

DNS: EIA Scoping Direction Addendum

DNS CAS-03102-P5D2P3: Esgair Galed Energy Park

09/05/2024

Prepared by:

Marloes Holtkamp MSc

This Scoping Direction Addendum is provided on the basis of the Scoping Report submitted to Planning and Environment Decisions Wales on 19 January 2024 in addition to consultation responses received. The advice does not prejudice any recommendation made by an Inspector or any decision made by the Welsh Ministers in relation to the development, and does not preclude the Inspector from subsequently requiring further information to be submitted with the submitted DNS application under Regulation 24 of [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#) (as amended) (“The 2017 Regulations”). This Scoping Direction Addendum should be read in conjunction with the original Scoping Direction for this potential DNS application issued on 19 April 2024. **Together the original Scoping Direction and this Addendum constitute the most recent Scoping Direction for the purposes of regulation 17(4)(c) of the 2017 Regulations.**

1. Consultation

Following the issue of the Scoping Direction on 19 April 2024, further advice was sought from Powys County Council (PCC) regarding ornithology matters and Natural Resources Wales (NRW) regarding ecology matters.

Following the issue of the original Scoping Direction, PEDW also received an additional submission from an interested party.

Responses received are included at **Appendix 1**.

2. Planning and Environment Decisions Wales (PEDW) comments

Overall the aspects of the environment scoped in and out of the Environmental Statement as outlined in the original Scoping Direction remain largely unaffected.

However, based on comments from NRW, **Pine Marten is hereby scoped in to the ES.**

PEDW draws the Applicant’s attention to the following consultation responses contained at Appendix 1:

2.1 Terrestrial ecology

Pine Marten

NRW in their response highlights records of Pine Marten in the immediate vicinity of the development. They add that it appears the site comprises suitable habitat for the species.

NRW therefore advises Pine Marten is scoped in and that surveys are undertaken to establish if, and to what extent, the species may be present across the site and affected by the proposed development. The Applicant’s attention is drawn to NRW’s comments regarding survey requirements. NRW adds that following the survey results, mitigation measures may be required to ensure that Pine Martin will not be impacted by the proposed development.

Given these comments, it is not possible to scope out Pine Marten at this stage and **Pine Marten is therefore scoped in**. PEDW recommends the Applicant liaises directly with NRW and PCC’s Ecologist on the survey requirements, outcome and any resulting mitigation

measures required. If following assessment and discussion it is agreed Pine Marten can be scoped out, a robust rationale for this should be provided in the ES.

Red Squirrel

NRW confirms that they do not have knowledge of red squirrel in the locality. As noted in the original Scoping Direction, PCC's Ecologist confirmed that in principle it is considered acceptable this species is scoped out.

PEDW is therefore content for red squirrel to be scoped out, with a robust rationale for this to be provided in the ES.

Habitat Survey

NRW highlights that their previous response incorrectly stated any habitat surveys should accord with the Nature Conservancy Council Handbook for Phase 1 Habitat Survey guidelines (1990). NRW confirms they endorse the Joint Nature Conservation Committee Handbook for Phase 1 habitat survey (2010) as an appropriate standard.

2.2 Ornithology

PCC confirms that their Ecologist has reviewed the information in the confidential ornithological survey report in appendix G of the EIA Scoping Report. They concur with the advice provided by NRW in their scoping consultation response and have no further comments to make.

2.3 Metal mine sites

The Applicant's attention is drawn to comments from Mr Foulkes regarding the potential for pollution from former metal mines. PEDW notes that the Scoping Report acknowledges that part of the site and areas to the north of the site boundary have an extensive history of metal mining. PEDW welcomes that within the Land, Soil and Water chapter, the Applicant has proposed to scope in mineral mining and former mine workings as part of the construction phase. PEDW recommends this assessment should include the potential for contamination, as referred to in paragraph 5.6.2 of the Scoping Report.

Appendix 1: Consultation Responses

From: Kate Bowen

Sent: Monday, April 29, 2024 3:30 PM

To: PEDW – Seilwaith / Infrastructure <PEDW.Infrastructure@gov.wales>

Subject: RE: Powys County Council Planning, 24/0088/PRL

Dear Marloes

Thank you for your email. I spoke with our Ecologist last week.

We note that the decision on the scoping opinion has been issued. The Ecologist has reviewed the additional ecology information and concurs with the advice provided by Natural Resources Wales. Therefore we do not have any further comments to make.

Kind regards

Kate Bowen

Uwch Swyddog Cynllunio / Senior Planning Officer

Rheoli Datblygu / Development Control

Cyngor Sir Powys / Powys County Council

T:

E:

*Croeso i chi gysylltu â ni yn Gymraeg. Byddwn yn ymateb yn Gymraeg, heb oedi.
You are welcome to contact us in Welsh. We will respond in Welsh, without delay.*

*Pa mor dda ydyn ni'n neud? Rydym yn croesawu eich adborth, defnyddiwch y
[ddolen yma](#)*

How are we doing? We welcome your feedback, please use the following [link](#).



Ein cyf/Our ref: CAS-253578-C5M4
Eich cyf/Your ref: CAS-03102-P5D2P3

Planning & Environment Decisions Wales (PEDW)
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Dyddiad/Date: 03 May 2024

Annwyl /Dear Ms Holtkamp,

Subject: SA3 4QE - Esgair Galed, Near Trefeglwys (DNS) (Scoping)

Thank you for your email dated 11/04/2024 and your queries following our response ref: CAS-247585-V7W6 dated 27/02/2024 to the Environmental Impact Assessment scoping consultation for Esgair Galed Energy Park (DNS). We offer the following comments in response.

Pine martens are dispersing across Wales following the Vincent Wildlife Trust reinforcement project and their reintroduction to various areas, including mid Wales. We hold records of Pine Marten in the immediate vicinity of the development from 1996, and 1997 and it appears that the site comprises suitable habitat for the species. We therefore advise that Pine Marten is scoped in and that surveys are undertaken to establish if, and to what extent, the species may be present across the site and affected by the proposals.

We recommend that den boxes and baited feeding stations are deployed at selected locations in suitable habitat on transects across the site. The surveys should cover all seasons, with camera traps deployed to observe activity at the den boxes and feeding stations. We recommend that scat surveys are also used, with samples DNA tested to confirm species.

Following survey results, the scheme may need to include detailed measures to ensure that Pine Martin will not be impacted by the proposal.

In relation to Red Squirrel, we do not have knowledge that they are in the locality.

In relation to your second point, we can confirm that our previous response which listed reference to the 1990 Handbook is incorrect and we endorse the [Handbook for Phase 1 habitat survey – a technique for environmental audit \(2010\) | JNCC Resource Hub \(2016\)](#) as an appropriate standard.

If you have any queries on the above, please do not hesitate to contact us.

Yr eiddoch yn gywir/Yours Sincerely,

Bryn Pryce BSc MSC MRTPI

Uwch Cynghorydd Cynllunio Datblygu / Senior Development Planning Advisor
Cyfoeth Naturiol Cymru/Natural Resources Wales

E-bost/E-mail: MidPlanning@cyfoethnaturiolcymru.gov.uk

Ffôn/Phone: [REDACTED]

Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.

Planning and Environment Decisions Wales received the following response after the Scoping Direction was issued on 19 April 2024.

Planning and Environment Decisions Wales,
Crown Buildings,
Cathays Park,
Cardiff,
CF10 3NQ.



This 'letter' delivered by Email:-
PEDW.Infrastructure@gov.wales

1st May 2024

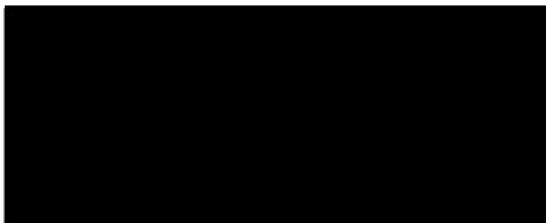
**Subject:- EIA Scoping Report and EIA Scoping Direction for
Esgair Galed Energy Park, DNS CAS-03102-P5D2P3**

Probably for the attention of Inspector Marloes Holtkamp.

Dear Sir

I have just read the Scoping Direction Report for Esgair Galed Energy Park and I realise that it is unusual for an interested party to pass comment at this stage in the planning process but in this case I think that the Developer has made a major omission in their list of bodies that they have consulted (as seen on page 5 of your scoping Direction Report). Surely 'The Coal Authority' should be a Statutory Consultant as they are the UK Government Agency with oversight/responsibility for remedial pollution work on former metal mine sites. The proposed Energy Park site is littered with old lead mine workings and any work such as constructing; turbine bases, access tracks, borrow pits etc. may well mobilise heavy metals such as lead and cadmium. These toxic pollutants may well, via ground water flow and tributaries find their way into both the catchments of the Rivers Dyfi/Dovey and Hafren/Severn. I believe The Coal Board, in conjunction with NRW, are already active in the Dylife area and the Developer should have been aware of this.

I look forward to hearing back from you.



Mr. Peter Foulkes.