



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

DNS Pre-application Advice

3245065 Blackberry Lane

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This advice should be read in conjunction with the Planning Inspectorate’s procedural guidance on Developments of National Significance. Advice is provided based on the information submitted to the Planning Inspectorate on 6 October 2020. The advice is not binding and does not prejudice the Inspectorate’s processing of the application if submitted, any recommendation made by an Inspector or any decision made by the Welsh Ministers in relation to a development of this nature on this site.

Please note that expected dates mentioned in this document may change due to the current Coronavirus pandemic.

1. Validity and completeness of application documents

It is acknowledged that following previous advice and the process of EIA Screening and Scoping, some changes have been made to the red line boundary for the application and to the potential size and shape of the solar panels. It is considered that those changes are not significant and do not invalidate the screening or scoping processes. This advice is based on the most up-to-date information as submitted on 6 October 2020.

Statutory Requirements

As set out in the Planning Inspectorate's previous advice, Article 12 of [the Developments of National Significance \(Procedure\) \(Wales\) Order 2016 \(as amended\)](#) (the DNS Procedure Order) sets the general requirements for an application.

All DNS Applications must include:

- Completed application form
- Copy of the notice of acceptance (the notification)
- Site location plan
- All other applicable plans
- Copy of land ownership certificates (see [Article 17](#))
- A Design and Access Statement (see [Article 14](#))
- A Pre-Application Consultation Report (see [Article 11](#))

As your proposal has been found to be EIA development:

- An Environmental Statement (ES) must also be submitted.

Having reviewed the draft application documents submitted on 6 October 2020, it is considered that the submission is largely complete. However, the following issues have been identified and should be addressed prior to submission of the formal application. Issues relating to the ES specifically are covered in detail further on.

The Application Form and Fee

The application form will need to be completed with relevant dates inserted where necessary and confirmation that the application fee has been paid. In accordance with the Procedure Order the application must be accompanied by the initial application fee and any Local Impact Report fee. Such fees should be paid to the Inspectorate as separate payments. Please liaise with the Inspectorate as to the relevant payment details and references.

Plans

It is noted that the site location plan is incorporated at figure 1.1 of the ES, but in the interests of clarity a standalone site location plan should be produced so that it can be viewed without the need to refer to the ES.

Notwithstanding the above, it is considered that the plans and other drawings submitted are sufficient to describe the development in accordance with Article 12 of the DNS Procedure Order.

The Design and Access Statement (DAS)

Section 4.1 of the DAS refers to ‘...provisions for disabled access for any disabled workers that will be accommodated in the project design’ but does not specify what those provisions are. Further details should be included in order for the DAS to fully address the issue of inclusive access.

The Consultation Report

It was identified during the preparation of this advice that the Applicant had not notified one of the specialist consultees (the Water and Sewerage Undertaker). An Officer from the Inspectorate contacted the Applicant and agreed that notice should be served as soon as possible, and that the specialist consultee should be given a full 42 days to respond if required. The response should be incorporated into the final Consultation Report (CR) along with any others received (as indicated at paragraph 38 of the draft CR).

Article 8(1)(a)(iii) of the DNS Procedure Order requires the applicant to publish a notice in a newspaper circulating in the locality of the application site. The CR must then contain a declaration that publication was carried out and include a copy of the newspaper advert. These have been omitted from the draft CR and should therefore be included in the final version.

Article 11(2)(c) requires that the CR include a list of the addresses of the persons who were given notice of the proposed application in accordance with article 8(1)(a)(ii) and a copy of the notice given to such persons. Although a copy of the notice is included, the list of addresses is not and should therefore be incorporated into the final version of the CR.

Details of the site notice required by article 8(1)(a)(i) are included in the draft CR but a clear declaration that the requirements of that article have been met should be included in the final version. The applicant may wish to consider setting out the required declarations under a specific heading, in the interests of clarity.

Non-Statutory Supporting Documents

The submission of a Planning Statement (PS) is considered a pragmatic way of addressing the relevant planning policy issues as part of the application. However, the draft version of the PS includes reference to the National Planning Policy Framework and National Policy Statements, neither of which are applicable to schemes in Wales that fall under the DNS process.

The applicant’s attention is also drawn to the emerging [Future Wales: The National Plan 2040](#), which is expected to be adopted in the early part of 2021 and which will then form part of the development plan applicable to DNS applications. It is recommended that the applicant seek to address Future Wales in the PS, as it will likely be part of the relevant policy framework at the time of application and information on schemes’ compliance with it has already been sought by Inspectors as part of ongoing DNS examinations. An example can be [viewed here](#).

2. The Environmental Statement

Introduction

This Pre-application Advice contains comments following the review of the Environmental Statement (ES), including plans and appendices and additional stand-alone supporting documents. The documents reviewed are:

- ES Volume 1 Text (BL001);
- ES Volume 2 Appendices (BL002);
- ES Volume 3 Figures (BL003);
- ES Volume 4 Non Technical Summary (BL004), and
- Construction Code of Practice (CoCP) and Construction and Environmental Management Plan (CEMP).

The following paragraphs focus on the completeness of the draft ES provided by the Applicant to provide a systematic and objective account of the significant environmental effects likely to arise from the proposed development, including sufficient information to verify the conclusions and identify the source of the information provided and to comply with the requirements of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (as amended). The purpose of this document is not to address the conclusions of the assessment, which will be part of the future examination. Comments are only made where necessary.

Description of the development

The application site and its environs are described in detail with supporting plans and illustrations in chapter 6 section 2 of the ES, including the ecological, landscape and historic designations and public rights of way routes. The proximity of the Severn Estuary is also shown. Figure 1.1 provides a site location plan.

Chapter 6 section 3 describes the proposed development, specifying the various components of the scheme and maximum dimensions. Assumptions made in identifying worst-case scenario are listed. Those are summarised as:

- Maximum height design principles of the PV modules (3.5 m from the ground);
- Larger number of panels with a lower output;
- One inverter per MW of output required (likely to be less)

Key elements of the Proposed Development along with their maximum dimensions are listed at Table 6.10. Construction and demolition are also described at Chapter 6. These elements are consistent throughout the technical chapters and there is evidence that the ES has been compiled using a worst-case scenario.

The Site Boundary and indicative layout are shown at Figures 1.2 and 1.2B. 1.2B has been prepared using a non-standard scale. This is useful for understanding the Site context. However, at this scale and A3 size, combined with the use of similar colours to identify specific elements, the plan is difficult to read. The applicant should consider splitting the layout provided at Figure 1.2B into different plans (should the A3 format be maintained).

Scoping

The Scoping Direction has been provided as Appendix 1.2. Section 2.1 of the ES confirms the technical aspects considered in the ES, in line with the Scoping Direction issued by the Planning Inspectorate dated 11th March 2020. It is noted that some elements of the Proposed Development have been amended since the Scoping Direction i.e. one field of grade 2 best and most versatile agricultural land have been omitted from the development. However, these elements do not invalidate the scoping exercise conducted.

Outline of the main alternatives

Chapter 5 illustrates the constraints considered, the assumption made on the type of technology to be used and the reasons behind the evolution of the design, from screening to scoping to pre-application consultation.

Expertise and References

The expertise of the professionals who participated in the preparation of the ES is summarised at Table 1.2. A full list of referenced material is provided at Chapter 17.

Description of the aspects of the environment likely to be significantly affected

The ES considers the technical aspects discussed in the Scoping Direction with the addition of Construction Traffic. A list of projects to be considered in the cumulative assessment has been agreed with Pembrokeshire County Council (PCC).

Chapter 16 outlines the potential effects of the Grid Connection which will be the responsibility of Western Power Distribution. The high-level assessment is understandable due to the lack of details at this stage. It is recognised that, once completed, the underground Grid connection is unlikely to generate any significant impacts and is not considered likely to give rise to a combined effect with the Proposed Development. However, it is noted that the construction of the Grid Connection is considered in isolation. It is not clear whether the construction of the Grid Connection will be concurrent with, or subsequent to, the main project. The ES does not therefore provide enough information to exclude potential combined effects with the Proposed Development.

Notwithstanding the comment above, the technical chapters of the ES generally provide adequate descriptions of the likely significant effects of the scheme, taking into account the construction, operational and de-commissioning phases of the scheme. They include the use of natural resources, emissions, the effects on human health, cultural heritage, the natural environment. The methodology used in the assessment of each technical aspect is detailed within each chapter.

A Landscape and Visual Impact Assessment (LVIA) is provided at Chapter 8. It is noted that Appendix 8.1 illustrates the methodology used in line with the Guidelines for Landscape and Visual Impact Assessment (GLVIA3). The methodology is also summarised at Chapter 8 section 5. Chapter 8, Section 6 describes the baseline in terms of visual and landscape receptors. However, it appears there is no discussion of future baselines, diverging from the methodology contained at Appendix 8.1. Whether this omission is intentional as the assessor consider that changes to the landscape are unlikely or not relevant, this should be made explicit.

Section 8 of Chapter 8 addresses the potential impacts on visual and landscape receptors. It is noted that moderate adverse effects are not considered significant. The issue of whether moderate effects can be significant was raised at the scoping stage. The ES states that in cases where a moderate effect is identified, professional judgment should be used. However, it is noted that where moderate adverse effects are identified resulting from Moderate / Slight changes to High / Medium sensitivity receptors, the rationale behind the professional judgement is not provided.

Mitigation Measures

It is understood that the LVIA has been conducted considering the measures included in the Landscape and Ecological Management Plan (Appendix 9.4) embedded in the design of the project. As these measures are not essential to the purpose of the project (i.e. the production of renewable energy) but will require direct actions of the interested parties throughout the lifespan of the project, the Inspectorate does not consider them to be 'embedded'.

The assessment itself relies on the management of the hedgerows on site and the strengthening of existing vegetation to conclude that the identified potential impacts are non-significant. Thus, it is unclear whether the project will have a residual impact. The applicant should clarify this point and whether the LEMP is part of the mitigation measures.

Ecology is discussed at Chapter 9. The ES states that the LEMP is part of the mitigation / enhancement. It is noted that the LEMP is not accompanied by a plan showing the proposed management areas. The LEMP proposes the creation of wildflower areas but those are not shown on Figure 8.6 Landscape Proposal. The LEMP should clarify where areas of planting / enhancement (i.e. proposed wildflower meadows) will be.

The inclusion of a monitoring plan in the LEMP is welcomed but it should be expanded to include how the areas will be monitored after the first three years.

Provision of a Non-Technical Summary

A non-technical summary has been provided and the information contained therein is considered to be sufficient.

Minor corrections

The following are minor points which were noticed during the review:

- Table 6.2 at Page 46 of the ES Volume 1 may require re-formatting;
- Table 15.1 use the abbreviation "EWC". It would be useful to include it in the List of Abbreviations;
- Appendix A8.4 viewpoint analysis – paragraph A13 is missing a drawing number.

3. Habitats Regulations Assessment

Following the advice included in the Scoping Direction, the ES considers European Protected Sites up to 10 km of the Proposed Development.

The Habitat Regulations: No Significant Effects Report (Appendix A9.3) considers the qualifying features of the identified sites and thus only Pembrokeshire Bat Sites and Bosherton Lakes / Safleoedd Ystlum Sir Benfro a Llynnoedd Bosherton Special Area of Conservation has been considered further. The Habitat Regulations: No Significant Effects Report consider whether the Proposed Development may lead to Likely Significance Effects (LSE) to the qualifying features of the identified European Protected Site, either alone or in combination with other projects. The Report concludes that LSE are not likely, and no further comments are included this Pre-application Advice.

Appendix 1: The Planning Inspectorate's Validation Checklist

DNS APPLICATION CHECK LIST		✓
General Requirements		
1	DNS application form completed.	
2	Submitting within 12 months of the notice of acceptance of a proposed application.	
3	Submitted a copy of the notice of acceptance letter.	
4	Submitted a site location plan.	
5	Submitted all other plans applicable to the development.	
6	Plans drawn to a scale and in the direction of north.	
7	Served notice on any other land owners.	
8	If yes to above, submitted a copy of the certificate(s) serving notice on other owners.	
9	Submitted an Environmental Statement (ES).	
10	If yes to the above, the ES has been assessed and meets the minimum requirements of the EIA regulations.	
11	Submitted a written statement about any secondary consents connected with the application.	
12	Served a copy of the application on the Local Planning Authority.	
13	Paid the fee.	
14	Submitted Design and Access Statement if required.	
15	If the application involves Crown Land - statement in respect of Crown Land submitted.	
16	If the application submitted by a person authorised to do so for Crown Land - copy of the authorisation submitted?	
Publicity and Consultation		
17	Submitted the pre-application consultation report.	
18	Displayed a notice in at least 1 place on or near the site for not less than 42 days.	
19	Written to any owners/occupiers of any land adjoining the site.	
20	Issued a notice in a local newspaper.	
21	Published the application, and supporting documents on a website for a period of not less than 42 days.	
22	Consulted relevant community & specialist consultees.	
23	If applying for a Secondary consent - Consulted relevant person/body who would have been responsible for the Secondary Consent application had it not been part of the DNS.	