



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 on the basis of the information submitted to the Planning Inspectorate on 10 January 2020. The advice is not binding and does not prejudice 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. Planning Policy Framework

### Current Development Plan

- [Pembrokeshire County Council Local Development Plan 2011 to 2021](#) (adopted 28 February 2013)

### Emerging Development Plan

[Pembrokeshire County Council Replacement LDP \(LDP2\) 2021-2033](#) (expected submission for examination in Autumn 2020)

**To note:** A replacement LDP is currently being prepared and will be submitted to the Welsh Government for examination. The examination will be carried out by a Planning Inspector, who will determine whether the replacement LDP is sound. Once adopted, the replacement LDP will replace the current LDP, and will become the development plan for the area. The developer is advised to monitor the progress of the emerging replacement LDP through to adoption as this will affect which planning policy considerations the scheme will be subject to.

### Supplementary Planning Guidance

The adopted SPG for the Pembrokeshire County Council area can be found online: <https://www.pembrokeshire.gov.uk/adopted-local-development-plan/ldp-supplementary-planning-guidance>

### Draft National Development Framework

Once it has passed the National Assembly for Wales, the [National Development Framework](#) will have **development plan status**. The draft NDF is due to be laid in front of the Assembly in April / May this year & adopted in the autumn:

[https://gov.wales/sites/default/files/publications/2019-12/national-development-framework-timeline-graphic\\_0.pdf](https://gov.wales/sites/default/files/publications/2019-12/national-development-framework-timeline-graphic_0.pdf)

Once the NDF is laid in front of the Assembly, you may follow its progress on the National Assembly for Wales website:

<http://senedd.assembly.wales/mgIssueHistoryHome.aspx?IIId=21513&Opt=0>

Interested persons can sign up for updates:

<https://gov.wales/subscribe-national-development-framework-wales-news>

### National planning policy and guidance

- [Planning Policy Wales](#) (PPW) (Edition 10, December 2018)
- [Technical Advice Notes](#) (TANs), particularly [TAN 8: Renewable Energy](#)
- [Planning Policy & Guidance: Energy](#)

## 2. Application Documents

### Statutory Requirements

Article 12 of [the Developments of National Significance \(Procedure\) \(Wales\) Order 2016 \(as amended\)](#) 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.

If the application involves Secondary Consents:

- a written statement outlining any secondary consents must accompany an application.

### Non-Statutory Supporting Documents

The Inspectorate notes your intention to submit:

- a Flood Consequences Assessment
- A Construction Traffic Management Plan

Whilst not a statutory requirement, it may be helpful to provide:

- A self-assessment of the development against the [Well-being Goals](#) and Five Ways of Working from [the Well-being of Future Generations \(Wales\) Act 2015](#)
- A planning statement, cross-referenced to the ES where appropriate, which addresses the policy issues identified during the pre-application stage
- Proportionate information / assessment / sequential test regarding [agricultural land](#), to allow the decision maker to satisfy themselves as to the requirements of [PPW 10](#) paragraphs 3.54 and 3.55
- Proportionate information on any possible harm due to glint and glare
- Proportionate information regarding operational noise levels.

### Other submission documents

Please refer to the advice regarding planning obligations, suggested conditions and Statements of Common Ground within our main [Procedural Guidance](#) for the DNS system.

The Inspectorate has based the above on the information provided to date. The developer may also wish to review the supporting documentation that was provided on DNS applications for Solar projects to date:

- [3213164 – Llangennech Solar](#)
- [3213968 – Llanwern Solar](#)
- [3213639 – Wauntysswg Solar](#)

### 3. Acceptability of Development / Potential Constraints

I note that the Local Planning Authority has provided an overview of the relevant local policy context and potential constraints in their statutory Pre-Application Advice, which was sent to the Inspectorate as part of their EIA Scoping consultation response. Whilst it is open to the appointed Inspector / the Welsh Ministers to consider any other relevant local policies, and to take a different view on what the relevant material considerations are, the Inspectorate considers that the LPA's response is sound, and it would not add any value to our Pre-Application Advice for us to re-trawl the adopted LDP in detail. Similarly, many potential constraints have been identified through the statutory EIA Screening and Scoping process, and it would not add value to this Pre-Application Advice to re-consider the topics identified as being within the scope of the ES.

In terms of the national policy context, it is clear from PPW 10 that the Welsh Government is broadly supportive of Renewable Energy projects, and the developer is advised to review the Draft NDF when it is laid before the NAW.

### 4. Habitats Regulations Assessment

The documentation submitted alongside the request for Pre-Application Advice identified two European Protected Sites within 3 km of the Site:

- Pembrokeshire Marine / Sir Benfro Forol Special Areas of Conservation (SAC), and
- Pembrokeshire Bat Sites and Bosherton Lakes/ Safleoedd Ystlum Sir Benfro a Llynnoedd Bosherton SAC.

The submitted documentation does not clarify the reasons why only sites within 3 km of the proposal were considered. The Inspectorate reminds the Applicant that this approach should be justified, taking into consideration the nature of the proposal and the magnitude of the changes resulting from the construction, operation and decommissioning of the Proposed Development, alone and in combination with other projects.

The Inspectorate notes that not enough information has been provided at this stage which would enable the competent authority to determine whether an appropriate assessment is required. It is noted that Greater horseshoe bat (*Rhinolophus ferrumequinum*) and Lesser horseshoe bat (*Rhinolophus hipposideros*) are qualifying features of the Pembrokeshire Bat Sites and Bosherton Lakes SAC and that the species' respective foraging grounds may range to greater distances than 3 km. It is the duty of the Applicant to consider whether the Proposed Development may lead to Likely Significant Effects (LSE) to the qualifying features of the identified European Protected Sites, either alone or in combination with other projects. The Applicant should consult with the appropriate Statutory Nature Conservation Body (SNCB), which in Wales is NRW, and to report their findings within a HRA report.

The HRA should include screening for LSE (alone or in combination with other plans or projects). If there are no LSE identified for all the European sites considered, then the report is likely to take the form of a No Significant Effects Report (NSER).

The developer is also urged to consider the comments relating to HRA in the Inspectorate's Screening Direction, and the contents of the Inspectorate's guidance for Nationally Significant Infrastructure Projects – [Advice Note 10: Habitat Regulations Assessment relevant to Nationally Significant Infrastructure Projects](#).