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**Asesiad o  
Ddatganiad Amgylcheddol**

**Assessment of  
Environmental Statement**

gan Melissa Hall BA(Hons), BTP, MSc,  
MRTPI

by Melissa Hall BA(Hons), BTP, MSc,  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad:

Date:

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Ref: DNS/3247619

Site address: Land at Gwernigrn Farm, The Roe, St Asaph, Denbighshire

- The Environmental Statement which is the subject of this assessment has been submitted in relation to the above case in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (as amended).
- The application is made by Solar Century Holdings Ltd.

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## Introduction

1. An Environmental Statement (ES) was prepared to support a Development of National Significance application which has been submitted to the Planning Inspectorate for determination.
2. The ES was produced in response to a Scoping Direction<sup>1</sup> issued by the Planning Inspectorate (PINS Wales) on behalf of the Welsh Ministers.

## Preliminary Matters

3. PINS Wales wrote to the applicant on 6 April 2021 identifying issues in respect of the submitted ES insofar as it related to the question of whether the ES was complete for the purposes of the relevant EIA regulations. In a response dated 15 April 2021, the applicant sought to address a number of the issues, including those relating to the accuracy and consistency of the submitted information. I will turn to the response received in the relevant sections of this assessment.

## Proposed Development

4. The proposed development is described as the construction of a solar farm and energy storage hybrid park, together with all associated works, equipment and necessary infrastructure (62MW). It identifies the key elements of the proposed development as: Photovoltaic (PV) arrays (fixed panels); 25 Substations (40ft) positioned around the site; exporting substation; battery storage compound; approximately 2 metre high security fencing; a CCTV system on approximately 3m poles; associated access tracks (including a permanent access track and a temporary construction only access track); storage container(s) for spare parts etc.; underground grid connection cable; relevant

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<sup>1</sup> DNS: EIA Scoping Direction 3247619 Elwy Solar Farm, 3 June 2020

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communications and monitoring equipment. It is anticipated that the development would export renewable energy to the grid for 37 years.

5. A grid connection route corridor is included as part of the planning application. As this will require underground cabling to connect the site to the Bodelwyddan substation, this will involve horizontal directional drilling under the A55.
6. In a separate stand-alone document which accompanies the application, it is clarified that certain elements of the proposed development will require Secondary Consent which will be considered by Welsh Ministers alongside the DNS application. Secondary consents will be sought in respect of the following:
  - The construction and operation of a battery storage facility under Section 57 of the 1990 Act.
  - The Diversion of the Denbighshire County Council Public Rights of Way: 208/20 and 201/8 under Section 247(1) of the 1990 Act.
  - Works to the highway for the creation of a temporary construction access from the A525 under Section 248(2) of the 1990 Act.

### **Completeness of Environmental Statements**

7. The aim of an Environmental Statement (ES) is 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. Regulation 17 and Schedule 4 of the 2017 Regulations specifies the information to be included in an ES. My assessment of completeness is based on these requirements.

### **Description of the Development**

8. The application site and its surroundings are described in Chapter 3 of the ES. This includes details in relation to the location of the site and its physical characteristics, heritage assets and the presence of Public Rights of Way crossing the site. It also provides details of the application site context, including the characteristics of the surrounding area, the identification of ecological habitats, the absence of heritage designations and the proximity to designated landscapes.
9. Chapter 4 describes the proposed development, specifying the various key components of the scheme. The necessary physical alterations to the site are described for the most part as is the operational lifespan of the development, the construction compound and programme, access and traffic management, the construction methodology and the operation and decommissioning phases. This section of the ES also provides a description of the potential disasters or accidents applicable to the development proposal, its potential effect on and vulnerability to climate change and the reasonable alternatives considered.
10. Figure 4.1 is a plan that shows the proposed development. The applicant was advised that some of the annotation and elements of the key were inconsistent or inaccurate and thus confusing in understanding the components of the development and where on the site they are located. The applicant subsequently amended Figure 4.1<sup>2</sup> to

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<sup>2</sup> The Proposed Site Layout in Appendix B to the CTMP also needs to be amended to reflect the most recent site layout plan submitted.

correct the inaccuracies and inconsistencies, including that in relation to the 'compound area' which was shown in a grey shade but with no explanation of what it related to. The amendments to Figure 4.1 also result in two 'temporary compounds' being annotated on the plan adjacent to the eastern and south eastern site boundaries in addition to the 'site compound' to the south of the farmhouse.

11. Nevertheless, amending the plan so that it is annotated with various 'compounds' has not clarified the issue sufficiently given that inconsistencies remain throughout the ES in respect of this matter. For example, at Appendix 7.1 CTMP, section 5, the title reads 'Site Compound and internal routing'. The sub-heading refers to a 'Contractors Compound' whereas paragraph 5.1 refers to a 'construction compound' and latterly to an 'internal site compound' in subsequent paragraphs. I cannot be certain whether they all refer to the same compound, being the 'site compound' annotated on Figure 4.1. Meanwhile, the mitigation measures in Section 8 of the CTMP<sup>3</sup> refer only to one 'compound area for contractors'<sup>4</sup> rather than multiple areas.
12. Furthermore, whilst the plan now shows two temporary compounds, which is consistent with the wording of Section 4.4 entitled Construction Compound and Programme, I do not know how the temporary compounds differ from the site compound in terms of their characteristics or degree of permanence – is it anticipated that the 'site compound' will be retained for the lifetime of the construction phase of development or longer? How would this compare with that of the temporary compounds? I am not convinced that the additional compounds, albeit of a temporary nature, have been properly described as a distinct component of the development.
13. Paragraph 4.2.3 provides a description of the proposed development by reference to the key components shown in bullet point form. The applicant has addressed the inconsistencies in the wording of Paragraph 4.2.3 (bullet point 1) relating to the site accesses, and it now states that both accesses are suitable for construction traffic with the associated improvements detailed within the CTMP (Appendix 7.1). Nevertheless, the detail of the physical works to facilitate the access improvements has not been described and that shown in the CTMP are not detailed construction drawings of the accesses and their required vision splays. As such, I do not know the nature or extent of the works factored into the ES assessment.
14. Paragraph 4.2.3 (bullet point 1) goes on to read '*Once the site is operational, the eastern access will revert to its current arrangement and the south-eastern access will be retained for operational requirements.*' However, it is not clear whether this involves removing the physical works that have been carried out to bring the access up to the necessary standard to be used by HGV's during the construction period. The current arrangement is, in fact, an overgrown field access gate with a mature hedgerow to both sides, set behind a grassed highway verge with the A525. I'm therefore still unclear as to the extent of these works in terms of the eastern access reverting to its current arrangement.
15. In response to my concern that no description of the access track construction (both temporary and permanent) has been provided, the applicant amended paragraph 4.2.3 (bullet point 7) to provide details of the access tracks and a cross reference to the access track cross-section drawing. However, it is still silent on the difference between the temporary and permanent access track construction, if any, and the cross

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<sup>4</sup> Paragraph 8.3

section drawing referenced carries the title 'Permanent access track section' (my emphasis). The clarification provided by the appellant has not therefore sufficiently advanced my understanding of this element of the scheme.

16. Section 4.8 deals with decommissioning. Whilst Paragraph 4.8.1 of the original ES identified that all solar panels, transformer units, fencing and security measures would be removed, it was silent on whether other infrastructure would be retained or removed, including the battery storage compound, internal access tracks, ponds and attenuation basins. The applicant has amended the paragraph so that it now provides a more detailed description of the infrastructure to be removed, making additional reference to the removal of tracks, areas of hardstanding and attenuation/drainage features. However, it adds that '*Development below 1.2m will be retained on site which will include the ponds*'. I'm not entirely sure what development below 1.2m would consist of and why the tracks, areas of hardstanding and attenuation features would not constitute features or development to be retained in those circumstances. Such inconsistencies prevent a clear understanding of which elements would be removed and which would be retained, or the implications of doing so. Furthermore, whilst the text in this chapter of the ES can be easily amended, I remain uncertain of the extent to which these factors were taken into account in the corresponding assessment.
17. The issue of the secondary consent in relation to the PRow diversions is identified in Section 4.5 of Chapter 4. As the original ES failed to provide a clear description of the physical works involved in the PRow diversions, the applicant has amended Paragraph 4.5.9 to read '*The PRow will comprise cleared ground and the access to Public Rights of Way within the vicinity of the Application Site will be maintained at all times*' (my emphasis). I will return to the issue of ground clearance in the section of this assessment dealing with likely significant environmental effects. However, dealing with the access issue, it is now clear from Figure 4.1 (as amended) that the alignment of the PRow diversion at the south eastern end of the site runs through a construction compound, which I've assumed to be fenced given that paragraph 4.6.3 identifies '*The site compound/storage of materials to be appropriately sited to reduce environmental risk and appropriately secured*'. I cannot therefore understand how access to the PRow could be maintained at all times if this were to be the case or, indeed, whether the PRow route needs to be amended and /or the construction compound relocated.
18. In view of the above, I am not confident that all key components of the proposals are adequately and accurately described. Further clarification is therefore required in this regard in order to explain the basis of the assessment of the likely effects.

### **Outline of the reasonable alternatives**

19. The ES, as submitted, did not assess the suitability of other sites for the development of solar energy in the context of local and national policies and local constraints. Neither did it give reasons for choosing the proposed type of renewable energy installation in preference to other types of generating stations. The applicant has subsequently amended Section 4.11 of the ES to include consideration of alternative types of generating stations and alternative locations, the latter cross referencing the Sequential Assessment Report which accompanied the original application submission.
20. Schedule 4 of the EIA Regs also states that alternatives could include development design, technology, location, size and scale. In this regard, the applicant considered the 'do nothing' alternative and alternative designs. Site specific requirements or modifications made to the design over the course of the design process as a result of

statutory consultee and technical consultants' feedback include; heritage and transport considerations, locating the construction compound near to site entrances, ecology and biodiversity considerations and recycling of materials after end use. Further details on the above are provided in each of the respective technical chapters under the heading 'Mitigation and Enhancement'.

21. Overall, the consideration of the main alternatives is satisfactory.

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

22. The 2017 EIA Regulations list the aspects of the environment likely to be significantly affected as population, human health, biodiversity, land, soil, water, air, climate, material assets, cultural heritage, and landscape.

23. In this case, the Planning Inspectorate's Scoping Direction for the proposed development identifies that there are likely to be significant impacts in relation to: landscape and visual impact, ecology and nature conservation, transport and traffic (construction only), human health, biodiversity, air quality and risk of major accidents. These key environmental aspects are detailed in the technical chapters of the ES.

24. Although scoped out of the ES, the application includes a stand-alone Heritage Statement detailing the significance of the heritage assets and how they will be affected by the proposed development. The applicant has also submitted a Flood Consequences Assessment and a Glint and Glare Study.

25. On the basis of the above, I am satisfied that the aspects of the environment likely to be significantly affected by the proposed development, which includes baseline data where necessary, have been correctly identified in the ES and in various stand-alone reports.

### **Description of the likely significant effects of the development on the environment.**

26. The technical chapters of the ES generally provide adequate descriptions of the likely significant effects of the components of the scheme that have been assessed, taking into account the construction, operational and de-commissioning phases. However, there is a lack of clarity in the description of the proposed development relating to several distinct elements of the scheme as discussed above, the cumulative effect of which is that I cannot satisfy myself that the significance of the environmental impacts has been correctly and fully identified.

27. Furthermore, I am concerned that the implications of ground clearance, now identified as being required in association with the PRoW diversion, have not been properly or fully considered. I note that the line of the diverted PRoW runs alongside or through habitat identified in the Extended Phase 1 Habitat Survey as being broadleaf semi-natural woodland or broadleaf plantation woodland. My concerns in this regard are twofold:

- The Confidential Badger Report at Appendix 6.4 [REDACTED]. Although the report refers to proposed work within 30 metres of Sett 2<sup>5</sup>, it identifies low impact work such as

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<sup>5</sup> Paragraph 4.1.3

security fence installation and the closest solar array installation some 22 metres from the sett entrance. It makes no specific mention of the ground clearance works required in association with the PRow diversion or the proximity of such works to Sett 2.

- The Technical Ornithological Appendix at Appendix 6.1 identifies the area of broadleaf semi-natural woodland in the western section of the site and an area of broadleaf plantation woodland in the southern section of the site as habitat for breeding birds. As well as the re-routed PRow running alongside the semi-natural woodland, Figure 4.1 shows that it would run through the area of plantation woodland which supports breeding birds. The Biodiversity Chapter of the ES identifies that there is potential for destruction of nests or disturbance to breeding birds depending of timing of the construction phase<sup>6</sup> and that, in terms of the operational phase, there is likely to be less overall human activity and disturbance than is associated with current normal farming practice<sup>7</sup>. However, I cannot ascertain whether the effects of the ground clearance works and activity associated with the use of the diverted PRow have been considered as part of this assessment.

Whilst the applicant's response states that the impact of tree loss as a result of the footpath diversion is included in the Arboricultural Impact Assessment, it is not clear whether the loss of other habitat such as that used by breeding birds or the potential for disturbing, damaging or destroying a badger sett has been fully considered. I am not convinced that the extent of clearance and thus likely impact is fully explained or has been properly explored.

28. Consequently, I am not satisfied that the significant effects of the development on the environment have been fully and systematically assessed or that they are sufficiently described in relation to some components of the scheme. It therefore follows that there can be no certainty that the mitigation measures proposed are adequate or that they properly address the impacts.

### **Prevention and / or mitigation measures**

29. Details of the mitigation measures are outlined in the technical chapters of the ES. These measures, which address matters such as landscape and visual impact, ecology and ornithology, traffic, infrastructure, and grid connection, are dealt with during the construction, operational and decommissioning phases. Arrangements for monitoring and management of mitigation measures over the life of the scheme are proposed where appropriate.
30. The mitigation measures described in the ES are satisfactory insofar as they relate to the components of the scheme that have been assessed. Nevertheless, the effects of the aspects of the development still unclear (as referred to above) must be assessed and mitigation measures identified, where necessary.

### **Indication of any difficulties in compiling the required information**

31. The ES has been compiled using identified methodologies.

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<sup>6</sup> Table 6.8.

<sup>7</sup> Paragraph 6.5.53

32. However, difficulty in obtaining information in relation to survey methods, timings and access (for example in relation to ecological surveys or noise monitoring) due to the Covid-19 pandemic and the associated restrictions have been noted.
33. The assumptions made in light of these difficulties is clearly set out in the ES, albeit these issues are not considered to have constrained baseline information gathering in any significant way.

#### **Provision of a Non-Technical Summary**

34. A non-technical summary has been provided and the information contained therein is sufficient. However, an updated summary which takes account of the matters outlined above should be provided.

#### **Overall Conclusions**

35. I conclude that further information (set out at Annex 1 below) is necessary in order to address the shortcomings identified above in the Environmental Statement submitted by Solar Century Holdings Ltd on 18 March 2021 in respect of this application.

*Melissa Hall*

**Inspector**

## Annex 1

- (i) Chapter 4 should be amended to include:
- an accurate and consistent description of the compounds, including details of their differences and degree of permanence.
  - a clear description of the access creation and improvement works together with details of the extent and timing of the works required to return the eastern access to its current arrangements.
  - a clear description of the internal access track construction (both temporary and permanent) with clarification of the differences between the two.
  - clarification of the components of the scheme that would be retained or removed during decommissioning.
- (ii) Consideration needs to be given to whether access to the PRow could be maintained at all times in the event that it would cross a secured construction compound and, if not, whether the diverted PRow route needs to be amended and /or the construction compound relocated.
- (iii) Clarification of the whether the ecological impacts of ground clearance associated with the PRow diversion has been fully considered in light of the potential loss of habitat used by breeding birds or the potential for disturbing, damaging or destroying a badger sett.
- (iv) Where necessary, an assessment of the environmental effects arising from (i), (ii) and (iii) above should be carried out with any relevant chapters of the ES updated in light of those findings.
- (v) An updated non-technical summary.
- (vi) An updated Proposed Site Layout in Appendix B to the CTMP.