

Ms Fransesca Wray Project Planner Sirius Planning Ltd 4245 Park Approach Thorpe Park Leeds LS15 8GB

By email to: <u>Francesca.Wray@thesiriusgroup.com</u>

Ein Cyf/Our ref: qA1411437 Eich Cyf/Your ref: IR1013/SD Dyddiad/Date: 17 January 2020

Dear Ms Wray,

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
(WALES) REGULATIONS 2017
PROPOSED SOLAR FARM AT LAND OFF PANTYBRAD ROAD, LLANTRISANT,
CF72 8YY – PLANNING REF: 19/1136/35

- 1. I refer to your request, dated 28 November 2019, made pursuant to regulation 6(8) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 ("the 2017 Regulations") for the Welsh Ministers to make a screening direction as to whether or not the development your clients propose is 'EIA development' and whether an environmental statement is required.
- 2. I am authorised by the Minister for Housing and Local Government to consider and make the screening direction.
- 3. The development proposed, namely "Proposed solar farm" falls within the description of development at paragraph 3(a) of Schedule 2 ("the Schedule") to the 2017 Regulations and, therefore, I consider the proposal to comprise "Schedule 2" development within the meaning of the 2017 Regulations.

- 4. The views of Cadw and Natural Resources Wales (NRW) were sought and their advice is included in the Environmental Impact Assessment checklist (attached), which identifies the key areas which the Welsh Ministers considered when reaching their conclusion.
- 5. I have considered and accept the advice provided by Cadw and NRW. Taking account of that advice, the conclusions of the checklist, the selection criteria in Schedule 3 to the 2017 Regulations and the advice in Welsh Office Circular 11/99: Environmental Impact Assessment, I am of the opinion the development is not major development of more than local importance, is not sited in a particularly environmentally sensitive or vulnerable location and is not likely to give rise to unusually complex and potentially hazardous environmental effects.
- 6. Accordingly, for the reasons given above and in exercise of the authority referred to in paragraph 2 above, I conclude the development proposed would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size or location, and I hereby direct the development is not "EIA development" within the meaning of the 2017 Regulations.
- 7. You will bear in mind that my opinion on the likelihood of this development having significant environmental effects is reached only for the purposes of this direction.
- 8. I am sending a copy of this letter to Rhondda Cynon Taff County Borough Council, Cadw and Natural Resources Wales.

Yours sincerely,

**Alan Groves** 

Senior Planning Manager Decisions Branch Planning Directorate

Signed under the authority of the Minister for Housing and Local Government, one of the Welsh Ministers

## STAGE 1 - INITIAL SCREENING ASSESSMENT

CONTRACTOR STATES		Ι	G A	П СВ	E S	D A	C ZI C	B <u>L</u>	> ·	_
Is the project located wholly or partly within a 'Sensitive Area' as defined by Regulation 2 of the EIA Regulations?    Yes, state which area below.	If Yes, enter the description of development subject of the related planning permission	Approval of reserved matters or conditions? If yes, state which one n/a	Site area of development/works/new floorspace (as appropriate), i.e. m2 or hectares (Ha)  Approx 2 ha	Brief description of development  Construction of 2MW Solar Farm	Site address Land off Pantybrad Rd, Llantrisant, CF72 8YY	Appellant/Applicant Infinite Renewables Ltd	LPA Rhondda Cynon Taff CBC	LPA case reference 19/1136/35	Appeal case reference (PINS Only)	Case Details

s the project listed as a description of the project located wholly or partly the project located wholly or partly sthe project located wholly or partly	Is the project listed as a description of development under Column 1 of the If Yes, note under which description of development i.e. paragraphs 1-12. I and tick Recommended Action 8L 'EIA Not Required' as the project does n development and is not EIA development.  Schedule 2.3(a) – Installation for the production of electricity  Does the project change or extend development described in paragraphs 1 If Yes, proceed straight to part 2C. If No, proceed to point (iii) below.  Is the project located wholly or partly within a 'Sensitive Area' as defined by If Yes, state which area and proceed to Section 3 as project is 'Schedule 2 thresholds/criteria. If No, proceed to point (iv) below.
If Yes, note under which description of development i.e. paragraphs 1-12. If No, complete section 3-5 and then proceed to Section and tick Recommended Action 8L 'EIA Not Required' as the project does not fall within the EIA Regulations i.e. it is not Schedule 2 development and is not EIA development.  Schedule 2.3(a) – Installation for the production of electricity  Does the project change or extend development described in paragraphs 1 to 12 of Column 1 of schedule 2?  If Yes, proceed straight to part 2C. If No, proceed to point (iii) below.  Ses  Yes  Yes	Action 8L 'EIA Not Required' as the project does not fall within the EIA Regular EIA development.  allation for the production of electricity  e or extend development described in paragraphs 1 to 12 of Column 1 of sched to part 2C. If No, proceed to point (iii) below.  holly or partly within a 'Sensitive Area' as defined by Regulation 2 of the EIA Reand proceed to Section 3 as project is 'Schedule 2 development'. There is no reproceed to point (iv) below.
Does the project change or extend development described in paragraphs 1 to 12 of Column 1 of schedule 2? If Yes, proceed straight to part 2C. If No, proceed to point (iii) below.  Is the project located wholly or partly within a 'Sensitive Area' as defined by Regulation 2 of the EIA Regulation.	ect change or extend development described in paragraphs 1 to 12 of Column 1 of schedule 2?  In a straight to part 2C. If No, proceed to point (iii) below.  In a straight to part 2C. If No, proceed to point (iii) below.  In a straight to part 2C. If No, proceed to Section 3 as project is 'Schedule 2 development'. There is no need to consider teria. If No, proceed to point (iv) below.
Is the project located wholly or partly within a 'Sensitive Area' as defined by Regulation 2 of the EIA Regulations?	oject located wholly or partly within a 'Sensitive Area' as defined by Regulation 2 of the EIA Regulate which area and proceed to Section 3 as project is 'Schedule 2 development'. There is no neds/criteria. If No, proceed to point (iv) below.
	If Yes, state which area and proceed to Section 3 as project is 'Schedule 2 development'. There is no ne thresholds/criteria. If No, proceed to point (iv) below.

## 2C Changes or extensions to Schedule 1 or Schedule 2 development Yes

Z 0

or in the process of being executed and the development as changed or extended may have significant adverse effects on change of extension falling within paragraph 23 of that Schedule) where that development is already authorised, executed the environment. Does the project involve any change to or extension of development of a description listed in Schedule 1 (other than a

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significant adverse effects on the environment changed or extended are met or exceeded and in such a case the development as changed or extended may have thresholds and criteria in the corresponding part of Column 2 of the table in Schedule 2 applied to the development as Provide reasons for your answer in the space below. Schedule 2, where that development is already authorised, executed or in the process of being executed, and the Does the project involve a change or extension of development listed in paragraphs 1 to 12 of Column 1 of the table in

If Yes indicated above, proceed to Stage 2 as the project is Schedule 2 EIA development.

Section 8 and tick Recommended Action 8L 'EIA Not Required' as the project does not fall within the EIA Regulations i.e. is not If No, check if the site is located in a "sensitive area". If not located in a "sensitive area" complete section 3-5 and then proceed Schedule 2 development and is not EIA development. to

If the project is located in a "sensitive area" and meets the description in either 13 (a) or 13 (b), proceed to Stage 2 as the project is Schedule 2 EIA development.

Has the LPA issued a Screening Opinion (SO)?  Have the Welsh Ministers issued a Screening Direction (SD)?  If Yes to either, is a copy of the SO/SD on the file? Note which one. Screening opinion  If Yes, is the SO/SD positive i.e. EIA is required?  Was the original planning permission subject to EIA screening?  Was a SO/SD issued for the original planning permission on file?  If Yes, is a copy of the SO/SD for the original planning permission on file?  Environmental Statement (ES)  Has the applicant/appellant supplied an ES for the current or previous (if reserved matters or conditions) application?  ¥	Yes         No           Yes         No           Yes         No           Yes         No           Yes         No           Yes         No           Yes         No

## STAGE 2 - DETAILED SCREENING ASSESSMENT

	Screening Questions		
Part 1 - Questions to be considered	Part 2 – Provide answers to questions in Part 1 (use	Part 3 – For all 'Yes' answers in Part 2, assess whether those interactions (i.e.	Part 4 – Outline the overall
	Yes/No/Not Known) and briefly explain reasoning If	effects) are likely to be <u>significant</u> by	conclusion
	applicable, and/or known,	Significance' ('AoS') Criteria outlined in	3 i.e. Unlikely to
	include name of feature	Section 6(B). Provide detailed reasons for	have a
	and approximate proximity	your answers here. Include in your answers	significant
	to site	a summary of advice from consultees if	effect / Likely to
		'NA' and proceed to section 71	significant
			effect?
<b>CRITERION 1. CHARACTERISTICS OF DEVELOPMENT</b>	EVELOPMENT		
Question 1(a) Size of the Development			
Will construction, operation or	Yes. The project will	The solar panels will be located on existing	Unlikely
decommissioning of the Project involve	involve the erection of	agricultural land, resulting in a change in	significant
actions which will cause physical changes	solar photovoltaic (PV)	land use. However, these changes are not	effect.
in the locality (topography, land use,	panels on a greenfield site	considered likely to have significant effects	
	largely comprises	EIA Regulations. Any physical changes will	
	improved and poor semi-	be temporary and reversible.	
	improved grassland.		
Question 1(b) Cumulation with Other Development	velopment		
(i) Are there any other factors which	Yes. A single wind turbine,	The single wind turbine is a tall slim	Unlikely
should be considered such as	known locally as 'the	structure and any cumulative effects are	significant
consequential development which could	daffodil' (with a ground to	unlikely to be significant.	effect.
lead to environmental effects or the	blade tip height of 100m), is		
potential for cumulative impacts with	located within the same		
	field unit.		

other existing or planned activities in the locality?			
(ii) Are there any plans for future land	No.	N/A	
uses on or around the location which			
could be affected by the project?			
(iii) Is the Project likely to lead to	No.	A/N	
transfrontier effects?			
Question 1(c) Use of Natural Resources			
Will construction or operation of the	Yes, the proposed	Due to the reversible nature of the proposal,	Unlikely
Project use natural resources such as	development will use	any effect on natural resources is unlikely to	significant
land, water, materials or energy,	building materials and	be significant.	effect.
especially any resources which are non-	energy during		6
renewable or in short supply?	construction, operation and		
	decommissioning. The loss		
	of agricultural land is not		
	proposed to be permanent.		
Question 1(d) Production of Waste			
Will the Project produce solid wastes	Yes. Some waste will be	Due to the nature and scale of the proposed	Unlikely
during construction or operation or	generated during	development, any effect is unlikely	significant
aecommissioning:	construction and	to be significant.	errect.
	decommissioning of the		
	developille.		
Question 1(e) Pollution and Nuisances			
(i) Will the Project involve use, storage,	No.	N/A	
transport, handling or production of			
substances or materials which could be			
harmful to human health or the			
environment or raise concerns about			
actual or perceived risks to human			
health?			
(ii) Will the Project release pollutants or	No.	AIN	
any hazardous, toxic or noxious			
substances to air?			

	N/A	No.	(ii) Are there any routes or facilities on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the project?
Unlikely significant effect.	Due to the scale of development, any effect on employment is unlikely to be significant.	Yes. The development would create some employment during phases of construction, operation and decommissioning.	<ul><li>(i) Will the Project result in social changes, for example, in demography, traditional lifestyles, employment?</li></ul>
			Question 2(a) Existing Land Use
		MENT	<b>CRITERION 2. LOCATION OF DEVELOPMENT</b>
	It is not considered that the risk of accidents during construction or operation is likely to be significant.		
effect	and legislation would be the appropriate method for dealing with this issue.		which could affect human health or the environment?
Unlikely significant	Possibility of accidents during construction phase but Health and Safety requirements	Yes	Will there be any risk of accidents during construction or operation of the Project
	ices or technologies used	egard in particular to substan	Question 1(f) Risk of accidents, having regard in particular to substances or
	NA	No.	(iv) Will the Project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal wasters or the sea?
Unlikely significant effect.	Due to the scale and nature of the development, any noise or vibration generated during the 2-3 month construction period is unlikely to be significant.	Yes, some noise and vibration will be generated during construction and decommissioning of the solar park.	(iii) Will the Project cause noise and vibration or release of light, heat energy or electromagnetic radiation?

	N/A	No.	(vi) Are there any areas on or around the location which are occupied by sensitive land uses e.g. hospitals, schools, places of worship, community facilities, which could be affected by the project?
	consideration for the decision maker, and the agent has noted that a Landscape and Visual Impact Assessment is to be submitted with the planning application.	ficked Ely Valley Road".	
	not consider that it is likely to be significant in EIA terms. However, landscape and visual effects are likely to be an important		
	the characteristics of the potential effect, having regard to the selection criteria in Schedule 3 to the 2017 Regulations, I do		tourism, mining or quarrying which could be affected by the project?
	view will be localised. The effect will be temporary and reversible. Considering	ss Park	commerce, recreation, public open space, community facilities, agriculture, forestry,
significant effect.	the immediate vicinity of the site, the spatial extent of the impact in my	Δ.	around the location e.g. homes, gardens, other private property, industry,
Unlikely	Although there will be some visual impact in		(v) Are there existing land uses on or
significant effect.	and reversible.	(approx. 2ha) loss of agricultural land.	undeveloped area where there will be loss of greenfield land?
Unlikely	Any loss of greenfield land will be temporary	nere will be a small	(iv) Is the project located in a previously
effect.	nearby transport network is unlikely to be significant.	the site during the 2-3 month construction period.	to congestion or which cause environmental problems, which could be affected by the project?
Unlikely significant	Due to the nature and scale of the proposed development, any effect on the	There will be HGV movements to and from	(iii) Are there any transport routes on or around the location which are susceptible

Question 2(b) Relative Abundance, Qual	Quality and Regenerative Capacity of	y of Natural Resources in the Area	
Are there any areas on or around the location which contain important, high	No.		
quality or scarce resources e.g.			
groundwater, surface waters, forestry,			
agriculture, fisheries, tourism, minerals,			
which could be affected by the project?			
Question 2(c) Absorption Capacity of the	e Natural Environment		
(i) Are there any areas on or around the	The proposed site is	In its consultation response of 30 December	Unlikely
location which are protected under	situated within 3km of the	2019, Natural Resources Wales advice was:	significant
international or national or local	following:		effect.
legislation for their ecological, landscape,		"With regards to protected sites, we note the	
cultural or other value (i.e. historical),	<ul> <li>LLANTRISANT</li> </ul>	comments in the letter dated 14 November	
which could be affected by the project?	COMMON AND	2019 from the Local Planning Authority,	
	RHOS TONYREFAIL	the site to the Rhos Tonyrefail SSSI, and any	
	SSSI	consequences of the potential hydrological implications of the solar farm construction	
		and operation should be considered. We	
		impacts and, in our opinion, there are	
		unlikely to be any significant impacts on the	
		SSSI for the following reasons:	
		The Rhos Tonyrefail SSSI lies downslope of	
		the proposed solar farm. Although the SSSI is in close proximity, we consider there is	
		interest features of the site. The site of the	
		proposed solar farm appears to be	
		agriculturally improved and of low	
		ecological value and does not contain any	

The proposal site is situated within 3km of the following Scheduled Ancient Monuments:

GM280 The Beacons Round Barrows GM074 Llantrisant Castle

Spring

- GM219 Lle'r Gaer
- GM406 Tarren
   Deusant Sculptured
   Rock & Spring

butterfly, which is associated with the adjacent SSSI.

Whilst the proposed solar farm location is upslope from the SSSI, the hydrological regime would mean that any run-off from the site flows predominantly to the south and not into the SSSI. Any potential impacts on water quality in the receiving streams could be negated by ensuring that appropriate mitigation measures are implemented as part of a construction environmental management plan".

In its consultation response of 23 December 2019, Cadw provided the following advice:

"Scheduled Ancient Monuments:
GM074 Llantrisant Castle
GM219 Lle'r Gaer
GM280 The Beacons Round Barrows
GM406 Tarren Deusant Sculptured Rock &

The above designated heritage assets are located inside 3km of the proposed development; however, apart from scheduled monument GM074 Llantrisant Castle and listed building 23942 Church of

Unlikely significant effect.

(ii) Are there any other areas on or around the location which are important or sensitive for reasons of their ecology			
	7.00		7 7: 4 7 4 7: (5)
N/A	It is therefore our opinion that the impact of the proposed development on the historic environment is not sufficient to require an environmental impact assessment to be produced.	The proposed development will be visible from the upper part of scheduled monument GM074 and the tower of listed building 23942. It will be seen from them as a change to the open rural landscape; however, it will also be seen along with the modern industrial estate of Llantrisant Business Park and the Daffodil wind turbine. Consequently, whilst the proposed development is likely to have an adverse impact on the setting of these two designated heritage assets, and this will be a material consideration in the determination of the planning application, it is unlikely that this will be a significant adverse impact.	St Illtyd, St Gwynno and St Dyfodwg intervening topography, buildings and vegetation are likely to block all views between them. Consequently it is likely that the proposed development will not have any impact on the setting of these designated heritage assets.

	N/A	No.	(vii) Are there any areas or features of historic or cultural importance on or around the location which could be affected by the project, but which are not designated as historical assets? (see
Unlikely significant effect.	See 2(a)(v)	Yes. See 2(a)(v)	(vi) Is the project in a location where it is likely to be highly visible to many people?
Unlikely significant effect.	The site is located within a Special Landscape Area. However, I consider the extent of the impact in my view will be localised. When assessed against the criteria in Schedule 3 of the 2017 Regulations, any localised impact would be temporary and reversible. In this context I do not consider it is likely to be significant in EIA terms.	Yes	(v) Are there any areas or features of high landscape or scenic value on or around the location which could be affected by the project, but which are not protected sites? (see 2(c)(i) if located in or near to a protected site)
	N/A	No.	(iv) Are there any inland, coastal, marine or underground waters on or around the location which could be affected by the project?
	N/A	No.	(iii) Are there any areas on or around the location which are used by protected, important or sensitive species of fauna or flora e.g. for breeding, nesting, foraging, resting, overwintering, migration, which could be affected by the project?
			e.g. wetlands, watercourses or other waterbodies, the coastal zone, mountains, forests or woodlands, which could be affected by the project?

2(c)(i) if located in or near to designated historical assets)		
(viii) Are there any areas on or around the	No.	N/A
location which are densely populated or		
built-up, which could be affected by the		
project?		
(ix) Are there any areas on or around the	No.	N/A
location which are already subject to		
pollution or environmental damage e.g.		
where existing legal environmental		
standards are exceeded, which could be		
affected by the project?		
(x) Is the project location susceptible to	No.	N/A
earthquakes, subsidence, landslides,		
erosion, flooding or extreme or adverse		
climatic conditions e.g. temperature		
inversions, fogs, severe winds, which		
could cause the project to present		
environmental problems?		

						(i)			7
The LPA note that the proposed site is located on a hillside in an elevated position where the development will be visible from the south and east, particular the town of Llantrisant, Llantrisant Common, and in part from the heavily trafficked Ely Valley Road. However, in my opinion, whilst there will be some visual impact in the immediate vicinity of the site, the spatial extent of the impact in my view will be localised. Any localised impact would be temporary and reversible. Considering the characteristics of the potential effect and taking account of the selection criteria in Schedule 3 of the 2017 Regulations, I do not consider that it is likely to be significant in EIA terms.	In considering this case I have had regard to the selection criteria in Schedule 3 of the 2017 Regulations and the general advice contained in Welsh Office Circular 11/99: Environmental Impact Assessment ("Circular 11/99").	I have considered the EC guidance, "Interpretation of definitions of certain project categories of annex I and annex II of the EIA Directive" and am satisfied the proposed project falls within the description of development in paragraph 3(a) of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (the "EIA Regulations"), and meets the applicable criteria in column 2. Therefore, the proposed development comprises Schedule 2 development for the purposes of the EIA Regulations.	c Characteristics of the potential impact	Land off Pantybrad Rd, Llantrisant, CF72 8YY	b Location of development	(i) Construction of 2MW Solar Farm	a Characteristics of development	Summary of features of project and of its location	7 Conclusion
de in an elevated position where the development will Llantrisant, Llantrisant Common, and in part from the on, whilst there will be some visual impact in the pact in my view will be localised. Any localised impact racteristics of the potential effect and taking account of ns, I do not consider that it is likely to be significant in	a in Schedule 3 of the 2017 Regulations and the nental Impact Assessment ("Circular 11/99").	finitions of certain project categories of annex I and sed project falls within the description of development Planning (Environmental Impact Assessment) (Wales) applicable criteria in column 2. Therefore, the ent for the purposes of the EIA Regulations.							

O	Is EIA required?	IS EI	(III)	
No	been provided do you agree with it?	IfaS		
	It is my overall opinion and recommendation that the proposed development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and that EIA is therefore not required.			
ance re (ely	I accept the advice from Cadw and Natural Resources wales that EIA is not required, and in light of the guidance and information before me I take the view that the proposed development is not a major development of more than local importance, is not located within an environmentally sensitive or vulnerable location and is not likely to give rise to unusually complex and potentially hazardous environmental effects.			

8 Options		
Assessment	Recommended Action	<
Schedule 1 development	8A. Issue direction stating EIA Required	
Schedule 1 development – appeal is at an advanced stage (PINS ONLY)	8B. Issue direction stating EIA Required	
Schedule 2 development – threshold exceeded/ criterion met or Sensitive Area	<b>8C.</b> Issue direction stating EIA Required	
Schedule 2 development – appeal is at an advanced stage - threshold exceeded/	8D. Issue direction stating EIA Required	
criterion met or Sensitive Area and likely to have significant effects (PINS ONLY)		
Schedule 2 development - not likely to have significant effects on the	<b>8E.</b> Issue direction stating EIA Not Required	<
environment		
Schedule 2 development – appeal is at an advanced stage - not likely to have	<b>8F.</b> Issue direction stating EIA Not Required	
Significant effects on the environment (Files One)		
Schedule 2 development but effects not clear at this stage – file to be reviewed at a later stage	receipt of new information/case progress	
Schedule 2 development - negative (i.e. EIA not required) LPA screening/Welsh	8H. EIA Not Required	
Ministers screening direction issued – PINS agrees (PINS ONLY)		
Schedule 2 development but not EIA development – negative screening opinion – Welsh Ministers agree	8I. EIA Not Required	
Schedule 2 development but not EIA development – positive screening opinion – Welsh Ministers disagree	8J. EIA Not Required	
Schedule 2 development – positive (i.e. EIA not required) LPA screening/Welsh Ministers screening direction issued – PINS disagrees (PINS ONLY)	<b>8K.</b> EIA Not Required	
Project does not fall within the EIA Regulations as either: (a) it is listed within the	<b>8L.</b> EIA Not Required - Issue direction stating	
descriptions of development Column 1 of Schedule 2 of the EIA Regs but does	development in Column 1 of Schedule 2 of the FIA	
development in Column 1 of Schedule 2 of the EIA Regs.	Regs but does not meet relevant threshold/criterion;	
	(B) project does not fall within the categories of development in Column 1 of Schedule 2 of the EIA Regs.	

1. Regardless of conclusions reached, forward	
d screening checklist with recommended action	
entified above to the Welsh Government for	
nsideration <sup>1</sup> .	
	W. Regardless of conclusions reached, forward mpleted screening checklist with recommended action entified above to the Welsh Government for msideration <sup>1</sup> .

Name and Job Title of Assessor	Ceri Litherland – Decisions Officer, Decisions Branch, Planning Directorate
Date of Assessment	16 January 2020

A A A A A A A A A A A A A A A A A A A	Sign-off
Name and Job Title of Countersigning Officer	Alan Groves, Senior Planning Manager, Decisions Branch, Planning Directorate
Comments of Countersigning Officer <sup>2</sup>	I agree the assessments made above and the conclusion that EIA is not required for the proposed development.
ature	
Date 16 January 2020	

<sup>1.</sup> Comments should reflect whether conclusions/ recommended action of assessor are agreed with. 18