

This document contains the pre-application and scoping responses in full.

Scoping Response - Planning Inspectorate

In May 2019 Low Carbon submitted a request for a formal Scoping Direction from PINS Wales under Regulation 30 of the EIA Regulations. The Planning Inspectorate (PINS) issued an EIA Scoping Direction on 30th July 2019, following consultation with Isle of Anglesey County Council (IACC), Natural Resources Wales (NRW) and RSPB Cymru as the primary statutory consultees on ecology.

The Scoping Direction indicated that the Applicant should provide a breakdown of the baseline habitats in each of the development areas in terms of list provided at Section 7 of The Environment (Wales) Act 2016, 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; and
- Invertebrates

PINS directed that each of those topics is Scoped In, and that Reptiles should also be Scoped In.

Further, NRW stated:

- Two years of (winter) bird surveys should be undertaken to allow for annual variation. The Applicant should conduct the surveys in accordance with the advice provided by RSPB.
- The Applicant 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 Applicant should liaise with NRW regarding the approach to Great Crested Newts, and the need to provide Environmental DNA evidence.

The Scoping Direction also notes

“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 potential significant effect on a European site (either alone or in combination with other plans or projects). The Competent Authority in respect of an application for a Development of National Significance (DNS) is the 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 AA1 is required.”

¹ An Appropriate Assessment or Habitats Regulations Assessment (HRA) refers to the several distinct stages of Assessment which must be undertaken in accordance with the [Conservation of Habitats and Species Regulations 2017 \(as amended\)](#) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) to determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it.

Scoping Response - Isle of Anglesey County Council

IACC provided a response to PINS Scoping consultation on 6th June 2019 following a meeting with the applicant and submission of a request for pre-application advice. They raised the following points:

- The scope should 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;
- 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);
- The applicant's pre-application discussion document also omits any reference to Local Wildlife Sites; and
- The inclusion of part of the proposal area within the Llynau y Fali/ Valley Lakes SSSI and SAC sites will trigger an Appropriate Assessment, as required by The Habitat Regulations Act 2017 (as amended). This Assessment would have to determine whether proposals could lead to any significant effects on the SAC designated features.

Scoping Response - NRW, July 2019

A detailed Scoping Response was received from NRW in July 2019 as part of the Direction from PINS. The following was specified:

The Proposed Development may affect:

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

The Applicant 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. overwintering chough 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; and
- Biosecurity during construction and operation.

NRW specified that 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.

NRW also stated the Competent Authority should carry out a test of likely significant effects (TLSE) for the European Protected Sites, as per Regulation 63 of The Conservation of Habitats and Species Regulations 2017.

Good practice for Great crested newts recommends the use of habitat suitability index (HSI) scoring for ponds as a first stage in assessment. However, the HSI 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 Applicant must detail appropriate measures to account for the potential presence of this species.

Scoping Response - RSPB

RSPB Cymru offered the following advice on coverage and methods for the required bird surveys and an appropriate buffer:

- 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.”
- 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.

NRW - Discretionary Advice Service

On 22nd October 2019, Low Carbon submitted a request through the Discretionary Advice Service (DAS), seeking NRW's advice on the scope of the wintering bird surveys that will inform the planning application for the Proposed Development, with specific reference to chough as a target species. In their response on 11th November 2019, NRW stated the following:

“Due to the location of the development and the potential for functional linkage between Glannau Aberdaron and Ynys Enlli/ Aberdaron Coast and Bardsey Island, Glannau Ynys Gybi/ Holy Island Coast and Mynydd Cilan, Trwyn y Wylfa ac Ynysoedd Sant Tudwal Special Protection Areas (SPAs), adverse effects on integrity of these SPAs cannot be excluded (for the Project alone). The survey data will be needed to inform the Habitats Regulations Assessment for these SPAs.”

They state

“...we advise that there is a need for Chough specific surveys that follows established methods as recommended by the RSPB. These surveys may provide further information on the numbers and distribution of winter foraging Chough within the Development Area and associated buffer of 250m and the use foraging Chough make of the habitats therein during the winter period.”

Appendix 11.7 Parc Solar Traffwll, Pre-Application and Scoping Response

Methods would comprise the following:

- Fortnightly walked transects following identified routes.
- Recording numbers of Chough, their location and behaviour.
- Recording details of any colour-ringed Chough.
- Recording the following habitat variables in all fields in the study area:
 - number and type of livestock present;
 - approximate sward height within three categories (0 = 0-5 cm, 1 = 5-10 cm, 2 = >10 cm);
 - broad habitat classification (e.g. pasture, arable, heath); and;
 - any land management operations (e.g. ploughing, manure dressing or cutting).

These surveys are designed to determine chough usage of all parcels, and to test the hypothesis that “choughs are unlikely to be using parcels 3, 4, 5 and 6”.

Low Carbon stated in their DAS request:

“RSPB evidence gathered to-date suggests chough activity is consistently limited to plots 8, 9 and 1. If these three plots were to be removed from the proposal I write to seek confirmation that the winter bird survey effort will reduce accordingly to one year. The intensity of the surveys would remain as recommended and the inclusion of the 250m buffer surrounding the remaining plots would still apply. On completion of the year’s survey a review would be conducted and shared with NRW/RSPB to confirm that no additional survey is required”.

NRW responded:

“In principle, NRW would accept the concept of review on condition that i) a non-breeding chough specific survey following established methods is undertaken and results presented, and ii) the referenced RSPB 10-year Chough dataset is presented as supporting evidence for NRW to consider.”

Low Carbon stated in the DAS: “...during the survey period we would alert NRW/RSPB to any abnormal conditions during the survey as per the following criteria:

- Unseasonal weather;
- Adverse ground conditions; and
- Out of the ordinary agricultural activities for the time of year.

Should ‘normal’ environmental conditions prevail for the survey area and period then all parties should agree that the data is representative. Subject to the findings of the first year data, agreement that no additional winter bird survey work is required will be confirmed.”

NRW concludes: “Please note that a non-breeding Chough specific Survey is required, following established methods, to inform the decision-making as to whether 1 or 2 years of non-breeding Chough survey(s) are required. The conclusion with regard to the need for 1 or 2 years will also be dependent on the results of year 1 in combination with the RSPB Chough data – though we have not yet seen this in full.”

Choughs are addressed in a separate Habitats Regulations Assessment (HRA).

In response to Low Carbon’s request for discretionary advice on 24th June 2020, NRW provided response relating to the scope of the HRA, management options for land falling within the Llyn Dinam SAC and the chough summary report in July 2019.

Scope of the HRA

NRW states:

“Due to the locations of sites 3, 4 and 5 in relation to designated sites the following comments refer to site 6 only. Based on the information currently available, we consider it will be unlikely to conclude no likely significant effect on Llyn Dinam Special Area of Conservation (SAC) (Option A of Section 1.4) due to the following potential impact pathways associated with site 6:

- possible eutrophication arising from improved drainage through site 6 during the operational phase.*
- the proximity of Llyn Dinam SAC to the proposed solar arrays within site 6, with the potential for pollution during construction/erection of the arrays.*

Possible Eutrophication Arising from Improved Drainage Through Site 6 During the Operational Phase.

NRW states:

Site 6 is immediately upstream of Llyn Dinam SAC. This area has a network of ditches and drains, many of which are currently partially silted up and well vegetated. There is a history of flooding in the nearby Dol Eithin housing area and surface water from the estate flows into site 6, and on a number of occasions sewage has surcharged into the surface floodwater. At present the water discharged from the estate flows slowly through site 6 and much of the silt and nutrients settles out or is lost en route before it reaches the SAC.

No information is available at present regarding the drainage proposals for the site. However, the document “Parc Solar Traffwll, Land Management Options SAC/SSSI Parcel 6” states that “the main threat at present to the integrity of the site is nutrient enrichment (diffuse sources)” and it is likely that this could be worsened by any improvement of the drainage of plot 6 enabling water to flow straight through the site and into the SAC taking with it any pollutants. This aspect should therefore be considered in any assessment of impacts on the SAC as it will be an integral part of the development.

Furthermore, the inclusion of parts of Llyn Dinam SAC as part of the “ecological enhancement strategy” will be severely undermined if this aspect of the lake’s catchment is not appropriately managed.

The Proximity of Llyn Dinam SAC to the Proposed Solar Arrays within Site 6, with the Potential for Pollution during Construction/Erection of the Arrays.

NRW states

Notwithstanding the consideration of pollution prevention measures for the proposal in general, we advise the assessment of pollution impacts on Llyn Dinam SAC due to construction of any arrays within site 6, including risks from pollution by oils and mobilised sediments, especially along tracks through the fields within the catchment. Suitable cut-off drains and the use of silt curtains or other pollution prevention materials should be implemented to deal with any run-off, as well as suitable hardstanding and temporary tracking employed. In view of Llyn Dinam SAC already showing some signs of eutrophication, pollution prevention measures will need to be

effective and capable of coping with the extreme rainfall events which have been experienced at the site in recent years.

We advise that such measures should be included in the method statement/Construction Environmental Management Plan (CEMP) for the development.

In addition, a risk assessment should be carried out before the start of the development considering the soil type, groundwater levels and the normal annual pattern of rainfall and the pollution risk, to enable the construction work to be carried out at a time of year that will minimise the risk of silt pollution of nearby watercourses and the adjoining designated sites."

A Sustainable Drainage (SuDS) Strategy provides details of the method that will be used to discharge the surface water runoff in accordance with the six standards requiring evaluation as part of a SuDS Approval Body (SAB) application for the proposed development of Parc Solar Traffwll.

Management Options for Land Falling within the Llyn Dinam SAC

NRW states:

"We welcome the proposal to manage areas of the Llynnau y Fali Site of Special Scientific Interest (SSSI) and the adjacent fields for nature conservation. Conservation grazing and scrub removal is likely to be appropriate for this part of the SSSI and adjacent areas and we would welcome further discussion about this in due course. However, these comments should not be construed as formal consent for such grazing or scrub removal.

We consider that the proposed management options prescribed for site 6 would benefit chough. Securing and maintaining favourable management on sites 1, 8, and 9 for chough would also be welcomed, if the applicant still has options on those fields."

Chough Summary Report

"The chough summary report draws on a ten year historical dataset of chough sightings as well as contemporary survey. Whilst in principle this historical dataset would remove the need for further survey, before we can confirm this position, we will require confirmation about the spread of sighting effort across sites 3, 4, 5 and 6 in comparison with sites 1, 8, and 9."

On 18/09/20 the Applicant noted that NRW had requested confirmation about the spread of sighting effort associated with the Valley extract of the ten-year historical dataset of chough sightings. NRW gave the response on 16/10/20 as follows:

"Given the nature of the data we are satisfied with the information that has been provided and that the different parcels were subject to a similar level of effort overall."

In effect, this statement confirms NRW are content with the historical and year 1 survey data sets presented by the Applicant.