

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT**

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT
ASSESSMENT) (WALES) REGULATIONS 2017**

SCOPING OPINION

Name and address of the applicant

**Marloes Holtkamp
PEDW**

DATE REGISTERED: 21 March 2023

APPLICATION NO: P2023/0181

LOCATION: Eirlys Solar Farm, Land To The South Of, Moel Ton-mawr And
West Of, Mynydd Margam

PROPOSAL: Request for Information to Inform a Scoping Opinion from the
Development of National Significance Team of PEDW under
Regulation 33(7) of the Town and Country Planning
(Environmental Impact Assessment)(Wales) Regulations 2017
for construction of a solar farm (79MW) on a site area of 99.5ha
with associated Battery Energy Storage System and Sub-
station for a period of 40 years.

THE NEATH PORT TALBOT COUNTY BOROUGH COUNCIL AS THE LOCAL PLANNING
AUTHORITY IN PURSUANCE OF ITS POWER UNDER THE ABOVE MENTIONED ACT
AND REGULATIONS HEREBY ADOPTS THE FOLLOWING SCOPING OPINION
SUBJECT TO ANY COMMENTS BELOW:

The Environmental Impact Assessment required to be submitted in respect of the above
proposal should cover the matters referred to in Schedule 4 of the Town and Country
Planning (Environmental Impact Assessment) (Wales) Regulations 2017, together with
addressing all those matters raised in the formal Scoping Report attached to and comprising
part of this decision.

Signed:



Ceri Morris – Head of Planning & Public Protection

Date: 24 April 2023



EIA Scoping Information for DNS.

Ref: DNS CAS-01977-LSK6R7

Our Ref: P2023/0181

Site: Eirlys Solar Farm, Margam.

1. Introduction

The Planning Authority received a request under Regulation 33(7)(b) of the Town and Country Planning (Environmental Impact Assessment)(Wales) Regulations 2017 for information to inform a Scoping Direction to be issued by PEDW on behalf of Welsh Ministers in relation to a proposed development for construction of a solar farm (79MW) on a site of 99.5ha with associated battery energy storage system and sub-station for a period of 40 years.

The following comments will not seek to repeat the statements made within the applicant's submitted Scoping Report (SR) but will instead comment on the submitted information.

2. Site Description

- 2.1 The site is described within section 2 of the submitted scoping report. The LPA notes that under section 2.1.3 the report states that the agricultural fields are a mix of grades 4 and 5, but the associated information to support this statement has not been submitted. It is considered that a full Agricultural Land and Soil Assessment should be carried out and submitted to inform a submitted Environmental Statement. The assessment should identify and quantify the current soil environment and all potential losses with suitable soil management and mitigation measures where necessary.
- 2.2 The Authority notes the applicant's statement that a Coal Risk Mining Assessment will be submitted to support the application (2.1.4), as part of the validation requirements and welcomes the submission of such information.
- 2.3 Under para. 2.1.5 the applicants state that the closest villages to the proposed development are Pyle and Kenfig Hill at 3km to the south and 2.9km to the south east. However the village of Coed Hirwaun is located approximately 970m to the south of the proposed application site. This settlement has its own school, shop, children's play area, sport facilities, public open space and ecology conservation area with approximately 435 houses. Due to its close proximity to the development area, and the development's elevated position above Coed Hirwaun, it is considered that

the potential impacts of the proposed development upon this well-established village must be closely assessed within an ES.

- 2.4 The development area adjoins the boundary of Margam Country Park, which is the location of a number of Grade I, II* and II listed buildings; Scheduled Ancient Monuments; a registered Historic Park and Garden; and a registered Landscape of Special Historic Interest. The Historic Quality of the surrounding area is also reflected in the numerous archaeological assets located within both the development site and the immediate surrounding area

3. Proposed Development

The scope of the EIA should include all elements of the development as identified in the SR, both permanent and temporary.

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.

- 3.1 As the applicants have indicated that the potential development area would be 99.5ha, but that they only intend developing a small proportion of the whole, a maximum area of approximately 33ha, but without clear indication at this time, of which areas will be development and which will not. The requirement to provide very clear justification within the ES of the environmental effects that have been used to make the selection of the actual proposed development is essential, particularly within such a sensitive environment.
- 3.2 Within para. 2.2.1 the SR states that “the site is situated on a lower grade agricultural land classification and does not pose an unacceptable landscape and visual impact.” However no information or evidence has been provided to support or even justify this statement, particularly as it is not clear which areas within the 99.5ha are actually proposed to be development.
- 3.3 The SR continues on to state within para 2.3.2 that the physical footprint of the solar and storage components would be approximately 1/3 of the red line boundary area and therefore comprise an equivalent landtake of approximately 33ha. There is no indication given why such a significantly larger area 99.5ha is indicated as the development area when the developers only intend developing 33ha. This appears to be an extremely speculative approach to development which undermines the principles of certainty that are

ingrained with the basic principles of the planning process. Within the Covering Letter the applicant states that as part and parcel of the scoping exercise that they seek your opinion on two relevant planning matters:

1) Rochdale Envelope.

2) Scoping Flexibility.

- 3.4 In relation to the Rochdale Envelope, while it is understood that certain types of development require by the very nature of their development and industry a degree of flexibility to ensure the use of best available technology. The approach is generally applied to the principles of dimension of specific specified structures, through the application of maximum and minimum parameters to each of these specific buildings, rather than their siting.
- 3.5 In this particular circumstances, the applicant has not provided any explanation as to why it would be necessary to use the Rochdale Envelope, nor have they provided details of how they propose to use it in this specific case. While it is understood that very large scale, complex developments require flexibility, it is not clear how the applicant considers that this would be necessary on this particular site or why this would be necessary on this type of development. This perhaps therefore creates the impression that this is purely a speculative request designed to delay the need for development specific information until some other point in time. This is specifically discouraged within the guidance on the use of the Rochdale Envelope.
- 3.6 It is also not clear from any of the submitted information which aspects of the development is envisaged to potential vary from the current established industrial standards. As such, in the absence of any further information, the Authority would object to the use of the Rochdale Envelope in relation to the proposed siting of this development.
- 3.7 In relation to scoping flexibility, the Authority in general would not object to a worst case scenario being applied to the scoping of the whole development red line area. However if the developers already know that they are only going to development a maximum of 33ha, it is confusing as to why they have included 99.5ha within the Scoping area. Surely, if they know that the maximum amount of developable area is 33ha, then the 99.5ha area could have been narrowed down some-what allowing for a more focused Scoping exercise and perhaps even for some concerns to be eliminated from the proposal completely. However with such a wide area being scoped in, with limited submitted information, the outcome from the Scoping exercise would have to be similarly broad.

4. History

The planning history section also includes details of proposals and development on the adjacent sites. These have been labelled to identify the relevant development sites.

Planning History

Reference: P2022/0567

Proposal: Consultation Request from Planning and Environment Decisions Wales (PEDW) in relation to a screening direction request under the Town and Country Planning (Environmental Impact Assessment)(Wales) Regulations 2017 for the construction of solar arrays and battery storage project generating 50MW on a site area of approximately 33ha. of a wider 99.5ha site, with associated works including transforms, sub-station and inverters, battery energy storage, access tracks, storage containers, fencing , CCTV and underground 33kV cable connection to grid.

Decision: EIA Development.

Decision Date: 15-JUL-22

Site Address: Agricultural Land to the South of Moel Ton-mawr And West Of Mynydd Margam.

Planning History

Reference: P2021/0057

Proposal: Consultation Request from the Welsh Ministers on the content of a Scoping Direction (EIA Development) relating to a proposed application to be made for a Development of National Significance (DNS) in relation to a proposed Wind farm of up to 26 turbines (6.6 MW per turbine) with a maximum height of 250m in height and 170m in rotor diameter, transformer housing, battery storage, permanent anemometry masts, access tracks, crane pads and borrow pits.

Decision: Objections.

Decision Date: 17-FEB-21

Site Address: Land At Bryn And Penhydd Forest Located Between Port Talbot And Maesteg.

Planning History

Reference: P2010/0823

Proposal: Proposed Margam 3D Seismic Survey (Consultation from Neighbouring Authority)

Decision: No objections.

Decision Date: 11-AUG-10

Site Address: Margam Mountain, Port Talbot

Planning History

Reference: P2010/0743

Proposal: Notification under part 22 class B of the Town and Country Planning (General Permitted Development) Order 1995 Proposed Margam 3D Seismic Survey

Decision: Prior Approval Not Required.

Decision Date: 12-AUG-10

Site Address: Margam Mountain, Port Talbot

Planning History

Reference: P2000/0962

Proposal: Equipment Cabin at Ground Level with 6 No. Replacement Dual Polar Antennae upon the Existing Lattice Tower.

Decision: Prior Notification Required.

Decision Date: 06-SEP-00

Site Address: Ton Mawr Farm, Port Talbot, West Glamorgan, SA13 2TN

Planning History

Reference: P1998/0714

Proposal: Notification Of Installation Of Telecommunications Equipment

Decision: Conditional Approval.

Decision Date: 01-JUL-98

Site Address: Ton Mawr Farm, Port Talbot, West Glamorgan, SA13 2TN

Planning History

Reference: L1996/1215

Proposal: Extension to Existing Telecommunications Tower

Decision: Conditional Approval.

Decision Date: 21-AUG-96

Site Address: Ton Mawr Farm, Port Talbot, West Glamorgan

Planning History

Reference: P1994/9833

Proposal: Certificate of lawfulness for the fixing to existing 15 metre telecommunication tower of apparatus comprising a 5 metre extension

Decision: Certificate Not Issued.

Decision Date: 02-FEB-95

Site Address: Ton Mawr Farm, Port Talbot, West Glamorgan

Planning History

Reference: P1993/9391

Proposal: 15 metre telecommunications tower on land at Ton Mawr Farm

Decision: No objection.

Decision Date: 10-JAN-94

Site Address: Land At Ton Mawr Farm, Port Talbot, West Glamorgan.

Planning History

Reference: T1986/5483

Proposal: Exploratory Borehole With Drilling Rig.

Decision: Conditional Approval.

Decision Date: 02-JUN-86

Site Address: Land Near Ton-Mawr Farm, Margam, Port Talbot, SA13 2TN

Planning History

Reference: T1975/0804

Proposal: Deep bore hole for assessment of coal reserves

Decision: Conditional Approval.

Decision Date: 22-JAN-76

Site Address: Land at Ton Mawr, Near Margam Park, Port Talbot.

5. Consultation

It help information the information provided the Authority has consulted the following internal departments:

- Glamorgan Gwent Archaeological Trust (GGAT).
- Public Rights of Way.
- Biodiversity.
- Highway Authority.
- Drainage Authority.
- Environmental Health including - Noise, Air Quality, and Contaminated Land.
- Arboriculturist.
- Sustainable Transport. (No response received.)
- Economic Development. (No response received.)

6. Environmental Impact Assessment.

- 6.1 Glamorgan Gwent Archaeological Trust are the Council's consultants on Archaeological matters. They have stated that they note that it is proposed that Archaeology and Cultural Heritage will be scoped in to the Environmental Statement as Chapter 8. They also note it is proposed that the chapter will be produced by Archaeological Management Services (AMS) T/A Foundations Heritage, which is a Registered Organisation with ClfA [Looking for an archaeologist? | Chartered Institute for Archaeologists](#).
- 6.2 They state that they agree with this approach and as such it is their recommendation that an archaeological desk-based assessment be carried out, in order to identify the archaeological potential of the site, and inform the ES Chapter, as well as to determine any impact of the proposal on the archaeological resource, including setting.
- 6.3 Such an exercise will need be conducted in accordance with the Chartered Institute for Archaeologists *Standard and guidance for historic environment desk-based assessment (2014, updated 2020)* [ClfAS&GDBA_4.pdf \(archaeologists.net\)](#) and to an agreed written scheme of investigation to comply with current professional standards (paragraph 3.2.1). Depending on the results of the assessment, it is possible that further archaeological work will be required, some elements of which may be pre-determination. This is in accordance with Planning Policy Wales, Eleventh Edition February 2021, Paragraph 6.1.26 and Technical Advice Note 24, May 2017, Paragraphs 4.7-4.8.
- 6.4 The document also refers to the ASIDOHL2, as the area is partly within the Registered Landscape of Special Historic Interest Cadw Reference HLW (WGI/MGI) 2. As such, as an EIA is necessary, the ASIDOHL2 falls within the remit of Cadw.

Registered Historic Parks and Gardens:

PGW (Gm) 52(NEP) Margam Park (grade I)

Registered Historic Landscapes:

HLW (WGI/MGI) 2 Margam Mountain

- 6.5 The Council's Drainage Officer has reviewed the submitted information, and has stated that SAB approval will be required prior to any work commencing. To commence work is a breach of SAB approval required under Paragraph 7 (1) Schedule 3 of the Flood and Water Management Act 2010 whereby legal action will be taken by the Authority under The Sustainable Drainage (Enforcement) (Wales) Order 2018. Guidance and applications can be found on <https://www.npt.gov.uk/sab>
- 6.6 They have also identified concerns in relation to the potential impact upon any springs or ground water seepage that may occur on site. In relation to the Figure 11.1 WFD Catchments, the drawing doesn't appear to show the watercourse and springs located within the application site, which appear to be shown on a number of the applicants other OS maps. The application should identify any interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site, and consider the resultant impacts upon the water environment within the application site and wider surrounding area.
- 6.7 Further information in relation to any required assessments of the development's impact upon ground waters, springs and watercourse should be provide by NRW and Welsh Water.
- 6.8 The Council's Head of Engineering and Transport (Highways) has stated that a Transport Impact Assessment would be required. Details of the type of construction and servicing vehicles and movements would have to be considered, together with details showing the access point onto the nearest adoptable highway and the provision of suitable visibility splays in accordance with TAN 18. Together with the location of any borrow pits proposed to facilitate construction of the development.
- 6.9 Within Para. 2.2.4 the applicants state that the vehicular access to the site boundary has been identified utilising existing infrastructure, but does not state whether the existing road surface, condition and alignment would be suitable to serve the construction traffic associated with the development. Any application submitted should be supported by a Road Condition Survey. The Road Condition Survey should identify any improvements that may be need to be bring the existing road networks up the necessary condition to facilitate the size and volume of traffic likely to be generated by the development. Details of any offsite highway works need to be considered (including forming the connection to the grid). Any substantial construction works or highway alterations (either temporary or permanent) may require a Road Safety Audit (stages 1-4).
- 6.10 If planning permission were to be granted conditions to ensure that further Road Condition Surveys at the pre and post construction and decommission stages are carried out to ensure that any damage cause to the public highway during the construction and decommissioning stage is rectified at

the developer's expense. Similarly, a Construction Environmental Management Plan and Transport Management Plan may also be required to mitigate the impacts associated with the proposed development.

- 6.11 The Council's Public Rights of Way Officer has provide a plan of the Public Rights of Way that cross through the application site which will be attached to this response. He confirms that Footpaths 57 to 61.PT, 75PT, 76PT along with The Great Dragon Ride (National Trail) cross through the proposed development area. They would require that the Public Rights of Ways are protected at all times and any damage caused to the Rights of Way shall be rectified.
- 6.12 The Council's Ecologist has considered the submitted information within the Scoping Report and has raised no objection to the proposed methodology. While the Council's Arboriculturist has stated that he appreciates that the final scheme may change but regarding the possible impact on the trees and woodland affected by this development are shown on the Dulas Ecology Plan drawing number Figure 6-1 rev. B. They consist of a single area of broadleaved semi natural woodland which is located in the southern part of the site and two lines of trees in the eastern and northern sections of the site. There are also a number of trees near the proposed grid connection route which is shown on drawing number Figure 2-4 rev. B. To identify any trees that could conflict with the proposals a tree survey and arboricultural constraints report completed in accordance with BS5837:2012 Trees in relation to design, demolition and construction must be undertaken. This survey must include all trees within and external to the site which could be affected.
- 6.13 The Council's Environmental Health Officers has reviewed the submitted information and has identified the need for appropriate mitigation of the development's construction impacts through the submission of a Construction Environmental Management Plan, as well as the submission of an Air Quality Impact Assessment for the proposed development to inform the impacts of the proposed development.
- 6.14 The Council's Contaminated Land Officer has identified the need to carry out a Phase 1 Preliminary Risk Assessment of potential ground contamination as a minimum to help inform the assessment of the potential impacts upon human health and environmental risks.
- 6.15 In relation to the assessment of the proposed development's impacts upon Landscape and Visual Impact (LVIA), the Authority is in discussion with the applicants to facilitate detailed discussions regarding pre-application advice for the proposed development. At this stage no pre-application discussions have been undertaken. It is suggested that detailed discussion will be necessary to identify the required number and location of the viewpoints. The table 5.4.1 – Initial Viewpoint Selection Details, does not contain sufficient information to comment on their acceptability.

