitted.

NRW therefore require an appraisal of potential viewpoints from the AONB in the vicinity of Llanfairyneubwll, from the road and public footpath network (Sustrans' national cycle route no.8 also passes through this area). A viewpoint from where the lane passes over the railway line to the north of Llanfairyneubwll, provides a slightly elevated open view towards the Solar Farm. A viewpoint photograph annotated to show the location and extent of the proposed development plots within the view, would be required. Also check for other elevated viewpoint locations within the AONB. These may show that the AONB can be scoped out of any further assessment.

We look forward to providing further advice, pre-application and/or on the submission of the ES, with regard to the above comments.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august->

[2018-eng.pdf?mode=pad&rnd=131819256840000000](#)). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Yn gywir / Yours sincerely,

*Tomos Hughes*

**Mr T P L Hughes**  
**Senior Development Planning Advisor**  
**Development Planning Advisory Service**

The Planning Inspectorate	Eich cyfeirnod Your reference	3217391
Dns.wales@planninginspectorate.gov.uk	Ein cyfeirnod Our reference	
	Dyddiad Date	1 July 2019
	Llinell uniongyrchol Direct line	0300 0256007
	Ebost Email:	Cadwplanning@gov.wales

Dear Sir / Madam,

### Potential DNS Application

**Site Address: Land to the West of Llanfihangel yn Nhowyn and to the South West of Bryngwran**

**Proposed Development: Construction and operation of a 75MW solar farm, including ground mounted PV panels, point of connection, cabling, ancillary infrastructure, landscape and biodiversity improvements**

Thank you for your letter of 7 June 2019 asking for Cadw's view on the above.

### Scheduled Monuments:

AN013 Ty-Newydd Burial Chamber  
AN021 Bodfeddan Inscribed Stone  
AN042 Y Werthyr Hillfort  
AN088 Castellor Hut Group  
AN099 Bodedern Early Christian Cemetery  
AN130 Felin Wen Tide Mill  
AN131 Felin Carnau Tide Mill  
AN132 Bodior Tide Mill

### Listed Buildings

19232 Milestone II  
19233 Valley Station Signal Box II  
19234 Cleifiog Fawr II  
19482 Ardwyn II  
19488 Pandy Cymunod II  
19489 Prysan-fawr II  
19490 Stable, barn and cowhouse at Prysan-fawr II  
19491 Cowhouse at Prysan-fawr II  
19492 Boiling house and pigsty at Prysan-fawr II  
19493 Milestone II

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.

20415 Pont Traeth Cleifiog (partly in Valley Community)	II
20416 Tyddyn Du	II
20417 Milestone	II
20418 Caergeiliog Chapel	II
20419 Caergeiliog Chapel House with stables and cartshed	II
20420 Siloh Baptist Chapel and Chapel House with walls, railings and gates	II
20421 War Memorial	II
20424 Llanfaelog Community Centre	II
20425 Surf Point	II
20426 Sea Wall, Surf Point	II
20427 The Old Rectory	II
20428 Bridge E of Tyn-Lidiart	II
20510 Pont Cymunod, over the Afon Crugyll	II
20511 Milestone in Bryngwran	II
20512 Milestone at Engedi crossroads	II
20514 Pandy Treban	II
5266 Caergeiliog Tollhouse	II
5268 Pont Traeth Cleifiog (partly in Llanfair-yn-Neubwll Community)	II
5276 Church of St. Edeyrn	II*
5278 Pont Factory Cymunod, over the Afon Crigyll	II
5299 Church of St. Maelog	II
5307 Pencaledog	II
5309 Church of St Mihangel	II
5310 Church of St Mary	II
5320 Church of St. Peulan	II*
5712 Soar Chapel and chapel house	II
5742 Old Police Station (Youth Association premises)	II
5759 Valley Railway Station Main Building	II

The above designated heritage assets are located inside 3km of the application area.  
Desk Based Heritage Assessment

A scoping report has been prepared by Sirius Planning and this includes a Desk Based Heritage Assessment (presented in Appendix C of the scoping report) prepared by Archaeology Wales. It is noted that this Assessment has been submitted to the Gwynedd Archaeological Planning Service (GAPS), for comments in regard to the results of the work on the undesignated heritage assets. GAPS are the local archaeological curator and the archaeological advisors to the Isle of Anglesey Council, and are best placed to provide advice in regard to the need for further investigation into the undesignated archaeological resource and their opinion should be sought on this part of the scoping opinion.

The Desk Based Heritage Assessment has identified that the proposed development will have an impact on the setting of a number of scheduled monuments and listed buildings. Although the report has given an initial assessment of the level of impact on these settings, detailed assessment has not been carried out and will be required for the EIA. This assessment should be carried out in accordance with the guidance given in the Welsh Government document "The Setting of Heritage Assets in Wales".

Yours sincerely

Nichola Davies  
Diogelu a Pholisi/ Protection and Policy

**From:** Hywel.Butts@gov.wales <Hywel.Butts@gov.wales>

**Sent:** 26 July 2019 16:14

**To:** Sparey, Robert <ROBERT.SPAREY@planninginspectorate.gov.uk>

**Subject:** 3216558 - EIA Scoping Direction Consultation

Dear Mr Sparey

Thank you for your request for advice on whether airfield safeguarding issues needed to be included within the scope of an environmental statement for a 75MW Solar Farm near RAF Valley on Anglesey (Reference above).

The Ministry of Defence, as airfield operator should be consulted on this development proposal as there is the potential for adverse effects on the operation of the airfield as a result of the development encouraging nesting birds and the possibility of glare from solar reflection.

You have asked, however, whether there are likely significant effects on the environment within the meaning of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. Having considered the location of the development areas relative to the runways and other reflective surfaces such as water bodies, I have concluded *significant effects* are not likely on the material asset of the airfield and these issues do not need to be included in the environmental statement.

Yours sincerely

Hywel Butts

[Pennaeth y Gangen Rheoli Datblygu / Head of Development Management Branch](#)

[Y Gyfarwyddiaeth Gynllunio / Planning Directorate](#)

[Llywodraeth Cymru / Welsh Government](#)

[Ffôn / Tel:](#) 0300 025 1619 / 07825 690522

Your Ref: 3217391  
11 July 2019

Miss Kym Scott  
The Planning & Environment Team  
Planning Inspectorate  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

## **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**

#### **Potential DNS Application**

**Site Address: Land to the West of Llanfihangel yn Nhowyn and to the South West of Bryngwran**

**Proposed Development: Construction and operation of a 75MW solar farm, including ground mounted PV panels, point of connection, cabling, ancillary infrastructure, landscape and biodiversity improvements**

Thank you for consulting the Royal Society for the Protection of Birds (the RSPB) over the request for a Scoping Direction for this proposal.

We have reviewed the scoping report and considered this proposal carefully.

#### **The RSPB, Climate Change and Renewable Energy Generation**

Climate change is one of the greatest threats to birds, wildlife and people worldwide and as such the RSPB strongly supports the use of renewable energy to reduce the UK's greenhouse gas emissions. While solar energy technologies can impact upon birds and other wildlife, the RSPB considers that if deployed in suitable locations and with appropriate mitigation measures if necessary, solar energy technologies can be deployed in harmony with nature. Indeed, our research, set out in our 2050 Energy Vision shows a significant opportunity for solar farms in the UK with low risk for wildlife, and highlights that these could potentially be managed to benefit biodiversity. We therefore strongly support Government measures to encourage solar energy and we have already installed a number of solar panels at our visitor facilities at key reserves.

#### **Summary of RSPB Concerns**

Our primary area of concern in responding to this consultation is to ensure:

- Appropriate recognition is afforded to the internationally and nationally important habitats and species within and adjacent to the development area;
- A full understanding of the impacts of the development on those nature conservation interests;
- Appropriate measures identified to avoid, reduce or, where necessary, compensate for those impacts.

The construction and operation of the proposed development has the potential to/is likely to result in adverse effects on the following designated sites and their species:

- Glannau Ynys Gybi / Holy Island Coast Special Protection Area (SPA) is designated for breeding and wintering chough.
- Llyn Dinam Special Area of Conservation (SAC) is designated for its freshwater and wetland habitats.
- Llynau y Fali - Valley Lakes Site of Special Scientific Interest (SSSI) designated for wintering wildfowl and breeding birds.
- Llyn Traffwll SSSI designated for wintering wildfowl.

There are also likely to be adverse effects from the proposed development on:

- Breeding lapwing;
- Wintering lapwing and golden plover.

## Habitats Regulations

The RSPB considers that the proposal will require assessment under the Habitats Regulations (Conservation of Habitats and Species Regulations 2017):

- Assessment of potential impacts of loss of foraging habitat for the SPA chough population
- Assessment of water quality impacts in relation to Llyn Dinam SAC

## Environmental Statement (ES)

The ES submitted with the application should be complete and assessed thoroughly by PINS against benchmarks for quality of application. The application should not be reliant on significant updates being provided once in the examination. The ES should provide a detailed programme of ornithological surveys and comprehensive identification of protected sites and species that could be affected by the proposal. We also recommend the inclusion of plans and projects for the consideration of cumulative effects.

All impacts on nature conservation interests should be fully described, assessed and the significance of impacts clearly explained in the ES. The mitigation hierarchy should be followed to avoid, mitigate or compensate for biodiversity losses. All impacts predicted should include fully worked up possible mitigation in the ES. Monitoring should be employed to verify predictions and identify any unexpected impacts. It should not be used to defer consideration of mitigation until after the examination.

We have set out our detailed comments in an annex and consider these will help ensure that robust evidence is presented so that the potential environmental impacts can be properly understood and evaluated; and appropriate measures identified to avoid, reduce or, where necessary, compensate for those impacts. We reserve the right to make further comments in future.

If you require further information in relation to this matter, please do not hesitate to contact me. I would be grateful if you would keep me informed of any future developments.

Yours sincerely,



Simon Hugheston-Roberts  
Conservation Officer (Casework)

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Chairman, Committee for Wales/Cadeirydd Pwyllgor Cymru: Dr Havard Prosser    Director, RSPB Cymru/Cyfarwyddwr RSPB Cymru: Katie-Jo Luxton

The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654  
Mae'r Gymdeithas Frenhinol er Gwarchod Adar (RSPB) yn elusen gofrestredig: Lloegr a Chrymru rhif 207076, yr Alban rhif SC037654

## Annex

### Nature Conservation Importance of the application site and the surrounding area

The high value of habitats and features should be recognised by reference to their protected status including designated sites, where applicable. The proposal is within, adjacent and/or in proximity to the following designated sites:

- Glannau Ynys Gybi / Holy Island Coast Special Protection Area (SPA) is designated for breeding and wintering chough.
- Llyn Dinam Special Area of Conservation (SAC) is designated for its freshwater habitat (natural eutrophic lake).
- Llynnau y Fali - Valley Lakes Site of Special Scientific Interest (SSSI) is designated for wintering shoveler and breeding bird assemblage of open waters and their margins (gadwall, pochard, shoveler and Cetti's warbler). Also designated for its freshwater and wetland habitats; and aquatic plants.
- Llyn Traffwll SSSI is designated for wintering wildfowl (wigeon, gadwall, goldeneye, pochard, tufted duck and notably, shoveler). Also designated for its freshwater and wetland habitats.

#### Glannau Ynys Gybi / Holy Island Coast SPA

The southern part of the application area is of importance for chough, a highly localised Schedule 1 (Wildlife and Countryside Act 1981, as amended) and Annex I (Council Directive 2009/147/EC on the conservation of wild birds (the Birds Directive)) species of conservation importance in the UK and across Europe. Wales has particular responsibility for the conservation of chough, holding approximately 79% of the UK population. Fields within the application site to the south of Llyn Traffwll are used for foraging by post breeding and wintering chough associated with the Glannau Ynys Gybi / Holy Island Coast SPA. Chough have been recorded feeding in fields part of Areas 1, 8 & 9 (main cluster of records), including some colour ringed birds originating from the SPA. As such the proposed development site is functionally linked to the SPA.

#### 2016 UK SPA Review

The review considered the sufficiency of the existing SPA suite in terms of population numbers, range and ecological sufficiency and whether additional conservation measures were considered necessary. For both breeding and non-breeding Chough SPAs the suite was considered sufficient in terms of population, but insufficient in range and ecological sufficiency and additional measures were recommended (in line with Article 3).

The ecological sufficiency issues in Wales relate to the inadequacy of existing SPA boundaries, which do not include sufficient foraging areas for the chough population within the SPA boundary, but also that there are no sites that cover important non-breeding foraging areas away from the current SPAs that provided significantly important resources for SPA birds during the period before they are recruited into the breeding populations, both within the existing SPA network and elsewhere.

When the SPA recommendations are taken forward following the guidance the fields south of Llyn Traffwll with chough usage would be included in boundary changes to the existing SPA.

#### Llyn Dinam SAC / Llynnau y Fali - Valley Lakes SSSI / Llyn Traffwll SSSI

The proposed development area is hydrologically connected to the:

- Llyn Dinam SAC
- Llynnau y Fali - Valley Lakes SSSI
- Llyn Traffwll SSSI

The SAC and SSSIs are designated for their freshwater and wetland features of interest. The SSSI ornithological features are wintering wildfowl. Llynnau y Fali - Valley Lakes SSSI is also designated for its breeding birds.

#### RSPB Valley Wetlands Nature Reserve

A significant proportion of the land area designated as SAC and SSSIs forms part of the **Valley Wetlands Nature Reserve** which is owned and managed by the RSPB. We would remind the developer that the RSPB has a legal interest and holds further legal rights within the development area.

Species on the reserve include chough and lapwing. Chough require grazed grassland with a short sward to forage for invertebrates. Lapwing in particular, require wide open vistas to increase in numbers and reduce their susceptibility to predation.

### Lapwing

The RSPB manages fields for breeding lapwing adjacent to the footprint of the scheme (Area 1). Lapwing is Red listed in the 2015 UK Birds of Conservation Concern (BoCC) 4. It is Red listed in BoCC 3 (Wales) owing to severe short-term and long-term decline of the breeding population and is a priority species under Section 7 of the Environment (Wales) Act 2016. In 2019 the fields managed for lapwing held 13 breeding pairs which equates to over 1% of the Welsh breeding population and are therefore of national importance.

### Wintering waders: lapwing and golden plover

Furthermore, the wider area including the development site (Areas 1, 4 & 9) support variable numbers of wintering lapwing (1000 to 2500) and golden plover (500 to 2000). The wintering populations of lapwing and golden plover in the vicinity would appear to be of national importance as there are less than ten sites in Wales with higher wintering numbers (Welsh Bird Report 2017).

### **Potential impacts on nature conservation interests**

The RSPB expects all potential impacts to designated sites and their species to be fully assessed in the ES. These assessments are also required as part of the Habitat Regulations Assessment (HRA). The ES should assess the potential impacts of the construction, operation and decommissioning of the proposed development on the qualifying features of the SPA, SAC and SSSIs, on the local breeding population of lapwing and on the wintering populations of lapwing and golden plover.

### Chough, a feature of Glannau Ynys Gybi / Holy Island Coast SPA

Fields within the application site to the south of Llyn Traffwll are used for foraging by post breeding and wintering chough associated with the Glannau Ynys Gybi / Holy Island Coast SPA. Chough have been recorded feeding in fields part of Areas 1, 8 & 9 (main cluster of records), including some colour ringed birds originating from the SPA. As such the proposed development site is functionally linked to the SPA. The ES should assess impacts on the chough foraging habitat that is functionally linked to the SPA.

The potential impacts of the development can be broken down as follows:

#### Construction:

- Human disturbance
- Direct loss of chough foraging habitat: loss of open grassland habitats utilised for foraging.
- Displacement of chough to sub-optimal foraging habitats.
- Habitat fragmentation and/or modification: the combination of fencing and the solar farm itself, with modification to the grassland through reduced grazing, will fragment the landscape used by chough and reduce the foraging area available.

#### Operation:

- Disturbance to chough: scheduled/emergency maintenance of the solar farm.

#### Decommissioning:

- Human disturbance

We are concerned about the impacts on existing chough foraging habitats (e.g. grazed fields) within the footprint of the application site. The installation of solar arrays will render the pastures to be unsuitable for chough as they require open grazed areas to forage. The foraging habitats used by chough are functionally linked to the SPA and loss of the food resource might have adverse implications on the SPA population.

### Llyn Dinam SAC; Llynau y Fali - Valley Lakes SSSI & Llyn Traffwll SSSI

The potential impacts of the development can be broken down as follows:

#### Construction:

- Destruction, fragmentation and/or modification habitat within SAC
- Human disturbance: to wintering wildfowl and breeding birds (gadwall, pochard, shoveler and Cetti's warbler)
- Water quality: there is potential for changes in run-off of water into the SSSI and SAC wetlands around the development and potential for water quality impacts on designated features during the construction phase

#### Operation:

- Disturbance to breeding birds (gadwall, pochard, shoveler and Cetti's warbler) and wintering wildfowl: scheduled/emergency maintenance of the solar farm.

Decommissioning:

- Human disturbance: to wintering and breeding birds

#### Breeding lapwing & wintering populations of lapwing and golden plover

The potential impacts of the development can be broken down as follows:

Construction:

- Human disturbance: particularly lapwing during the breeding season (Mid-March to late July) and wintering lapwing and golden plover
- Direct loss of foraging habitat: loss of open grassland habitats utilised for foraging.
- Displacement to sub-optimal foraging habitats.
- Habitat fragmentation and/or modification: the combination of fencing and the solar farm itself, with modification to the grassland through reduced grazing, will fragment the landscape used by lapwing and golden plover; and reduce the foraging area available.

Operation:

- Disturbance to breeding lapwing; and wintering lapwing and golden plover: scheduled/emergency maintenance of the solar farm.
- Increased potential of predation: of lapwing nests and young in adjacent fields due to additional predator vantage points from ancillary structures (including security fences).

We are concerned about the impacts on the existing lapwing colony adjacent to Area 1 of the development during the breeding season. Lapwing and their young are known to forage within area 1 owing to a permeable field boundary.

The installation of solar arrays in Area 1 will render the pastures to be unsuitable for lapwing as they require open grazed areas to forage. The installation of security fencing between the lapwing colony and Area 1 could act as a barrier and render the field boundary impermeable for lapwing chicks to move between fields. The loss of a food resource might have adverse implications on the breeding colony of national significance. To conclude, the current and future management for important breeding and wintering birds which require open habitats would be compromised by this development.

#### Habitats Regulations Assessment

The RSPB considers that the proposal will require assessment under the Habitats Regulations:

- Assessment of potential impacts of loss of foraging habitat for the SPA though population
- Assessment of water quality and hydrology impacts in relation to Llyn Dinam SAC.
- 

#### Assessment Methodology

Section 5.2.1 refers to *Ecology and Environmental Management (IEEM) methodology* for Ecological Impact Assessment. The correct reference for Ecological Impact Assessment is CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Chartered Institute of Ecology and Environmental Management, Winchester.

The assessment of the potential impact of this development, both alone and in combination with that caused by other developments in the vicinity, upon SPA, SAC and SSSI features of interest and populations of birds should be informed through appropriate surveys. The surveys should be undertaken in accordance with good practice guidelines.

The scoping report does not include assessment methodology for breeding and winter bird surveys. We would like to clarify what bird surveys and information the RSPB recommend for this site.

We have provided the applicant with extensive ornithological data to contribute towards a desk study. We have given advice on coverage and methods for the required bird surveys and an appropriate buffer as follows:

#### Breeding birds – survey effort over one breeding season

We recommend applying the Common Bird Census (CBC) method modified to 4 visits, ideally with at least ten days between each visit from late March to late June. The survey should record all species of bird with attention given to Red and Amber listed species and Section 7 species. In addition, it would be helpful to

observe usage by waders during the breeding season (to include crepuscular and nocturnal surveillance) and recommend vantage point surveys to establish the usage of the site by waders. Special attention should be given to lapwing commuting from the RSPB reserve to the development site(s).

#### Winter (non-breeding) bird survey - Survey effort over 2 years

We recommend winter bird surveys are undertaken by conducting field by field transects to record all species of bird with special attention given to SPA species i.e. Chough plus grassland waders, and also Red and Amber listed species and Section 7 species.). The surveys should be undertaken once per fortnight between September and March.

More detail can be obtained as to these methods in "*Bird Monitoring Methods : A Manual of Techniques for Key Species*" Gilbert, G. Gibbons, DW and Evans, J. Pub. RSPB, BTO, WWT, JNCC, ITE Sandy 1998. ISBN 1 901930 03 3

#### Buffer

A 250m buffer should be applied to the development area for both breeding and non-breeding bird surveys. There is some overlap with RSPB bird survey areas. Specified fields within the overlap subject to annual RSPB bird surveys can be excluded from the breeding bird surveys. Areas for exclusion due to overlap and difficult access owing to boggy ground conditions have been identified with the applicant.

#### Section 5.7 Cumulative Impacts

The scoping report lacks a list of potential projects and plans for consideration of cumulative impacts. We recommend the inclusion of plans and projects for the consideration of cumulative effects in accordance with guidelines (CIEEM, 2018).

#### Area Statements

NRW is in the process developing Area Statements to help facilitate the sustainable management of Wales' natural resources. Thus, regard should be made to NRW's emerging Area Statements (North West Wales Areas).



11<sup>th</sup> July 2019

Our Ref: 0711je/D3319.02

Miss Kym Scott  
Planning Officer  
The Planning Inspectorate  
Crown Building  
Cathays Park  
Cardiff  
CF10 3NQ

Dear Miss Scott,

**Your ref: 3217391**

**Land to the west of Llanfihangel-yn-Nhowyn and to the south-west of Bryngwran**

Thank you for your letter of 7<sup>th</sup> June 2019 regarding the request for a Scoping Direction for the above proposed development. I have had some preliminary discussions with Archaeology Wales, who have been commissioned by the applicant as their archaeological contractor, and who have produced the supplied desk-based archaeological assessment of the proposed development sites. A desk-based assessment would not normally be prepared at this stage; it usually constitutes part of the environmental statement, and its scope would be defined as part of this scoping exercise. In this case I agreed the scope of the desk-based assessment back in December 2018, following the normal process for development-led archaeological work. I have not yet completed technical review of the desk-based assessment and thus it should be regarded for the time being as a draft document. Nevertheless, I am able to offer comments on the scoping report on the basis that an archaeological desk-based assessment would certainly be required for the proposed scheme.

The proposed scope and structure of the environmental impact assessment, insofar as it pertains to the historic environment, is satisfactory as far as it goes. However, I would confirm that, in addition to the desk-based assessment, an archaeological evaluation will need to be undertaken, in order to characterise the archaeological resource of the site sufficiently to permit informed decision making. The evaluation will entail two stages of work, geophysical survey followed by trial trenching, and the results of both stages would need to be submitted as supporting documentation, along with the desk-based assessment, should an application be forthcoming.

The archaeological fieldwork must be undertaken by professional archaeological organisations, who will need to agree the detailed scope and methodology for both stages with us in advance according to normal professional archaeological practice. In addition to being presented as information within the main text of the Environmental Statement, the reports on the archaeological work should form stand alone reports suitable for accessioning to the Historic Environment Record, which should be appended to the Environmental Statement in full.

It is recommended that the evaluation work should be undertaken early in the process so that the results can inform the design of the proposed development. Design modification is the most effective means of mitigating the archaeological impacts of solar farms. In addition, there is potential for

*Uwch Archaeolegydd Cynllunio - JENNY EMMETT- Senior Planning Archaeologist*

overlapping or conflicting interests between, for example, buried archaeology and mitigation that may be proposed for ecological or landscape and visual reasons. Obtaining a confident understanding of the archaeological resource of the site early on is necessary to ensure that such issues are appropriately resolved before submission.

Due to the proximity of the proposed development parcels to scheduled monument AN088 Castellor Hut Group, we would recommend that an assessment of the potential impact of the proposed development on the setting of the monument is prepared as a matter of good practice, following the guidance document *Setting of Heritage Assets in Wales* (Cadw, May 2017). The Landscape and Visual Impact Assessment is likely to be able to contribute to this assessment, and should include relevant photomontages of the proposed development from the scheduled area. Cadw may also wish to comment on this aspect.

Please do not hesitate to contact me with any queries regarding the above.

Yours sincerely

**Jenny Emmett**  
**Senior Planning Archaeologist**