



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

# DNS: EIA Scoping Direction

## 3220457 – Rush Wall Solar Park

12 February 2019

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**This Scoping Direction is provided on the basis of the information submitted to the Planning Inspectorate on 19 December 2018, in addition to consultation responses received. The advice does not prejudice any recommendation made by an Inspector or any decision made by the Welsh Ministers in relation to the development, and does not preclude the Inspector from subsequently requiring further information to be submitted with the submitted DNS application under Regulation 24 of [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#) (“The 2017 Regulations”).**

## 1. Introduction

The Planning Inspectorate received a request under [Regulation 33](#) of the 2017 Regulations for a Scoping Direction in relation to a proposed development for a 49.9MW solar park on the Caldicot Levels, near the village of Redwick, south east of Newport, Wales by Renplan Consulting Ltd on behalf of Rush Wall Solar Park Limited (“the developer”). The request was accompanied by a Scoping Report (SR) [EIA Scoping Report, December 2018](#) 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 Planning Inspectorate is authorised to issue this Scoping Direction on behalf of the Welsh Ministers.

## 2. Site Description

The site is located in the Gwent Levels, within a farm less than a kilometre north of Redwick village and over one kilometre from the banks of the Severn Estuary. The site is on farmland made up of fields of variable sizes, with a total area of over 100ha. Further detail is provided in pages 5 – 7 of the Scoping Report.

## 3. Proposed Development

This Scoping Direction is made on the basis that the development proposal is for a 49.9MW solar park, as described in pages 8 – 10 of the Scoping Report.

The proposed development would consist of the following:

- Solar photovoltaic (PV) panels, mounted to a railing sub structure
- Approximately 12 inverter stations distributed evenly across the solar park
- Compacted gravel tracks (constructed on a sub layer geogrid membrane) to allow vehicular access between fields and a substation access track with a cement based top layer
- Stock proof fencing and gates to enclose the panels within each field and allow sheep to graze securely

- Security and monitoring CCTV mounted on fence posts within each field
- Underground cabling to connect the panels to the substation
- A substation compound, within a security-fenced concrete-based compound, including associated ancillary services, which will connect to the onsite 132kV overhead lines via a WPD tower. A T-off connection (i.e. an overhead wire) would provide the point of connection from the substation to the existing 132kV pylon on site
- A 10-metre-high single pole communications antenna may be required at the substation

It is proposed that the development would be in situ for 35 years, following which the above ground infrastructure (solar panels and supports, substation, inverters, switchgear, CCTV) would be removed from site. Underground cabling would be left in situ to avoid ground disturbance.

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 site currently has extant permission (18/0408) for the '*Installation of single wind turbine of maximum tip height 130m and associated switch gear housing units, temporary access track, underground cabling and temporary crane hard standing*'.

Additionally, on the site adjacent to the proposed development site, permission 12/1001 was granted 06/12/13 for the, '*Erection of 1no. wind turbine (with generating capacity of up to 1.5mw), with a maximum height to tip of 100m, together with ancillary development including electrical substation kiosk and electrical transformer kiosk, underground cabling, onsite access tracks, access to the public highway, crane hardstandings, temporary construction compound and site signage.*'

#### 5. Consultation

In line with regulation 33(7) of the 2017 Regulations, formal consultation was undertaken with the following bodies:

- Newport City Council (NCC): relevant Local Planning Authority (LPA)
- Natural Resources Wales (NRW)
- Cadw

Due to the proximity to a neighbouring LPA area, the Inspectorate also consulted:

- Monmouthshire County Council (MCC)

MCC contacted the Inspectorate on 12 February 2019 to query why they had not been consulted and given adequate time to respond. The Inspectorate's records show that we did send MCC a consultation letter on 20 December 2018. Due to the problems in communication, waiting for MCC's response would mean a failure to adhere to the timescale for issuing a Scoping Direction set out in the 2017 Regulations. The Inspectorate has determined to issue the Direction without sight of MCC's response. However, MCC are encouraged to submit their response to the Inspectorate and the applicant in due course,

and the applicant is encouraged to give it due consideration and to continue to liaise with MCC during the preparation of the ES. Should the response from MCC lead to any unreconcilable differences as to the scope of the ES, the applicant is invited to request an updated Scoping Direction from the Inspectorate, as the Regulations direct that the ES should be prepared in accordance with the most recent Scoping Direction.

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

Consultee	Role
Newport City Council (NCC)	Statutory Consultee: Relevant Local Planning Authority (LPA)
Natural Resources Wales (NRW)	Statutory Consultee
The Welsh Ministers (Cadw)	Statutory Consultee: Historic Environment

## 6. Environmental Impact Assessment Approach

The Inspectorate is generally supportive of the approach outlined in the scoping request.

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 in [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 which 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.

### 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" (my emphasis). The baseline of the ES should, as accurately as is practicable, reflect current conditions at the time of submission of the application.

### 6.2 Reasonable Alternatives

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

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 European designated sites, it would have to be shown that there is no feasible alternative solution (see advice note from [IEMA](#)). Further advice regarding the Habitats Regulations is provided in the final chapter of this Scoping Direction.

### 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

The Inspectorate agrees with NCC in that cumulative effects should not be limited to only other solar schemes. Also, 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 of the 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 NCC and other consultees, where appropriate.

The Inspectorate notes that the Applicant does not intend to include the M4 Corridor Around Newport (CAN) scheme as part of cumulative effects assessment unless it is consented before this application is submitted. The Welsh Ministers, as the competent authority, would not be able to arrive at a reasoned conclusion whether to consent this project, if the M4 (CAN) is consented and the ES does not include this in any assessment, and the applicant is advised to satisfy themselves that they address this matter if necessary.

The Inspectorate welcomes the applicant's stated intention to include the recently consented DNS for a 49.9MW renewable energy hub on the Caldicot Levels, south of [Llanwern Steelworks Site](#).

The Inspectorate recently issued a Screening Direction for another energy generation scheme in the same locality ([3216558, Wentlooge Farmers](#)). 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 applicant should satisfy themselves as to whether it is appropriate to include the Wentlooge scheme in the cumulative assessment, depending on the progress of that project at the time this application is submitted, and provide a justification as to the approach taken.

In relation to the assessment of cumulative effects, the Applicant should also have regard to the Planning Inspectorate's guidance for Nationally Significant Infrastructure Projects – [Advice Note 17: Cumulative Effects Assessment](#) – which may be of relevance, in addition to the guidance identified in the SR.

### **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 (including Ornithology)– Scoped In

The study area as defined in the SR is considered largely appropriate and should be agreed with relevant consultees throughout the preparation of the ES. It may be appropriate to present Ornithology as a separate sub-chapter of the Ecology section.

The Inspectorate endorses the ecological surveys recommended by NCC to be carried out in preparation of the ES, which should also include the surveys as suggested by NRW. Comments from both NRW and NCC in relation to ecological surveys are endorsed by the Inspectorate. The ES should identify the likely impact of the proposal on such species, provide detailed mitigation strategies and include consideration of on-going management on the site and any monitoring. The ES should also identify if there is a requirement for species licenses.

The SR identifies the potential for significant adverse effects on breeding and wintering birds. The ES should therefore include this in its scope, but it is also considered necessary to further investigate the presence of foraging cranes in the area.

The qualifying features of the SSSI should be assessed during all stages of the proposal, and the ES should include suitable mitigation where necessary. NRW consider there would be a likely significant effect on the SSSI if the project proposes unsuitable reed and ditch crossing, which should therefore be assessed in the ES. The ES should also consider the long-term maintenance and management of the reens, including the flora of the watercourses and the nature of the ditches in relation to shade or open sunlight.

The proposed consultation as set out on Page 29-30 in the SR is endorsed by the Inspectorate. Consultation should be undertaken with all relevant bodies throughout the preparation of the ES, such as NRW and the RSPB, and should include the methodology for ecological assessments. Local ecologists should be consulted on scope of work to ensure that regional and local biodiversity issues are adequately considered.

It would be helpful to the examination process if sensitive Environmental Information that should not be published online is clearly flagged up / submitted as separate appendices to the ES.



## 7.2 Climate – Scoped In

It is welcomed that climate change is to be proportionately addressed as part of the ES, in line with the approach on Page 11 of the SR. Whilst it may not be appropriate to provide a detailed calculation in relation to the overall lifecycle of the project in terms of carbon cost / benefits, it may be useful to include some information, including references to the studies mentioned in the Scoping Report.

## 7.3 Groundwater – Scoped In

The approach set out in the SR seems largely appropriate. NCC were unable to provide comments in their consultation response in relation to water quality and the reens. The comments NCC have provided are based on consultee expectations and officer knowledge. It is therefore recommended that the developer engages with NCC throughout the preparation of the ES and relevant assessments.

The ES should address any potential impact on the reens during development, de-commissioning and operational phases of the proposal. NRW comment that the proposal may have a likely impact on water quality and quantity during construction, and this should be fully assessed by the ES. The ES should also include assessment of the impact of the proposal on fields with grips, the effect on aquatic invertebrates and the grassland habitat of the shrill carder bee. The operational phase of the proposal may cause issues over shading on the reen system, and reen maintenance, and so this should be assessed by the applicant. The Inspectorate agrees and endorses these comments from NRW. Assessments prepared as part of the ES should also address the long-term management and maintenance of the ditches.

NRW recommends the ES considers the requirement for a site management plan for all stages of the development, which is agreed by the Inspectorate. All of the comments made by NRW can be seen in the Appendix and are endorsed by the Inspectorate.

## 7.4 Tidal Flooding – Scoped Out

The site is located within Flood Zone C1, and it is noted that the applicant intends to submit a Flood Consequence Assessment (FCA). The Inspectorate endorses comments from NRW that scoping tidal flood risk out of the ES is acceptable, providing the applicant submits a full FCA that demonstrates that the potential consequences of flooding can be managed to an acceptable level in line with TAN15. The FCA should fully assess tidal flood risks and consequences to the project, including a breach scenario over the lifetime of development. As outlined in the responses from NCC and NRW, when preparing the FCA, consideration should be given to the guidance set out in TAN 15: Development and Flood Risk. As this topic is scoped out of the ES and the FCA will form a separate supporting document to the application, policy arguments in relation to this topic should be dealt with in the FCA itself or a cross referenced Planning Statement rather than the ES which should focus on description of significant environmental effects.

## 7.5 Surface Water Flooding – Scoped In

NRW advise that the Caldicot and Wentlooge Levels Internal Drainage District (IDD) is sensitive in terms of water level management (i.e. flood risk from the reens), increased surface water run-off, silt deposition, watercourse and soil erosion and soil compaction. As the project is likely to have significant effects on the IDD, based on the information provided, certain matters should be scoped into the ES:

- Estimated Greenfield run-off of the site and potential for the project to change this
- Assessment of the project resulting in ground compaction and the potential for ground swell affecting the reen bed height resulting in adverse effects on levels and flow direction
- Access for NRW planned maintenance of the reens and ditches when operational and impacts on access and maintenance during the construction stage
- Associated overhead and underground electricity cabling impacts on NRW maintenance

Additionally, the Inspectorate endorses NCC comments that if land raising is proposed, the impact of flood water displacement and run-off effects should be taken into account.

The full response from NRW is appended to this scoping direction. NRW should be consulted during preparation of the relevant chapter of the ES.

## 7.6 Landscape Character and Visual Impact – Scoped In

The approaches to landscape and visual impact assessment (LVIA) and assessment of impacts on Landscape Character outlined by the Applicant are considered appropriate. It is recommended, as suggested, that the Applicant prepares the LVIA in line with guidance set out in the Guidelines for Landscape and Visual Impact Assessment (Third Edition), and any other relevant guidance.

An assessment of cumulative impacts will be required as part of the LVIA, as described above.

The Inspectorate agrees with NCC that particular consideration will need to be given to:

- The key qualities of this particular area of the Wentlooge Levels, including the assessment of 'Tranquillity'.
- The Mapping and conservation of small-scale vernacular structures e.g. railings, stone walling and stone bridges.
- Mitigation measures to respect both the SSSI designation and the landscape character of the area.
- The planted character of the site and context should be researched. New tree and hedge planting may not be appropriate in a more open landscape where many field ditches are filled with reeds rather than bordered by hedges.
- When looking at mitigation the scope for restoration of historic field boundaries should be explored, as the site has lost a number of field boundaries resulting in large field size. In this location historic fields tended to be bounded by a mix of reens and hedges.

- Opportunities for Green Infrastructure (GI) enhancement including opportunities to restore and enhance traditional habitat and landscape management character, improve rights of way for walking and cycling, and to tackle widespread fly-tipping.
- All sensitive landscape designations.
- Views into and out of the area can be long distance and panoramic along the coastline, across the Severn Estuary, and inland. The ZTV will confirm where views from the elevated sea wall (the Wales Coast Path) are possible.
- Longer distance views from elevated land to the north of the M4 as large scale development across the flat open Gwent Levels is often highly visible.

The Applicant should consider undertaking consultation with RSPB Wales when preparing the LVIA, on the basis suggested by NCC, as this may provide valuable local knowledge and input.

It is acknowledged that there will be some overlap between the LVIA, assessment of effects on Landscape Character and the ASIDOHL. The Applicant should ensure that the landscape and visual impacts of the whole scheme are comprehensively assessed, and that as far as is practical, all elements of the scheme are included in visualisations. It will also be appropriate to consider temporary installations, for example cranes used during the construction phase. Consultation with the relevant consultees should be carried out as outlined in the SR.

### **7.7 Glint and Glare – Scoped Out**

The proposed approach to Glint and Glare is considered appropriate. 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.

### **7.8 Historic Environment (including Archaeology) – Scoped In**

Cadw have highlighted that the ES will need to address certain matters that were not identified in the Scoping Report submitted to the Inspectorate. The Inspectorate directs that the ES should be prepared in line with Cadw's recommendations, particularly:

- Scheduled Ancient Monument MM127 Wilcrick Hill Camp: Impact of the proposal on the setting of this SAM
- Listed Building 2940 Church of St Thomas: Impact of the proposal on views to the church and its tower
- Gwent Levels Landscape of Outstanding Historic Interest: The ASIDOHL impact assessment should consider the direct impact on Historic Landscape Character Areas 6 and 8, and the indirect impact on Character Areas 9 and 10. Direct impact should be calculated as the area covered by the panels rather than confined to the area of the piles.

The Inspectorate welcomes the applicant's confirmation that they will engage with the Gwent-Glamorgan Archaeological Trust (GGAT) and Cadw in preparing this section of the ES.

### **7.9 Agricultural Land Quality – Scoped Out**

Given the advice provided by WG and included with the SR, it is agreed that a full assessment of the effects on BMV Agricultural Land can be scoped out of the ES. A proportionate section explaining the rationale for scoping this topic out, based on the available evidence, would be sufficient.

### **7.10 Transport (Road Users) – Scoped In**

The ES should address transport impacts during the construction and decommissioning phases, in a proportionate manner. The Inspectorate is in broad agreement with the approach taken in the SR. The Inspectorate agrees that during the operational phase, it is likely that no significant, permanent effects will arise from the proposed scheme. The SR indicates that existing traffic volume on the chosen construction route will be recorded and if the volume of construction traffic is below the thresholds set out in the guidelines for the Environmental Assessment of Road Traffic (Institute of Environmental Assessment) a full assessment will be scoped out of the ES.

If the above scenario transpires, the Inspectorate endorses the response of NCC that a section should be included in the ES providing the rationale for the proportionate level of information provided. Their response also advises that highway issues will need to be addressed somewhere in the application submission. The Inspectorate is in agreement with these comments.

The Inspectorate welcomes the confirmation in the SR that a Construction Traffic Management Plan (CTMP) and a Construction Environmental Management Plan (CEMP) will be submitted. 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.

### **7.11 Noise and Vibration – Scoped In**

The Inspectorate welcomes the approach described in the Scoping Report regarding a proportionate assessment focussed on the construction phase. The ES should also consider decommissioning, but it is agreed that operational noise can be scoped out. The applicant should continue to engage with NCC regarding this topic.

### **7.12 Contaminated Land – Scoped Out**

It is accepted that due to the reasons set out in the SR, there are unlikely to be significant effects from contaminated land. The Inspectorate is in agreement with the approach as set out in the SR.

## 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 Systems Consent (SuDS)

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.

## Appendix: Consultation Responses

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<b>Consultee</b>	<b>Role</b>
Newport City Council (NCC)	Statutory Consultee: Relevant Local Planning Authority (LPA)
Natural Resources Wales (NRW)	Statutory Consultee
The Welsh Ministers (Cadw)	Statutory Consultee: Historic Environment

NB: Monmouthshire County Council contacted the Inspectorate on 12 February 2019 to query why they had not been consulted and given adequate time to respond. The Inspectorate's records show that we did send MCC a consultation letter on 20 December 2018. Due to the problems in communication, waiting for MCC's response would mean a failure to adhere to the timescale for issuing a Scoping Direction set out in the 2017 Regulations. The Inspectorate has determined to issue the Direction without sight of MCC's response. However, MCC are encouraged to submit their response to the Inspectorate and the applicant in due course, and the applicant is encouraged to give it due consideration and to continue to liaise with MCC during the preparation of the ES. Should the response from MCC lead to any unreconcilable differences as to the scope of the ES, the applicant is invited to request an updated Scoping Direction from the Inspectorate, as the Regulations direct that the ES should be prepared in accordance with the most recent Scoping Direction.

## APPLICATION DETAILS

No: PN/19/0008 Ward: LLANWERN

Type: ENVIRONMENTAL IMPACT SCOPING

Expiry Date: 18-JAN-2019

Applicant: RUSH WALL SOLAR PARK LTD

Site: LAND OFF RUSH WALL LANE

Proposal: **SCOPING OPINION** FOR PROPOSED SOLAR ENERGY HUB/FARM (49.9MW) ACCOMPANIED BY 12 INVERTER STATIONS A SECURITY FENCED SUBSTATION COMPOUND (50M X 40M APPROX) AND ASSOCIATED PLANT, FENCING, CCTV, UNDERGROUND CABLING, COMPACTED GRAVEL TRACKS (PINS DNS REF 3220457)

### 1. CONSULTATIONS

1.1 None.

### 2. INTERNAL COUNCIL ADVICE

2.1 None. Due to the limited time scale for response no internal consultations have been undertaken.

### 3. REPRESENTATIONS

3.1 None.

### 4. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
18/0408	Installation of single wind turbine of maximum tip height 130m and associated switch gear housing units, temporary access track, underground cabling and temporary crane hard standing	Granted with conditions 09/01/19
12/1001	Erection of 1no. wind turbine (with generating capacity of up to 1.5mw), with a maximum height to tip of 100m, together with ancillary development including electrical sub station kiosk and electrical transformer kiosk, underground cabling, onsite access tracks, access to the public highway, crane hardstandings, temporary construction compound and site signage*  <i>*This site is located adjacent, not within, the site area</i>	Granted with conditions 06/12/13

## 5.0 LOCAL PLANNING POLICY

### 5.1 Adopted Local Development Plan 2011-2026

Policy	Wording
SP1 – Sustainability	Proposals will be required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary. they will be assessed as to their potential contribution to: i) the efficient use of land; ii) the reuse of previously developed land and empty properties in preference to greenfield sites; iii) providing integrated transportation systems, as well as encouraging the co-location of housing and other uses, including employment, which

	<p>together will minimise the overall need to travel, reduce car usage and encourage a modal shift to more sustainable modes of transport;</p> <p>iv) reducing energy consumption, increasing energy efficiency and the use of low and zero carbon energy sources;</p> <p>v) the minimisation, re-use and recycling of waste;</p> <p>vi) minimising the risk of and from flood risk, sea level rise and the impact of climate change;</p> <p>vii) improving facilities, services and overall social and environmental equality of existing and future communities;</p> <p>viii) encouraging economic diversification and in particular improving the vitality and viability of the city centre and district centres;</p> <p>ix) conserving, enhancing and linking green infrastructure, protecting and enhancing the built and natural environment;</p> <p>x) conserving and ensuring the efficient use of resources such as water and minerals.</p>
SP3 – Flood Risk	<p>Newport's coastal and riverside location necessitates that development be directed away from areas where flood risk is identified as a constraint and ensure that the risk of flooding is not increased elsewhere. Development will only be permitted in flood risk areas in accordance with national guidance. Where appropriate a detailed technical assessment will be required to ensure that the development is designed to cope with the threat and consequences of flooding over its lifetime. Sustainable solutions to manage flood risk should be prioritised.</p>
SP4 – Water Resources	<p>Development proposals should minimise water consumption, protect water quality during and after construction and result in no net increase in surface water run-off through the sustainable management of water resources by:</p> <p>i) the use of sustainable drainage systems;</p> <p>ii) the reuse of water and reduction of surface water run-off through high quality designed developments;</p> <p>iii) careful consideration of the impact upon finite water resources, particularly in terms of increased pressures on abstraction and the impact of climate change.</p> <p>iv) ensuring development is appropriately located and phased so that there is capacity in the waste water, sewerage and water supply as well as the protection of water quality.</p>
SP5 – Countryside	<p>Development in the countryside (that is, that area of land lying beyond the settlement boundaries shown on the proposal and inset maps) will only be permitted where the use is appropriate in the countryside, respects the landscape character and biodiversity of the immediate and surrounding area and is appropriate in scale and design. Housing development, rural diversification and rural enterprise uses, beyond settlement boundaries, will only be appropriate where they comply with national planning policy.</p>
SP8 – Special Landscape Areas	<p>Special Landscape Areas are designated as follows within which proposals will be required to contribute positively to the area through high quality design, materials and management schemes that demonstrate a clear appreciation of the area's special features:</p> <p>v) Caldicot levels</p>
SP9 – Conservation of the Natural, Historic & Built Environment	<p>The conservation, enhancement and management of recognised sites within the natural, historic and built environment will be sought in all proposals.</p>
SP13 – Planning Obligations	<p>Development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of its location.</p>



	<p>this list is not exhaustive, but the following are infrastructure priorities that developments will be expected to provide or contribute to in order to mitigate any negative consequences of development:</p> <ul style="list-style-type: none"> <li>• educational facilities and/or their upgrades;</li> <li>• affordable housing;</li> <li>• improvements to the highway network, including walking and cycling routes and public transport;</li> <li>• outdoor recreation;</li> <li>• protection, enhancement and management of the natural, historic and built environments;</li> <li>• community facilities and/or their upgrades; and</li> <li>• improvements to the public realm.</li> </ul>
GP1 – Climate Change	<p>Development proposals should:</p> <p>i) be designed to withstand the predicted changes in the local climate and to reduce the risk of flooding on site and elsewhere by demonstrating where appropriate that the risks and consequences of flooding can be acceptably managed, including avoiding the use of non-permeable hard surfaces;</p> <p>ii) be designed to minimise energy requirements and incorporate appropriate renewable, low or zero carbon energy sources, including on site energy provision where practicable;</p> <p>iii) be designed to reuse or recycle existing construction materials present on the site;</p> <p>iv) meet the relevant breem or code for sustainable homes level.</p>
GP2 – General Amenity	<p>Development will be permitted where, as applicable:</p> <p>i) there will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;</p> <p>ii) the proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;</p> <p>iii) the proposal seeks to design out the opportunity for crime and anti-social behaviour;</p> <p>iv) the proposal promotes inclusive design both for the built development and access within and around the development;</p> <p>v) adequate amenity for future occupiers.</p>
GP3 – Service Infrastructure	<p>Development will be permitted where, as applicable:</p> <p>i) necessary and appropriate service infrastructure either exists or can be provided;</p> <p>ii) in areas served by the public foul sewer, there is capacity for the development within the system or, if not, satisfactory improvements are provided by the developer;</p> <p>In areas served by the public foul sewer, development will not be permitted with connections to private facilities unless there are exceptional circumstances that prevent connection to the public sewer.</p>
GP4 – Highways and Accessibility	<p>Development proposals should:</p> <p>i) provide appropriate access for pedestrians, cyclists and public transport in accordance with national guidance;</p> <p>ii) be accessible by a choice of means of transport;</p> <p>iii) be designed to avoid or reduce transport severance, noise and air pollution;</p> <p>iv) make adequate provision for car parking and cycle storage;</p> <p>v) provide suitable and safe access arrangements;</p> <p>vi) design and build new roads within private development in accordance</p>

	with the highway authority's design guide and relevant national guidance; vii) ensure that development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network.
GP5 – Natural Environment	development will be permitted where, as applicable: i) the proposals are designed and managed to protect and encourage biodiversity and ecological connectivity, including through the incorporation of new features on or off site to further the U.K., Welsh and/or Newport biodiversity action plans; ii) the proposals demonstrate how they avoid, or mitigate and compensate negative impacts to biodiversity, ensuring that there are no significant adverse effects on areas of nature conservation interest including international, European, national, Welsh Section 42 and local protected habitats and species, and protecting features of importance for ecology; iii) the proposal will not result in an unacceptable impact on water quality; iv) the proposal should not result in the loss or reduction in quality of high quality agricultural land (grades 1, 2 and 3a); v) there would be no unacceptable impact on landscape quality; vi) the proposal includes an appropriate landscape scheme, which enhances the site and the wider context including green infrastructure and biodiversity networks; vii) the proposal includes appropriate tree planting or retention where appropriate and does not result in the unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value.
GP6 – Quality of Design	Good quality design will be sought in all forms of development. the aim is to create a safe, accessible, attractive and convenient environment. in considering development proposals the following fundamental design principles should be addressed: i) context of the site: all development should be sensitive to the unique qualities of the site and respond positively to the character of the area; ii) access, permeability and layout: all development should maintain a high level of pedestrian access, connectivity and laid out so as to minimise noise pollution; iii) preservation and enhancement: where possible development should reflect the character of the locality but avoid the inappropriate replication of neighbouring architectural styles. the designer is encouraged to display creativity and innovation in design; iv) scale and form of development: new development should appropriately reflect the scale of adjacent townscape. care should be taken to avoid over-scaled development; v) materials and detailing: high quality, durable and preferably renewable materials should be used to complement the site context. detailing should be incorporated as an integral part of the design at an early stage; vi) sustainability: new development should be inherently robust, energy and water efficient, flood resilient and adaptable, thereby facilitating the flexible re-use of the building. where existing buildings are present, imaginative and sensitive solutions should be sought to achieve the re-use of the buildings.
GP7 – Environmental Protection & Public Health	Development will not be permitted which would cause or result in unacceptable harm to health because of land contamination, dust, instability or subsidence, air, heat, noise or light pollution, flooding, water pollution, or any other identified risk to environment, local amenity or public health and safety.
CE1 – Routeways, Corridors & Gateways	Development proposals should protect and enhance the appearance and connectivity of existing and future main route corridors and gateways into

	the city. the routes include: ix) other principal transport routes in the urban area.
CE4 – Historic Landscapes, Parks, gardens & Battlefields	Sites included in the register of landscapes, parks and gardens of special historic interest and identified historic battlefields should be protected, conserved, enhanced and where appropriate, restored. Attention will also be given to their setting.
CE6 - Archaeology	development proposals will normally be required to undertake an archaeological impact assessment before the proposal is determined: i) where groundworks and/or the installation of services are proposed within the archaeologically sensitive areas of Caerleon, the levels, lower Machen and the city centre , or; ii) within other areas of recognised archaeological interest.
CE9 – Coastal Zone	development will not be permitted in the coastal area or adjoining the tidal river unless: i) in the undeveloped coastal area such development is required to be on the coast to meet an exceptional need which cannot reasonably be accommodated elsewhere; ii) the area is not itself at risk nor will the proposed development exacerbate risks from erosion, flooding or land instability  Development which requires a coastal location should be sited within the developed coastal zone.
CE10 – Renewable Energy	Renewable energy schemes will be considered favourably, subject to there being no over-riding environmental and amenity considerations. Small scale micro-generation will be encouraged within the settlement boundary. Large scale proposals may be more appropriately located outside of the defined settlement boundary if no appropriate brownfield sites exist. The cumulative impacts of renewable energy schemes will be an important consideration.
T7 – Public Rights of Way & New Development	Any public footpath, bridleway or cycleway affected by development proposals will require retention or the provision of a suitable alternative. Provision of additional routes, where appropriate, will be sought in new developments, with linkages to the existing network.
T8 – All Wales Coastal Path	Development proposals should protect and enhance the all wales coast path. The provision of additional routes to link to the coast path will be encouraged.

**5.2** The following Supplementary Planning Guidance documents are also relevant to this proposal:

- Planning Obligations Supplementary Planning Guidance
- Archaeology and Archaeologically Sensitive Areas Supplementary Planning Guidance
- Wildlife and Development Supplementary Planning Guidance
- Parking Standards Supplementary Planning Guidance
- Trees, Woodland, Hedgerows and Development Sites Supplementary Planning Guidance
- Air Quality Supplementary Planning Guidance

## **6. ASSESSMENT**

**6.1** The proposal is for a solar farm of 49.9MW. It is considered that the proposal constitutes Schedule 2 development falling under Section 3(a) Energy Industry and being an installation for the production of electricity that is larger than 0.5Ha.

6.2 No screening has been undertaken or requested.

*The Location of the Development*

6.3 The site is a wetland / coastal zone with significant designations as follows:

- Site of Special Scientific Interest – aquatic flora and fauna;
- Adjacent to other statutory designations with significant bird interest, namely the River Severn estuary and Newport Wetlands;
- Archaeological Sensitive Area;
- Historic Landscape & Listed Buildings;
- Special Landscape Area;

6.4 The letter provided in support of this EIA Scoping request considers that the following topics should be 'scoped-in':

Assessment of effects on visual receptors  
Full assessment of likely significant effect on ecology  
Archaeology and heritage

Significant effects are not considered likely in relation to the following matters but limited information will be provided in respect of them:

Flood risk  
Glint and Glare  
Transport  
Noise and Vibration

6.5 The letter considers that the following topics should be 'scoped-out':

Agricultural Land Classification  
Ground Conditions

6.6 In relation to water quality and the reens, the scoping report appears to suggest that mitigation will be set out in the CEMP. In view of the time constraints associated with this scoping request, it has not been possible to obtain responses from other internal Council Departments and the comments provided below are based upon knowledge of consultee expectations in relation to comparable schemes in comparable locations and officer expertise and knowledge of the site and its environs. Based on the information provided with the submission, the following comments are made in respect of the above topics:

6.7 *Landscape and Visual Impact*

6.7.1 A full Landscape and Visual Impact Assessment will be provided. Consideration will need to be given to:

- Landmap Character Areas that will be affected (refer to Landmap);
- Users of Public Rights of Way, including the All Wales Coastal Path;
- Views from highways;
- Views from nearby dwellings;
- Impacts on the settings of any Listed Buildings and Scheduled Ancient Monuments, in or near the site;
- Impacts on the Special Landscape Area.

The site is considered to be visually sensitive to new developments, particularly in terms of landscape designations and its character. The Council agrees that this topic should be scoped into the Environmental Statement. Notwithstanding the comments made within the supporting letter by Renplan, an assessment of cumulative impacts will be required. The

open site and size of the proposal will require a computer generated Zone of Theoretical Visibility (ZTV).

- 6.7.2 All elements of any proposal should be incorporated into the LVIA including impacts from access tracks, passing bays, visibility splays, solar energy inverters etc.
- 6.7.3 Views into and out of the area can be long distance and panoramic along the coastline, across the Severn Estuary, and inland. The ZTV will confirm where views from the elevated sea wall (the Wales Coast Path) are possible. Longer distance views from elevated land to the north of the M4 should not be ignored as large scale development across the flat open Gwent Levels is often highly visible.
- 6.7.4 The key qualities of this part of the Wentlooge Levels should be researched, highlighting those that are sensitive to this type of development. Reference should also be made to Gillespies 2014 'Gwent Levels – Wind Turbine Development Landscape Sensitivity and Capacity Report'.
- 6.7.5 Qualities should include assessment of 'Tranquillity' which is an important feature of the Gwent Levels, particularly given the proximity to Newport and Cardiff.
- 6.7.6 The outstanding historic interest is poorly understood outside academic circles and is under threat as a consequence. The Levels are rich in surviving earthworks and field patterns but also in buried archaeology.
- 6.7.7 Mapping and conservation of small-scale vernacular structures is required eg. railings, stone walling, stone bridges.
- 6.7.8 Mitigation measures will need to respect both the SSSI designation and the landscape character of this area of the Levels.
- 6.7.9 The planted character of the site and context should be researched. New tree and hedge planting is not always appropriate in a more open landscape where many field ditches are filled with reeds rather than bordered by hedges.
- 6.7.10 Mitigation should include the scope for restoration of historic field boundaries as the site has lost a number of field boundaries resulting in large field size. In this location historic fields tended to be bounded by a mix of reens and hedges.
- 6.7.11 The opportunities for Green Infrastructure (GI) enhancement should also be reviewed, these may include opportunities to restore and enhance traditional habitat and landscape management character, improve rights of way for walking and cycling, and to tackle fly-tipping.
- 6.7.12 The Gwent Levels have been the subject of a number of tourism and environmental enhancement studies by Newport City Council in partnership with others over recent years. The potential tourism resource should not be underestimated given the location between Monmouthshire and Newport.
- 6.7.13 The RSPB Wales led 'Living Levels' project which is part funded by the Heritage Lottery Fund has a number of projects in the Levels and should be a consultee. The project has undertaken research with community input that will be useful to the LVIA:
  - Gwent Levels Landscape Character Assessment April 2017 by Chris Blandford Associates
  - Gwent Levels Green Infrastructure Strategy April 2017 by Chris Blandford Associates

6.7.14 There will be a need to consider cumulative and sequential impact, particularly with any other solar and wind turbine developments in the locality. Further consideration on cumulative impact is provided in Paragraph 6.????.

## 6.8 *Ecological Impact*

6.8.1 The site lies within the Gwent Levels SSSI. The particular interest lies within the reed system and the assemblages of aquatic plants and animals that live within the reeds and ditches. Particular issues arise during construction and de-commissioning with issues over mobilisation of sediment and increased risk of pollutants affecting water quality. The operational phase will potentially cause issues to arise from shading or restrictions on reed maintenance

6.8.2 Other issues arise from impacts on birds associated with the Severn Estuary SPA / SAC / SSSI and the Newport Wetlands SSSI. These will need to be considered as well as any birds that might habitually use the site at the current time.

6.8.3 Protected species such as otters will also need to be considered since they are known to use reeds.

6.8.4 Impacts during development, de-commissioning and the operational phase should be addressed.

6.8.5 The supporting letter by Renplan has identified the relevant ecological land-use designations in and around the site.

6.8.6 The following surveys/information would be required to be contained within the Environmental Statement.

- i. Bat surveys-impacts from solar farm need to be assessed/surveyed, over several seasons to capture full understanding of the potential impacts;
- ii. Bird surveys-wintering and breeding-again this needs to consider the potential impacts from the solar farm;
- iii. Terrestrial and aquatic invertebrate surveys-at least one season of surveying to assess potential impacts upon both terrestrial and aquatic invertebrates. This would need to be agreed with relevant statutory authorities;
- iv. Badger survey;
- v. Water vole survey;
- vi. Phase 1 survey;
- vii. Reptile survey;

Surveys should be undertaken in accordance with best practice effort, by a suitably qualified ecologist and details of survey effort should be agreed with relevant authorities.

6.8.7 The LPA understands that there is evidence of cranes in the locality. It is understood that these are particularly rare to the area and may comprise a single pair with habitat in the vicinity. Further investigation will be required in this respect and information regarding potential impact on habitat.

## 6.9 *Historic Landscape & Listed Buildings*

6.9.1 The site lies entirely within the Gwent Levels Historic Landscape. An assessment of the impact of the development on the historic landscape using the Assessment of the Impact of Development on Historic Landscapes 2 methodology will be needed (ASIDOHL 2). Impacts on the historic landscape may be ephemeral but could be permanent dependent on how the proposal impacts on the field patterns and drainage system.

6.9.2 The impact of the proposal on the setting of Listed Buildings and Scheduled Ancient Monuments in and near the site area should be assessed. This should not be confined to direct visual impact only as it will be necessary to consider the setting of any important heritage asset. A Heritage Impact Assessment will also be required which meets the requirements of CADW document: Heritage Impact Assessment in Wales.

6.9.3 The site lies within an Archaeological Sensitive Area. Impacts on the archaeological resource could be permanent and irreversible depending on the extent of ground intrusion. An assessment of potential impacts should be made.

#### 6.10 *Flooding*

6.10.1 The site lies within a defended floodplain (C1) as identified in the Welsh Government's Development Advice Maps. It will be necessary to show that the effects of tidal flooding can be acceptably managed on the site. If land raising is proposed the impact of flood water displacement and run-off effects should be taken into account.

6.10.2 Technical Advice Note 15 requires that location of the development within the flood plain is justified. The test at Paragraph 6.2 of the TAN reads as follows:

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,*
  - ii Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;*
- and,**
- iii It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,*
  - iv The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.*

The test requires that the scheme is necessary in the proposed location which suggests that no other site was suitable or available – as such the site selection process should be clearly demonstrated as part of the submission. The site is not Previously Developed Land for the purposes of PPW and on its face the proposal cannot be justified in the chosen location.

#### 6.11 *Access and Highways*

6.11.1 The local highway network is limited and consideration should be given to vehicle types, vehicle numbers and vehicle routing. It is noted the applicant has 'scoped out' highway issues but Schedule 4 of the 2017 regulations states at 5(a):

- A description of the likely significant effects of the development on the environment resulting from, inter alia—*
- (a) the construction and existence of the development, including, where relevant, demolition works;*

6.11.2 As such construction impacts as opposed to the 'existence' of the scheme are specifically mentioned as being capable of having a significant environmental effect. If highways issues are not addressed in the ES then the Council would anticipate a section reasoning out why these matters have been excluded. In the Council's view highway issues will need to be addressed somewhere in the application submission so the submission of a 'Construction Management Traffic Plan' at the very least would appear appropriate.

#### 6.12 *Rural Character / Mitigation*

6.12.1 Consideration should be given to any proposed mitigation to protect the rural character of the area. Proposed planting and use of materials in trackways should be considered. The scale and location of any structures to house switch gear etc. should be assessed and sited sensitively. Proposed lighting and signage should be fully cognisant of the site's rural location as should any work to improve access, for example opening of field gates or the improvement of visibility splays.

### 6.13 *Agricultural Land Classification & Reversibility*

6.13.1 There is a policy presumption in favour of retaining the best and most versatile agricultural land. The classification of the land that comprises the site should be ascertained prior to submission by direct sampling. The soil classification maps are insufficiently accurate or up to date to be relied upon.

6.13.2 National Policy protects higher grade agricultural land (Grades 3a and above). In the event that the site or significant parts of it are Grade 3a or better, then the applicant should address the reversibility of the development and show there would be no adverse impact on the long-term agricultural potential of the land i.e. that the site is fully restorable. In the event that the land is grade 3b or lower reversibility is still relevant given the limited lifetime of the proposal. It should be demonstrated that the site will not be 'sterilised' or significantly reduced in agricultural potential after lifetime of development (35 years).

### 6.14 Noise and Environmental Health Matters including Dust, Glint, Glare and Shadow Flicker

6.14.1 The proposed development is likely to generate noise which may have significant environmental effects during the construction/decommissioning phases. The latter is also likely to generate dust.

6.14.2 The supporting information states that a Construction Environmental Management Plan will be provided. This is considered necessary.

6.14.3 It is recommended that the applicant liaises with the Head of Law and Regulatory Services (Public Protection) regarding the scope of this CEMP document.

6.14.4 The proposal has the potential to cause glint and glare. This is acknowledged in the submitted information. These matters may harm visual amenity or the amenity of residential properties. On such a large scale the effect of this could potentially be significant. An assessment of this issue will need to be included in any Environmental Statement having regard to changes in the landscape, particularly planting, that will arise from the development itself.

### 6.15 *Other Issues*

#### 6.15.1 Cumulative Impact

The Renplan letter confirms that the cumulative impact of the proposal will be considered as part of the Environmental Statement. Whilst this is positive, the Council considers that the cumulative assessment should not be limited to only solar development and that scope should include other developments in the locality.

6.15.2 Also, regard is given the recently consented Development of National Significance Scheme for a 49.9MW renewable energy hub on land on the Caldicot Levels to the south of the Llanwern Steelworks Site (APP/G6935/A/16/3150137). The cumulative impact of the proposal with this scheme will need to be considered, particularly as they share similar land-use and environmental constraints. Furthermore, a separate DNS scheme has been scoped on the western levels between Hawes Lane and St Brides. The cumulative effect of all renewable energy projects across and adjoining the Levels should be undertaken.

6.15.3 The M4 Corridor Around Newport (M4CAN) Scheme should also be considered. It is possible that the M4CAN scheme may obtain permission in the very near future. Should



this be the case and depending on the time period for the formal submission of the application for this renewable energy scheme, there will be a clear need to consider the cumulative impact of this scheme. In this regard, in consideration of the solar development in the Caldicot Levels, the Inspector considered the cumulative impact of the proposal with the M4CAN scheme. Irrespective of the conclusions of the assessment, the fact remains that the Inspector considered it necessary to undertake this assessment

6.15.4 A recent recovered appeal in England confirmed a 30 year development lifetime is not temporary and reversibility was given little weight (APP/D0840/W/15/3140774). Planning is a devolved function in Wales and English decisions have limited applicability. However careful consideration should be given to any argument predicated on limited lifetime and reversibility in the light of this decision. Any harm extant over 35 years (as proposed by this scheme) should be considered a significant harm that weighs against the scheme.

## **7. CONCLUSION**

7.1 The proposal is EIA development. This assessment has considered those matters arising from the development which are likely to have significant effects on the environment.

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos:

- Drawing 1578-0200-00 – Location Plan
- Covering Letter from Renplan dated 18/12/18
- EIA Scoping Report for Rush Wall Solar Park (December 2018)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). The Policies listed at Paragraph 5.1 would be relevant to the determination of any planning application.

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18 January 2019

Annwyl Syr/Madam / Dear Sir/Madam

**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**

**SITE ADDRESS:** RUSH WALL, LAND NEAR REDWICK, NEWPORT, GWENT  
**PROPOSED DEVELOPMENT:** SOLAR PARK (49.9 MW)

Thank you for consulting us on the request for a Scoping Direction in relation to the above development.

We have reviewed the applicant's EIA Scoping Report and other submitted documents. We advise the following matters / topics are 'scoped in' to the Environmental Statement (ES) due to likely significant effects from the scheme.

## **Ecology**

### Sites of Special Scientific Interest (SSSI)

The project site lies within the Gwent Levels – Redwick and Llandeenny SSSI. The SSSI is notified for its range of aquatic plants and invertebrates associated with the reens and ditches of the drainage system. The ES should assess what impacts the project will have on the SSSI qualifying features during all stages of the project and include suitable avoidance or mitigation measures, as necessary.

The SSSI citation and other relevant documents can be found [here](#). Based on the information available, we recommend that the ES scopes down the following matters:

#### *SSSI condition and ditch management*

Our legacy organisation Countryside Council for Wales went through a process of dividing land within SSSIs into management units. The management units usually correspond to ownership boundaries. However, for the suite of Gwent Levels SSSIs this is not the case due to the nature and number of ownerships and how land parcels can be divided by watercourses. For the Gwent

Levels, it was decided to assign each 'reen' length as a management unit in their own right. The blocks of land between the reens were then assigned as 'field block' units. Field blocks contain numerous ditches and land within different ownerships but form a cohesive unit for the purposes of management.

We have carried out surveys of the field ditches in recent years. For a field block unit to pass the performance indicators (PIs) it must have no more than 50% ditches categorised as shaded or dry. We recommend the ES surveys the habitat on site, including the flora of the watercourses and assess whether the ditches are shaded or whether they are open to sunlight. Suitable mitigation or management should be proposed in the ES where relevant.

The ES should consider the long-term management and maintenance of the ditches. Good practice is for there to be no fencing of the ditches or reens as this would make it difficult to manage the watercourse and scrub on the banks. We normally recommend development free buffer zones (7 metres from ditches and 12.5m for reens) to be implemented between any structures and the top of the bank. The ES should consider whether a site management plan is required for construction, operation and de-commission stages, which includes details on who would be responsible for undertaking maintenance of the ditches during the life time of the development.

There is also likely significant effect on the SSSI if the project proposes unsuitable reen and ditch crossings. The ES should assess whether any crossings on site will be required, reducing crossing as far as possible. If new crossings are proposed consider how they may impact the SSSI. Good practice is to use over span bridges rather than culverts. The ES should include an assessment of any impact of underground cables on the qualifying features.

#### *Water quality and quantity*

There will be a likely impact on the water quality and quantity during and post the construction of the project. These matters should be fully assessed in the ES. The ES may conclude that water quality testing and monitoring is prepared. If so, this should be carried out before, during and for a period after construction to demonstrate there are no negative effects on the water quality of the reens and ditches.

#### *Grips*

We recommend the ES includes an assessment of the impact of the project on fields with grips. Grips are part of the Gwent levels historic landscape and provide wetter channels in the field which provide habitat for invertebrates. The project has the potential to permanently damage the historic grips.

#### *Aquatic Invertebrate feature*

Alterations to poaching levels from cattle within the SSSI could have an effect on the aquatic invertebrates as lightly poached margins of reens and ditches provide habitat and egg laying sites for aquatic invertebrates. This should be assessed by the ES.

#### *Shrill Carder bee*

We recommend an assessment is undertaken on the loss in grassland habitat and flora that supports shrill carder bee which is a qualifying feature SSSI. The ES should propose suitable mitigation measures.

## Ornithology

The Scoping Report confirms the project site is approximately 1.3km from the Severn Estuary which is designated a Special Area of Conservation (SAC), Special Area of Protection (SPA) and Ramsar site. We agree with the report that there are potential significant adverse effects on breeding and wintering birds and these should be scoped in.

The scope of the surveys for birds appear reasonable but there may be need for the ES to consider foraging cranes, depending on the results of the first round of surveying.

## Habitats Regulation Assessment (HRA)

A HRA should be undertaken for the potential impacts on the Severn Estuary European site in line with The Conservation of Habitats and Species Regulations 2017. Therefore, the ES should include the following to inform the assessment:

- an assessment of potential impacts on the flight lines and resting areas of birds of the Severn Estuary and loss of grassland habitat;
- an assessment of potential impacts on the migration of the Common Eel *Anguilla anguilla*, (a feature of the Severn Estuary Ramsar and SSSI) through the watercourses of the Gwent Levels. During the construction and operation of the site there should be no barriers to the eel migration.

## Protected Species

We note that several protected species have been identified in the Scoping Report. These include great crested newts, otter, bats and water voles. We're aware of records of great crested newt and water vole in the vicinity of the application site.

We're also aware of the presence of dormice in the locality and advise that this species is scoped in to the ES. We advise that the site should be assessed to determine if and to what extent it supports such species.

Specific surveys should be prepared and undertaken by suitably qualified, experienced and where necessary, licensed surveyors in accordance with published guidance, where this exists, and best practice.

Where certain species are notified features of nearby protected sites (SSSI, SAC or SPA) we advise they are considered in the context of being both a notified feature of a site and a legally protected species in their own right.

The ES should identify the likely impacts of the proposals on such species and detail mitigation that will be put in place to address each of those impacts, including consideration of the short-term and long-term management of any compensatory habitat and any monitoring that may be required.

It should also identify if any protected species licences may be required for the development. In this context we advise that the ES demonstrate how the proposal would satisfy the legal tests which need to be undertaken before NRW can grant an EPS licence as set out in Regulation 55 of the Conservation of Habitats and Species. We consider that where it is relevant, it would be

acceptable to present the surveys methodology and results, impacts and mitigation in the form of a licence method statement.

Regarding the proposed zone of influence for otter, we note the intention to consider the site with a 30m radius. We advise that the potential for habitat capable of supporting natal use for otter is considered. This would likely require consideration of a wider area of potentially 200 metres from the site.

#### *Local Biodiversity Interests*

We recommend the applicant consults local authorities Ecologists on the scope of the work to ensure that regional and local biodiversity issues are adequately considered, particularly those habitats and species listed in the relevant Local Biodiversity Action Plan and are that are considered important for the conservation of biological diversity in Wales.

#### *Consideration of local biological records*

The Applicant should contact other relevant people/organisations for biological information/records relevant to the site and its surrounds. These include the relevant Local Records Centre (SEWBREC) and any local ecological interest groups (for example bat groups, mammal groups).

## **Hydrology and Surface Water**

### Flood Risk

The Scoping Report proposes to scope out the assessment of flood risk from the ES but include a standalone flood consequences assessment (FCA) as part of the final submission. We have no concerns with scoping out the assessment of tidal flood risk for this scheme. Further guidance on this topic is set out under 'other topics – scoped out'.

However, we advise that the project is likely to have significant effects upon the internal drainage district and we consider this should be scoped in. See below

### Surface Water and Internal Drainage District

The project lies within the Caldicot and Wentlooge Levels Internal Drainage District (IDD). The management of water levels through the Internal Drainage District (undertaken by NRW) is an important part of the on-going management of the SSSIs in the area. The IDD area itself is sensitive in terms water level management (i.e. flood risk from the reens), increased surface water run-off, silt deposition, watercourse and soil erosion and soil compaction.

Based on the information available we advise the ES scope down the following matters:

- Estimated Greenfield run-off of the site and potential for the project to change this;
- Assessment of the project resulting in ground compaction and the potential for ground swell affecting the reed bed height resulting in adverse effects on levels and flow direction;
- Access for NRW planned maintenance of the reens and ditches when operational and impacts on access and maintenance during the construction stage;
- Associated overhead and underground electricity cabling impacts on NRW maintenance.

## **Cumulative Effects**

We agree with the Scoping Report's conclusion regarding scoping in the Gwent Farmers' Community Solar Scheme to assess cumulative effects. We consider it is likely to have significant cumulative effects on the Gwent Levels-Redwick and Llandeenny. We also consider the assessment includes the associated Gwent Farmer's Community Solar Scheme's land for lapwing mitigation and shrill carder bee mitigation.

We note the Scoping Report does not intend to address further cumulative impacts on other projects, including the M4 (CAN) proposal, as they are not existing or consented development. Although we agree with this reasoning, it is important to understand that ES scoping is an iterative process and it is good practice to re-scope during the project, where necessary.

In this instance, if the proposals referenced in the Scoping Report in the table on page 45/46 are consented prior to determination of this proposal, this would be a reason for refining the scope to consider the change in baseline information. If those projects are consented and the ES has not included this in its assessment, the competent authority cannot arrive at a reasoned conclusion when determining whether to consent.

## **Other Topics – Scoped Out**

### Tidal Flood Risk

The Scoping Report correctly identifies the area is at risk of tidal flooding from the Severn Estuary and therefore lies within Development Advice Map Zone C1. We confirm the site is at risk of flooding during the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability events. As such the Applicant should consider the guidance set out in TAN 15: Development and Flood Risk.

We refer them to the tests set out in section 6.2 of the TAN. The final test (iv) is for the applicant to demonstrate, through the submission of an FCA, that the potential consequences of flooding can be managed to an acceptable level in line with TAN15.

The FCA should fully assess tidal flood risks and consequences to the project, including a breach scenario over the lifetime of development. We refer the Applicant to our [guidance](#), which contains technical advice and recommendations.

Yn gywir / Yours faithfully

**James Davies**

**Uwch Ymgynghorydd Cynllunio Datblygu / Senior Development Planning Advisor**



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Robert Sparey  
Planning & Environment Manager  
The Planning Inspectorate

Eich cyfeirnod  
Your reference

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17 January 2019

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Dear Mr Sparey,

### **Proposed Solar park at Rush Wall, Land near Redwick, Newport, Gwent**

Thank you for your letter of 20 December 2018 asking for Cadw's view on a scoping opinion as to the contents of an Environmental Impact Assessment for the above proposed development.

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

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

#### Assessment

The scoping request was accompanied by an EIA Scoping Report which includes a Heritage Section providing some information on the issues that have been determined to require further investigation as part of the EIA. We are not in complete agreement with the contents of this section of the report.

#### **Scheduled Ancient Monuments**

The scoping report indicates that the assessors propose to scope out the impact of the proposed development on the setting of scheduled monuments. We disagree with this conclusion in regard to the setting of scheduled monument MM127 Wilcrick Hill Camp. The scoping report states "views from Wilcrick Hill Camp Scheduled Monument towards the site are screened by woodland on and surrounding the SAM". However the edge of the plantation of trees on the scheduled monument coincides with the boundary of the

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

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

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



BUDDSODDWR MEWN POBL  
INVESTOR IN PEOPLE



designated area, so allowing elevated views from the monument across the Caldicot Level and the development site (it should also be also noted that there is no guarantee that the trees planted on the scheduled monument will not be removed or thinned during the operational period of the development). Consequently the impact of the proposed development on the setting of scheduled monument MM127 Wilcrick Hill Camp should be scoped into the EIA. The required analysis should be carried out in accordance with the guidance given in Welsh Government document “The Setting of Heritage Assets in Wales”. It is also strongly recommended that the site visits should be carried out before summer when the screening effect of deciduous trees is at its greatest.

### **Listed Buildings**

The high thick hedges of the area surrounding the development will prevent it having any impact on listed buildings apart from listed building 2940 Church of St Thomas at Redwick. The tower of the church is a prominent landmark in the flat landscape surrounding the proposed development and the solar panels may impact on views to it and therefore have an impact on its setting. This is not an issue considered in the scoping report but clearly should be covered in the EIA. It is recommended that this impact should be scoped into the EIA and assessed in accordance with the guidance given in Welsh Government document “The Setting of Heritage Assets in Wales”. Like the impact on the setting of scheduled monuments the site visits should be carried out before summer when the screening effect of deciduous trees is at its greatest.

### **Registered Historic Landscapes:**

The scoping report correctly identifies that the application area is inside the boundaries of the registered Gwent Levels Landscape of Outstanding Historic Interest. The development is confined to Historic Landscape Character Areas 6, Redwick, Magor and Undy and 8 Northern Redwick, but is also immediately adjacent to Historic Landscape Character Areas 9 Green Moor and 10 Magor Lower Grange.

The impact of the development on the historic landscape will need to be assessed as part of the EIA. The scoping report indicates that this impact will be addressed by the production of a report following the ASIDOHL methodology and we agree with this. However the assessment will only need to consider the direct impact on Historic Landscape Character Areas 6 and 8 and the indirect impact on Historic Landscape Character Areas 9 and 10. The direct impact should be calculated as the area that will be covered by the solar panels and not just the area of the piles, as the panel will obscure elements of the historic landscape.

Yours sincerely

Helen May  
Diogelu a Pholisi/ Protection and Policy