

EIA Scoping Direction

DNS CAS-02913-L1W3K0

Rhiwlas Green Energy Network (GEN)

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This Scoping Direction is provided on the basis of the information submitted to Planning and Environment Decisions Wales on 21 March 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”).

1. Introduction

Planning and Environment Decisions Wales (PEDW) received a request under [Regulation 33](#) of the 2017 Regulations for a Scoping Direction in relation to a proposed development for Development of an underground cable between the Banc Du and Rhiwlas Energy Parks (approximately 3 km) and development of a single circuit OHL (supported on wooden poles) from the proposed Rhiwlas Energy Park to the collector substation at Bryngwyn (approximately 35 km) by Green Generation Energy Networks Cymru Ltd (Green GEN Cymru).

The request was accompanied by a Scoping Report (SR) ‘Green GEN Rhiwlas Connection - Request for a Scoping Direction’ dated March 2024 that outlines the proposed scope of the Environmental Statement (ES) for the proposed development.

Planning and Environment Decisions Wales (PEDW) is authorised to issue this Scoping Direction on behalf of the Welsh Ministers.

This Direction has been prepared in accordance with the requirements of the 2017 Regulations as well as current best practice towards preparation of an ES. In accordance with the 2017 Regulations PEDW has consulted on the SR and the responses received from the consultation bodies have been duly considered in adopting this Direction.

2. Site Description

The site is located within the county of Powys. The Scoping Corridor has been identified as the preferred corridor for the proposed development, it commences approximately 2 km northwest of Tan-y-Foel Quarry close to existing buildings known as Bryngwyn in central Wales, and extends south from this point then west, to the village of Llangurig. At its widest point, the Scoping Report Corridor is approximately 1690 m and at its narrowest point approximately 290 m. The Scoping Report Corridor crosses communities including Clatter, Trefeglwys and Llanidloes.

Further information is available in section 2.2 of the SR.

3. Proposed Development

The proposal as described in the SR is for new grid connection to connect the Banc Du and Rhiwlas Energy Parks to a proposed new 132 kV collector substation (which is part of a different Green GEN Cymru scheme), which will collect the energy generated for all of Bute Energy’s mid-Wales north sites. The connection of the two energy parks will commence at the

Banc Du Energy Park whereby an underground cable of approximately 3.5 km will link to the proposed Rhiwlas Energy Park. A single 132 kV overhead line (OHL) commencing at Rhiwlas Energy Park will then connect the energy parks to the final point of connection at the collector substation adjacent to the proposed Llyn Lort Energy Park to the north.

Further information is available in section 2.4 of the SR.

The scope of the EIA should include all elements of the development as identified in the SR, both permanent and temporary, and this Scoping Direction is written on that basis.

In the ES, any maps, drawing and illustrations that are proposed to describe the project should be designed in such a way that they can be overlaid with drawings and illustrations produced for other sections.

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.

4. History

The development is proposed to connect Rhiwlas Energy Park (ref: DNS CAS-01928-W3M9S8) to Llyn Lort Energy Park (DNS CAS-02362-P3S4H4), with an underground cable connection between Rhiwlas Energy Park and the proposed Banc Du Energy Park. These energy parks are all proposed and at various pre-application stages.

5. Consultation

In line with [Regulation 33\(7\)](#) of the 2017 Regulations, formal consultation was undertaken with the following bodies:

- Powys County Council (PCC)
- Natural Resources Wales (NRW)
- Cadw
- Soil, Peatland and Agricultural Land Use Planning Unit (LQAS), Welsh Government
- Transport Directorate, Welsh Government
- Hafren Dyfrdwy
- The Health and Safety Executive (HSE)
- Mid and West Wales Fire and Rescue Service
- Network Rail
- Transport for Wales (TfW)

Additional consultation was undertaken with:

- Ceredigion County Council (CCC) (Neighbouring Authority)
- Eryri National Park Authority (ENPA) (Neighbouring Authority)

PEDW also received the following additional submissions:

- SP Energy Networks

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

6. Environmental Impact Assessment Approach

The Applicants should satisfy themselves that the ES includes all the information outlined in [Schedule 4](#) of the 2017 Regulations. In addition, the Applicant should ensure that the Non-Technical Summary includes a summary of all the information included in Schedule 4. Consider a structure that allows the author of the ES and the appointed Inspector and Decision Maker to readily satisfy themselves that the ES contains all the information specified [Regulation 17](#) and Schedule 4 of the 2017 Regulations. Cross refer to the requirements in the relevant sections of the ES, and include a summary after the Contents page that lays out all the requirements from the Regulations and what sections of the ES they are fulfilled by.

As the assessments are made, consideration should be given to whether standalone topic chapters would be necessary for topics that are currently proposed to be considered as part of other chapters, particularly if it is apparent that there are significant effects and a large amount of information for a particular topic.

There may also be topic areas scoped out of the ES where the developer may wish to include application documents that sit outside of the ES and provide information that will support their consultation(s) and the decision-making process. The developer is encouraged to liaise with key consultees regarding non-ES application documents which are not a legislative requirement of the DNS regime. If agreement cannot be reached over non-ES application documentation, then the developer may wish to explore whether PEDW can help provide clarity via its statutory pre-application advice service.

The ES should focus on describing and quantifying significant environmental effects. Policy considerations / arguments relating to those impacts should be addressed in other documentation supporting the application (e.g. a Planning Statement), which cross references the ES where necessary. This does not imply that ES chapters should not be prepared in accordance with relevant advice in policy documents (e.g. Technical Advice Notes), rather that the ES should concentrate on identifying significant effects on the environment rather than dealing with policy arguments or exhaustively listing policies.

6.1 Baseline

[Schedule 4](#) of the 2017 Regulations states that the 'baseline scenario' is "A description of the relevant aspects of the **current** state of the environment" (emphasis added). The baseline of the ES should reflect actual current conditions at that time.

6.2 Reasonable Alternatives

In line with the requirements of [Regulation 17](#) and [Schedule 4](#) to the 2017 Regulations, any reasonable alternatives studied by the Applicant 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.

It is worth bearing in mind that under the [Conservation of Habitats and Species Regulations 2017](#) ("the Habitats Regulations") unless it can be clearly shown to the Welsh Ministers that the project would have no adverse effect on the integrity of any designated sites, it would have to

be shown that there is no feasible alternative solution (see advice note from [IEMA](#)). Further advice regarding the Habitats Regulations is provided in the final chapter of this Scoping Direction.

6.3 Currency of Environmental Information

For all environmental aspects, the applicant should ensure that any survey data is as up to date as possible and clearly set out in the ES the timing and nature of the data on which the assessment has been based. Any study area applied to the assessments should be clearly defined. The impacts of construction, operation and decommissioning activities should be considered as part of the assessment where these could give rise to significant environmental effects. Consideration should be given to relevant legislation, planning policies, and applicable best practice guidance documents throughout the ES.

The ES should include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters. Where professional judgement has been applied this should be clearly stated.

The ES topic chapters should report on any data limitations, key assumptions and difficulties encountered in establishing the baseline environment and undertaking the assessment of environmental effects.

6.4 Cumulative Effects

The Planning Inspectorate's guidance for Nationally Significant Infrastructure Projects – [Advice Note 17: Cumulative Effects Assessment](#) sets out a staged process for assessing cumulative impacts which the Applicant should follow when preparing the list of projects for inclusion in the ES; the Applicant should ensure that relevant schemes identified are addressed in the ES using the tiered approach set out in Advice Note 17.

Effects deemed individually not significant from the assessment, could cumulatively be significant, so inclusion criteria based on the most likely significant effects from this type of development may prove helpful when identifying what other developments should be accounted for. The criteria may vary from topic to topic.

Best practice is to include proportionate information relating to projects that are not yet consented, dependent on the level of certainty of them coming forward.

All of the other developments considered should be documented and the reasons for inclusion or exclusion should be clearly stated. Professional judgement should be used to avoid excluding other development that is close to threshold limits but has characteristics likely to give rise to a significant effect; or could give rise to a cumulative effect by virtue of its proximity to the proposed development. Similarly, professional judgement should be applied to other development that exceeds thresholds but may not give rise to discernible effects. The process of refinement should be undertaken in consultation with LPAs, NRW, Cadw and other consultees, where appropriate.

The scope of the cumulative assessment should be fully explained and justified in the ES.

6.5 Mitigation

Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should provide reference to how the delivery of measures proposed to prevent/ minimise adverse effects is secured (through legal requirements or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.

6.6 Population and Human Health

The Applicant should ensure that the ES addresses any significant effects on population and human health, in light of the EIA Regulations 2017. This could be addressed under the separate topic chapters or within its own specific chapter.

6.7 Transboundary Effects

[Schedule 4 Part 5](#) of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The ES should address this matter as appropriate.

6.8 Topics Scoped In but not subject to a standalone chapter

For such topics it may be helpful to users of the ES if it includes a summary table that signposts the chapters where these matters are addressed.

7. Environmental Impact Assessment Aspects

This section contains PEDW's specific comments on the scope and level of detail of information to be provided in the Applicant's ES. Environmental topics or features are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by PEDW. In accordance with Regulation 17(4)(c) the ES should be based on this Scoping Direction in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant's Scoping Report.

PEDW has set out in this Direction where it has / has not agreed to scope out matters on the basis of the information available at this time. PEDW is content that the receipt of a Scoping Direction should not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.

7.1 Aspects Scoped In

Subject to the comments provided at Table 1, the following aspects are scoped into the ES:

- Transport and Access**
- Air Quality**
- Noise and Vibration**
- Ecology**
- Landscape and Visual Impact**
- Cultural Heritage and Archaeology**
- Land Quality**
- Soils and Agriculture**
- Materials Assets and Waste**
- Flood Risk, Hydrogeology and Hydrology**
- Socioeconomics**
- Health and Wellbeing**
- Cumulative Effects**

8. Table 1: Planning and Environment Decisions Wales Comments

ID	Reference in Scoping Report	Issue	Comment
General			
ID.1	2.5.10	Decomissioning	The SR states that when the operational life of the proposed Green GEN Rhiwlas Connection Project ends, it is possible the OHL may be re-equipped with new conductors, insulators and refurbished in order to be re-used. However, it is also possible that the OHL may be fully decommissioned (para 2.5.10). The ES should be based on a worst-case scenario and as the SR states the OHL may be fully decommissioned when the operational life of the associated energy park ends (40 years), decommissioning should be explored in a proportionate manner in the ES. At a minimum, the ES should clearly indicate how decommissioning of the site will take place, clearly indicate what will be left on site and what will be removed. The ES should address what the end of life cycle will be for the infrastructure on site. Therefore, decommissioning is scoped into the ES in a proportionate manner.
Transport and Access			
ID.2		Rail	The applicant's attention is drawn to comments from Network Rail, within which they state that the impact of the development over level crossings and the impact from any underground cabling will need to be assessed. Network Rail recommend that this assessment forms part of a Transport Assessment (TA) to be submitted to support the ES. The SR confirms that the study area has considered rail crossings, which present technical issues and may require the height of the OHL to be increase (para. 2.4.8 and 4.2.2). PEDW concurs with Network Rails comments, a TA should be submitted to support the ES. The TA

ID	Reference in Scoping Report	Issue	Comment
			should set out any likely impact on level crossings and from the underground cabling, and how this impact will be addressed. In sections where the OHL will be increased in height, this should be clear within the submission and any additional impacts will need to be considered for these areas (i.e. greater visual impact). The TA should be included as a technical appendix to the ES. Network Rail also advise that the laying of any underground cabling under Network Rail land would require an easement or wayleaves licence and approval from Network Rail.
ID.3		Highways	PEDW concur with the approach set out in the SR approach given the nature of the development. The applicant's attention is drawn to comments from the Transport Directorate of Welsh Government, within which they advise that the following information should be submitted with the application: • Method Statements for the cable crossings of the trunk roads • Full details of any proposed improvements to existing access arrangement to facilitate deliveries • Construction Traffic Management Plan (CTMP) The applicant is further advised that they will be required to enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to undertake any agreed improvement works on the trunk road.
Air Quality			
ID.4	5.3	Receptors	The SR proposes to scope out air quality from the EIA, stating that there are no air quality sensitive receptors within 250 m of the scoping corridor and therefore

ID	Reference in Scoping Report	Issue	Comment
			any potential negative impacts during the construction phase could be mitigated using standard best practice dust mitigation measures. PCC raise concerns with this approach. The ecology chapter states that no ecology surveys have yet been undertaken, therefore it is not possible to conclude at this stage that there are no ecologically sensitive receptors within 250 m of the site. In addition, the SR confirms the presence of statutory and non-statutory designated sites as well as areas of ancient woodland, veteran and ancient trees within or close to the scoping corridor which also have potential to be adversely impacted by temporary emissions generated by the construction phase. NRW also draw the applicant's attention to Coed Mawr SSSI which is adjacent to the north of the scoping corridor. As the final detailed route of the OHL has not been confirmed, it is not possible at this stage to confirm that the 250 m distance will be achieved. Based on the information available at this stage, there is inadequate evidence to support air quality being scoped out. PEDW therefore directs that air quality is scoped in to the ES. The air quality chapter should be informed by the ecological surveys, and the distances to sensitive receptors fully understood. If, following the full surveys, the evidence demonstrates that all sensitive receptors are over 250 m from the site, then it may be appropriate for air quality to be scoped out. The evidence to inform this assessment and robust justification should be set out in the ES.
ID.5	5.5	Methodology for Construction Dust Risk Assessment	PCC's Environmental Protection Officer is satisfied with the methodology for the proposed construction dust risk assessment as set out in the SR. NRW also welcome the preparation of this assessment to be appended to the Construction Environmental Management Plan (CEMP).

ID	Reference in Scoping Report	Issue	Comment
Noise and Vibration			
ID.6			PCC's Environmental Protection Officer is satisfied with the methodology and proposed assessment for noise and vibration as set out in the SR. PEDW concurs with the approach set out in the ES.
Ecology			
ID.7	7.2.2	Baseline	The SR states that no ecological surveys have yet been undertaken. NRW advise that the site and, where necessary, land adjacent to the site is subject to assessment to determine the likelihood of protected species being present and affected by the proposals. Targeted species surveys should be undertaken for all species scoped in. The surveys must be undertaken by qualified, experienced and where necessary, licensed ecologist(s) and should comply with current best practice guidelines. If any surveys deviate from published guidance, or there are good reasons for deviation, full justification for this and a full description of the methodology used must be provided in the ES. Any habitat surveys should accord with the JNCC's Handbook for Phase 1 habitat survey – a technique for environmental audit (2010) and should be undertaken and completed during the summer to ensure the best chance of identifying the habitats present. NRW recommend the applicant contacts other relevant organisations for biological information and records relevant to the site to inform the baseline assessment. This includes the relevant Local Records Centre and any local ecological interest groups (e.g. bat groups, mammal groups).

ID	Reference in Scoping Report	Issue	Comment
			PEDW concurs with the above advice, it is recommended that the applicant continues to liaise with NRW and PCC regarding the scope and methodology of ecological and species surveys.
ID.8	7.2.3-4	Statutory & Non-Statutory Designated Sites	Whilst it is noted that this has been scoped in, PCC's Ecologist states that both direct and indirect impacts to statutory and / or non-statutory designated sites will need to be considered, in accordance with PPW 12. NRW also advise that there is the potential for effects through pollution and temporary impact (e.g. disturbance through noise and construction lighting). The applicant should ensure impacts on these sites are fully assessed within the ES.
ID.9	7.2.7	Habitats of principal importance	The SR states that extended phase 1 habitat surveys and, where appropriate, further detailed NVC habitat surveys will be undertaken to inform the ES. PCC's Ecologist advise that the surveys must include assessments of habitats associated areas that would be affected by ancillary and temporary elements of the development listed in the SR (2.4.12, 2.4.16 and 2.5.2). The applicant should also give consideration to those habitats detailed in the Powys Nature Recovery Action Plan 2022-2032 to ensure locally important habitats are fully assessed. PEDW concurs with this advice. The ES must include an assessment of all aspects of the development, including those temporary in nature, and locally important habitats.
ID.10	7.2.8-9, 7.3	Trees, woodland and hedgerows	PCC Ecologist notes that section 2.5.4 of the SR confirms that trees which interfere with the safety clearance of the OHL will be removed or lopped. However, no details have been provided on the likely extent of impact to trees, woodland (including ancient woodland) or hedgerows as a result of the development including ancillary works. A detailed Arboricultural Impact

ID	Reference in Scoping Report	Issue	Comment
			Assessment (AIA) should be provided for any trees, woodland or hedgerows that may be impacted by the development. The AIA will need to demonstrate compliance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations. If impacts to trees are identified, it will be necessary to include suitable mitigation measures, for example through redesign and / or implementation of an approved Tree Protection Plan. PCC draw the applicant's attention to PPW 12 (paragraphs 6.4.37 to 6.4.44) with regard to trees and replacement planting ratios. Should trees or hedgerow be impacted, consideration must also be given to the impact on ecological connectivity and the potential to support protected species e.g. bats roosting in trees, breeding birds. PEDW concurs with this advice, the applicant must include a full assessment of the impact on trees, woodland and hedgerows including impact on protected species and ecological connectivity. The AIA and, if necessary, Tree Protection Plan should be included as a technical appendix to the ES. The visual impact of the loss of trees will also need to be considered in the Landscape and Visual chapter.
ID.11		Bats	NRW state that all surveys for bats should be carried out in accordance with '<i>Bat Surveys for Professional Ecologists – Good Practice Guidelines</i>' (4th edition), published by the Bat Conservation Trust, 2023. NRW advise that any trees categorised as having moderate or high potential for supporting bats during the preliminary ground level roost assessment are likely to be felled or pruned as a result of the proposals, will require further surveys (climbing inspections and / or activity surveys) in accordance with best practice guidelines.

ID	Reference in Scoping Report	Issue	Comment
			NRW advise that a plan showing the location of trees and their potential to support roosting bats should be included as a technical appendix to the ES together with the results of any additional surveys. Should any bat roosts be confirmed in a tree affected by the development, NRW advise that an assessment of the impacts of the scheme on these roost sites, and proposals to mitigate and / or compensate for them, is included in the EIA. Where possible, it would be expected that important features for bats would be retained and their function for bats protected.
ID.12	7.5.11	Dormice	NRW and PCC's Ecologist note that detailed information has not been provided regarding the proposed 'proforma based assessment'. Further information is required on the methodology in order to determine acceptability of this survey method for dormice. The surveys should be carried out in accordance with 'The dormouse conservation handbook, 2nd edition', published by English Nature, 2006. NRW state that they are satisfied with the proposal to undertake nest tube / box surveys, these should cover all habitats suitable for dormice along the Scoping Corridor plus any adjacent features of interest (e.g. connected hedgerows and woodland). The tubes / boxes should be left in situ between May and October and checked monthly. NRW advise that footprint tunnels can supplement the nest tubes and boxes to confirm presence earlier. Powys's Ecologist further advises that should records indicate the presence of dormice in the area and suitable connectivity exists, sub-optimal habitats for dormice may also require assessment.
ID.13	7.5.12	Great crested newt (GCN)	The applicant's attention is drawn to comments from PCC's Ecologist regarding the approach to GCN surveys. The SR states that it is unlikely that any

ID	Reference in Scoping Report	Issue	Comment
			development will take place within of 50 m of any ponds, or that it will impact quality terrestrial habitat within 100 m of ponds. The officer states that these distances are not sufficient to rule out adverse impacts to GCN if they are present. They advise that if GCN are found to be present, impacts can occur from development up to 500 m of ponds. PCC therefore recommend that full surveys are required for any ponds within 500 m of the proposed development (including associated ancillary works) to establish the population concerned. The surveys should be undertaken in accordance with recognised guidelines i.e. Natural England - Great Crested Newt Mitigation Guidelines (2001). NRW also advise that if any works are proposed within 250 m of any pond confirmed by survey to support GCN, that population size class surveys will be needed to inform mitigation proposals and licensing.
ID.14	7.5.14	Otter	NRW note that the development crosses a number of main rivers, including the River Severn and its tributaries. Otters are known to be present in these watercourses. NRW therefore advise that all water bodies that may be affected by the proposals are subject to otter surveys and a full assessment is made of the potential impacts of the development on the species and its habitats. The proposed new and / or upgraded watercourse crossings will need to consider any potential impact on otters and, where appropriate, mitigation measures will need to be identified. PCC's Ecologist also recommends that consideration is given to potential barriers to otter movements within the landscape.
ID.15	Table 7.1, 7.5.15	Breeding, wintering and passage birds	NRW and PCC's Ecologist recommends that the survey effort and methods should accord with Nature Scot Guidance: Assessment and mitigation of impacts of power lines and guyed meteorological masts on birds (2016) . NRW also refer the applicant to industry best practice at Bird Survey Guidelines . With regard to determining the importance of bird species, the applicant should refer to Wales specific resources as listed in NRW's detailed comments at appendix 1.

ID	Reference in Scoping Report	Issue	Comment
			Both NRW and PCC have raised concerns with the proposed survey approach to only undertake surveys during the breeding season. The proposed surveys do not provide sufficient seasonal coverage or scope to assess the potential impacts identified, particularly on passage and wintering birds. NRW advise that sufficient walk over surveys should be conducted during the passage and winter periods to assess impacts on passage and wintering bird populations. NRW advise that 4 visits for breeding bird surveys is insufficient to produce a robust assessment. NRW draw attention the guidance within which the recommendation for breeding bird surveys is for 6 survey visits spread between late March and early July. In addition, NRW advise that species-specific surveys may also be required and should be informed by the habitat on site as well as the results of any desktop survey conducted. The methods of those surveys should be species specific and may require different timings (both during the day / night and seasonally). As the desktop survey results have not been provided at this stage, NRW are unable to provide more detailed comments on the specific surveys required to be included in the EIA. Both consultees advise that the vantage point (VP) surveys should consist of at least 36 hours of survey effort in each of the breeding and non-breeding season in accordance with the NatureScot guidance. NRW note that the proposed survey window for the VP surveys would exclude the optimum period to detect territorial displays by goshawk (January / February) and potentially other raptor species. The survey window therefore needs to be amended. Powys also note they are unable to provide details comments as the locations of the VP view sheds have not been provided.

ID	Reference in Scoping Report	Issue	Comment
			PEDW therefore recommends that the applicant liaises with PCC and NRW on the target species, proposed methodology and survey locations before undertaking any survey work.
ID.16		Other bird surveys	PCC's Ecologist states that no reference is made to other surveys that may be required where the VP surveys and breeding bird surveys would not provide the necessary information to inform an assessment of potential impacts, for example impacts on nocturnal species (nightjar or owls). NRW also highlight that the scoping corridor has suitable habitat to support breeding and foraging barn owl, therefore appropriate surveys should be undertaken for this species. NRW highlight that without the view shed locations it is unclear whether they are suitable to survey for curlew and other breeding waders. Therefore, NRW recommend more species appropriate survey methods for this species group. PEDW therefore recommends that the scope for ornithology matters is widened to include other birds not captured by the VP or breeding bird surveys. The applicant will need to consider, as they have for other species, whether there would be an impact on the species, if surveys are required and the methodology of those surveys. The applicant should engage with the LPA and NRW prior to undertaking any survey work.
ID.17	Table 7.1	Other protected / notable species, including water voles, reptiles and invertebrates.	The SR proposes to scope out the impact on water voles, reptiles and invertebrates as watercourse buffers will prevent impact. PCC's Ecologist advises that there is a lack of information and evidence to support this approach. The SR references the possibility of new and / or upgraded watercourse crossings, therefore it is unclear how reliance on mitigation measures such as watercourse buffers will be sufficient to rule out significant impacts. The officer also queries the feasibility of including watercourse buffers throughout the entire development. Baseline survey information is required to

ID	Reference in Scoping Report	Issue	Comment
			establish presence of other species and any potential impacts. Mitigation should then be designed following the survey outcomes and assessment. PEDW concur with the above, currently there is inadequate information available to support scoping out these species. PEDW therefore direct that water voles, reptiles and invertebrates are scoped in to the ES. Following the Extended Phase 1 survey, the applicant should liaise with NRW and PCC regarding the outcomes including the likely impacts to habitats with potential to support other protected / notable species.
ID.18		Fish	The applicant's attention is drawn to comments from PCC's Ecologist, within which they highlight that no information has been provided in the SR in relation to the impact on fish. Due to the potential for works to watercourses, further information is required with regards to impacts to those watercourses including upgrade of existing infrastructure and potential for impacts to associated flora / fauna. At this stage, the limited information means it would be inappropriate to scope out fish and aquatic species from consideration. PEDW therefore directs that fish are scoped in to the ES in a proportionate manner.
ID.19		Protected species – general advice	NRW confirm that should any protected species be identified through the surveys, information must be provided on the species-specific impacts in the short, medium and long term together with any mitigation and compensation measures proposed to offset the impacts identified. Comprehensive descriptions of the habitats affected should be included to support robust conclusions about their significance for the species. The EIA must consider significance (both alone and in combination) and, if applicable, should demonstrate that there will be no detriment to the maintenance of favourable conservation status of European Protected Species during all phases of the development.

ID	Reference in Scoping Report	Issue	Comment
			If the development will impact on protected species which are also notified features of designated sites (e.g. SAC, SSSI), the EIA should consider the impacts on those species from both perspectives.
ID.20		Habitat connectivity	NRW advise that where European or nationally protected species are present, the development be designed to maintain habitat connectivity across the cabling route, particularly where underground cables are installed. For these areas, habitat connectivity will need to be demonstrated in the ES.
ID.21	7.4.3	Electromagnetic fields (EMF)	The SR identifies EMF as a source of potential effects on ecology receptors during operation. PCC's Ecologist has noted that no further reference is made to EMF, including whether it has been scoped in / out and any justification. Whilst chapter 17 considers EMF with regard to human health, there does not appear to be an assessment of EMF on ecology. Further information is required on the applicants proposed approach to this matter, this should be fully detailed in the ES with full justification if this is to be scoped out. At this stage, inadequate information has been provided to scope out this impact, therefore EMF during operation is scoped in to the ES in a proportionate manner.
ID.22	7.4.2	Invasive species	The applicant's attention is drawn to comments from PCC's Ecologist, which note that invasive species are listed in the SR as having the potential to impact on ecology during construction. However, no further information is provided and it is currently unclear whether this has been scoped out and if so for what reason. PEDW directs that further information is required in the ES on invasive species. Should this be scoped out, robust rationale should be provided in the ES.
ID.23		Technical documents to support the ES	PCC's Ecologist recommends the following supporting documents are prepared and submitted as a technical appendix to the ES:

ID	Reference in Scoping Report	Issue	Comment
			• Outline habitat protection plan; • Outline species (including birds) protection plan; • Outline habitat management plan; • Outline construction environmental management plan; • Biodiversity enhancement scheme; • Green Infrastructure Statement. The applicant's attention is drawn to the officers detailed comments regarding the approach and required content of the above plans and reports. Consideration should be given to the principles set out in the CIEEM publication Good practice guidance for ecological restoration - January 2024. NRW also recommend that a Conservation Plan is prepared for any protected species where the potential for significant impacts has been identified. This should be included as a technical appendix to the ES.
Landscape and Visual Impact			
ID.24	8.3	Landscape Baseline	PCC agree with the proposed approach, particularly using LANDMAP to inform the baseline. PCC also refer the applicant to their Landscape Supplementary Planning Guidance and LDP policy DM4. They advise the applicant should consider the importance of the landscape not only from general viewing areas, but also from notable assets within Powys such as Glyndwr's Way and SUSTRANS routes. PEDW agree with the approach set out in the SR and advise the applicant to liaise with the LPA on relevant local receptors of importance to be considered in the baseline characterisation and subsequent assessment.

ID	Reference in Scoping Report	Issue	Comment
ID.25	8.3.7	Nationally designated landscapes	Whilst the SR confirms that the scoping corridor does not pass through any nationally designated landscapes, Eryri National Park (ENP) is located approximately 15 km from the scoping corridor. NRW have advised that based on the nature of the development and the distance from the development, there is unlikely to be significant landscape impacts on ENP. No comments were received from Eryri National Park Authority. PEDW therefore concurs with the approach in the SR that the impact on ENP can be scoped out. Should the route of the OHL be amended, this may need to be reconsidered.
Cultural Heritage and Archaeology			
ID.26	9.2	Baseline	The applicant's attention is drawn to comments from Cadw, which include a list of historic assets within and around the Scoping Report Corridor. PEDW recommend that the heritage assets highlighted by Cadw are included in the assessment.
ID.27	9.3	Receptors	As noted above, PEDW advises the applicant to cross reference the receptors highlighted by Cadw to ensure all receptors are included in the assessment.
ID.28	9.4	Scoping of Impacts	PEDW concurs with the applicant's decision to scope in the matters proposed.
ID.29	9.5.7 – 9.5.10	Methodology - Desk based assessment and walkover	The applicant's attention is drawn to Cadw and Henneb's comments regarding the desk-based assessment (DBA). They raise concerns with the list of primary sources that will be used for the assessment as LiDAR information is not included. Both Cadw and Henneb recommend that the assessment is supplemented by the new National Wales 1 metre DTM and DSM LiDAR datasets available on Data Map Wales – LiDAR Viewer. A review of LiDAR should be undertaken prior to any site walkover. Any new sites located on the LiDAR must be verified on the ground by the archaeological team and mapped, described, photographed, and interpreted

ID	Reference in Scoping Report	Issue	Comment
			with images and an accompanying gazetteer of sites included in the report. All sites should be categorized for their importance and the significance of impact stated in the EIA. Heneb also advise a transect walkover (normally 30 m transect width) of the whole site as defined by the red line boundary. Study areas should be agreed with Cadw and the Powys CC Built Heritage Conservation Officer. Heneb advise that this walkover is required unless otherwise agreed. PEDW recommend the method for assessment should include a desk based assessment and transect walkover, which should be supplemented by information from the new National Wales 1 metre DTM and DSM LiDAR datasets. The applicant should continue to liaise with PCC, Heneb and Cadw regarding the proposed methodology.
ID.30	9.5.7 – 9.5.10	Methodology - Archaeological and Paleoenvironmental Potential	Cadw and Heneb both note the potential need for archaeological field work to provide all the necessary information for the value of heritage / archaeological assets. This field work may include geophysical survey and / or evaluation trenching. The need for additional field work will need to be reviewed once the DBA and walkover reports have been produced. Heneb also advise an assessment of impact should be undertaken on intact peat deposits which may contain important paleoenvironmental evidence and artefacts of prehistoric date. The infrastructure layout should seek to avoid all peat deposits. However, where significant peat deposits cannot be avoided a suitable scheme of sampling, analysis, dating and reporting will need to be completed using appropriate sampling techniques advised by a paleoenvironmental or geoarchaeological specialist. Further comments on peat are provided in the Soils and Agriculture topic.

ID	Reference in Scoping Report	Issue	Comment
			The applicant and archaeological consultant / contractor should liaise with Cadw and Heneb to agree whether further survey work is needed.
ID.31	9.5.14 – 9.5.15	Mitigation	The applicant's attention is drawn to Cadw's comments regarding mitigation. Cadw advise that restricting mitigatory measures just to these proposals is premature, there may be alternative, more appropriate mitigation measures, which should be determined through the assessment of impact. PEDW advises, in accordance with Cadw's advice, that determining the most effective mitigation measures should wait until the assessment of the impact of the proposed development has been completed.
ID.32	9.5.16	Consultation	PEDW note the consultees listed in table 9.6 and recommend that consultation is also undertaken with Heneb. The applicant's attention is also drawn to detailed comments from Heneb included within Powys CC's response in the appendices. Heneb requests close liaison with the archaeological consultants throughout the design stage and wish to see copies of any cultural heritage assessment reports completed. Heneb also requests to be consulted on the draft final ES cultural heritage chapter before it is submitted for examination. The applicant should liaise with the relevant consultees regarding the scope and approach of the assessment.
ID.33	9.5.16	References	Cadw highlight that the Historic Environment (Wales) Act 2023 is likely to be enacted during the latter part of 2024. The applicant therefore may need to review and update the ES should this be enacted prior / during submission.

ID	Reference in Scoping Report	Issue	Comment
			PCC draw the applicants attention the Council's Historic Environment SPG and to Cadw's website for locations of heritage assets.
Land Quality			
ID.34	10.2	Baseline	NRW agree that historic contamination is unlikely given it is a greenfield site. However, potential future sources of contamination need to be assessed in more detail. Notwithstanding the above, the applicant's attention is drawn to comments from PCC's Contaminated Land Officer who notes that previous reports have been used to inform this chapter and assessment (para. 10.2.1). However, these reports have not been provided for review, therefore the officer is unable to comment on their appropriateness. PEDW therefore advises the applicant to liaise with PCC and their Contaminated Land Officer to determine the suitability of the supporting documents that have informed the assessment. The applicant may need to revisit the report, or further survey work, following consultation with PCC on this matter.
ID.35	10.3	Receptors	NRW have noted that whilst groundwater is identified as a receptor, surface water has been excluded from the assessment. The justification states that the pylons and below ground cables are unlikely to interact with surface water in any significant manner minimising the potential for negative impacts. NRW query the rationale for surface water being considered a pathway and receptor in chapter 13 (table 13.1) but not for land contamination. NRW further highlight that whilst there may be minimal direct interaction with surface water as part of the proposed works, consideration should be given to other aspects of the development and overall scheme that could give rise to a

ID	Reference in Scoping Report	Issue	Comment
			risk to surface water via indirect routes, such as groundwater pathways, especially in the operational phase of the development. PEDW therefore advise that surface water is included as a receptor and should be scoped in to the ES in a proportionate matter with relation to land contamination.
ID.36	10.4	Scoping of Impacts – Construction	Table 10.1 identifies the potential impacts that could lead to a deterioration of land quality, all of which are proposed to be scoped out. NRW state that there are limited details on the mitigation to be implemented to prevent introduction of significant sources of contamination, noting that the SR defers to details to be included in a CEMP. NRW advise that further detail is needed regarding the mitigation measures for all potential sources of contamination. PEDW further comment that as mitigation is being relied upon to prevent any likely significant effect, this should be scoped in to the ES in a proportionate manner, with the CEMP being included as a technical appendix. Given the above comments, including the technical reports which have not been provided for review, PEDW concludes that land quality impacts are scoped in for the construction phase. The applicant should liaise with NRW and PCC to determine the acceptability of the supporting reports. Should it be agreed with consultees that these matters can be scoped out, full rationale would need to be provided in the ES.
ID.37		General advice	PCC recommend that if materials are to be reused on site, then the developer should adopt the CL:AIRE Definition of Waste: Industry Code of Practice (DoWCoP). Further information is available at CL:AIRE's website.
Soils and Agriculture			

ID	Reference in Scoping Report	Issue	Comment
ID.38	11.2.9 – 11.2.11	Agricultural Land Classification (ALC)	LQAS welcomes that the ALC Map Version 2 is considered in the assessment, and confirms that ALC Map Version 2 (2019) is used in the assessment together with the published Guidance Note Version 2.1. LQAS has published validated ALC field surveys. There may be surveys undertaken that would be applicable to the proposed development. Copies of survey reports, where held, are available on request from LQAS@gov.wales. PEDW encourage the applicant to liaise with LQAS for advice and clarification on the ALC Map and available field surveys.
ID.39	11.2.9 – 11.2.11	Agricultural Land Quality	Should the refined proposals impact best and most versatile (BMV) agricultural land, LQAS expects the applicant to provide clear evidence of how PPW paragraphs 3.58 and 3.59 have been addressed in selecting the preferred route, in design and in construction / remediation: i. how 'considerable weight' is given to protecting BMV land from development. ii. demonstrating an 'overriding need' if BMV land needs to be developed, and iii. clear application of the sequential test approach. LQAS advise the applicant should provide detailed information on the location, area and ALC grade of land that would be subject to development, both on a temporary and permanent basis. PEDW concurs with this advice and that the impact on BMV agricultural land will be scoped in to the ES.
ID.40	11.2.6, 11.3	Peat	LQAS request that a definition of peatland should be used for assessment. The definition can be found in NRW's National Peatland Action Programme, 2020-2025 (NPAP), as noted in the appendices. NRW welcome that peat, peat soil and peatland have been scoped in and note the intention to carry out suitable peat surveys. They advise that high-density

ID	Reference in Scoping Report	Issue	Comment
			peat depth surveys may be required across the footprint of proposed infrastructure to inform micro-siting of the layout to seek avoidance of deep peat. LQAS also advise that the extent, depth, condition, and distribution of the peatland resource impacted by the development, whether temporary or permanent, is clearly identified and evidenced. The applicant should refer to appendix 1 for detailed comments, including advice on creating a robust baseline for peat. NRW welcome the intention to provide a stand-alone Peat Management Plan (PMP) in support of the application. However, as per the stepwise approach (PPW 12, paragraph 6.4.21), the avoidance of peat should be the first option to mitigate loss of peat and avoid significant impact to their functioning and irreplaceable habitats. Where significant peat deposits cannot be avoided a suitable scheme of sampling, analysis, dating and reporting will need to be completed using appropriate sampling techniques advised by a paleoenvironmental or geoarchaeological specialist. PEDW highlight the national priority to avoid peatland during construction and operation of the development as the first mitigatory basis to protect peatland. Where impact to peat is likely, a robust PMP will advise suitable measures to minimise significant impact on peatland. The applicant should refer to LQAS's comments on the detail to be included in the PMP at appendix 1. The applicant should provide further detail on peat resource to provide a robust baseline which is clearly in line with PPW 12.
ID.41	Table 11.2	Scoping of Impacts - Potential Soils and Agricultural Impacts during Construction	The SR proposes to scope out soil quality and associated ecosystem services due to the measures proposed in the CEMP and Soil Resource Management Plan (SRMP). As mitigation is being relied upon to prevent a likely significant effect during construction, PEDW confirms that this should be scoped in to

ID	Reference in Scoping Report	Issue	Comment
			the ES in a proportionate manner , with the CEMP and SRMP included as a technical appendices to the ES.
ID.42	11.4.2 – 11.4.3	Soil Resource Management Plan (SRMP)	LQAS welcome that a SRMP will be developed by the applicant based on survey evidence. PEDW recommend that the applicants look to comments from LQAS to facilitate the content and structure of their SRMP. The scheme should be detailed and clear in judgement, and should address PPW paragraph 6.4.3 (bullet 4) to ensure ecological standards are met.
ID.43	11.5.3 - 11.5.4	Proposed assessment method - ALC	LQAS encourage the applicant to seek their advice on survey requirements and to validate ALC survey reports. This service allows the Determining Authority to have confidence in the information being presented. PEDW advises the applicant to pursue early discussion with LQAS to determine the methodology.
ID.44	11.5.1	Policy and Guidance	The applicant's attention is drawn to comments from LQAS regarding a list of policies and guidance to consider which are applicable to this development, largely from PPW and Future Wales.
Materials Assets and Waste			
ID.45	12.4.4	Scoping of impacts – decommissioning	The SR states that due to the nature of the development, significant quantities of waste arisings are not anticipated to be generated. PEDW acknowledge this approach, however, in accordance with the above advice regarding decommissioning, it is currently unclear whether the OHL will be re-used or decommissioned (para. 2.5.10). The ES should be based on a worst-case scenario and as the SR states the OHL may be fully decommissioned when its operational life of the associated energy park ends (stated to be 40 years), decommissioning should be explored in a proportionate manner in the ES. It will therefore be necessary to address Material Assets and Waste in a proportionate

ID	Reference in Scoping Report	Issue	Comment
			manner in relevant chapters, given the requirement to address the decommissioning phase in the ES. Material Assets and Waste is therefore scoped in to the ES, although not necessarily as a standalone chapter.
Flood Risk, Hydrogeology and Hydrology			
ID.46	13.3	Receptors	NRW advise that they consider groundwater to be a receptor in its own right and therefore should be included in the list of receptors. PEDW note that the scoping of impacts includes groundwater, and therefore for consistency the receptors listed should be updated to reflect this. PCC's Lead Local Flood Authority (LLFA) highlight a number of watercourses which should be included in the assessment. The applicant should ensure these watercourses are included.
ID.47	Table 13.1, 13.5.5	Groundwater	NRW welcome that the SR proposes to scope in the potential for obstruction and changes in the flow direction and flow pathway of groundwater. NRW refer the applicant to The Environment Agency's approach to groundwater protection, specifically position C5 which is endorsed by NRW. The associated impacts should be assessed in line with this guidance. The applicant should refer to NRW's detailed comments at appendix 1. The SR confirms that a groundwater impact assessment will be undertaken in consultation with NRW and PCC. NRW highlight that the assessment should be used to identify any likely impacts, which will need to be mitigated through the CEMP and control measures. NRW advise that measures beyond the production of a CEMP are likely to be required for groundwater protection, this may include hydrogeological risk assessments and groundwater monitoring. PEDW concur with this advice, the ES should be supported by a full assessment of the impact to groundwater and detailed methods for the

ID	Reference in Scoping Report	Issue	Comment
			protection of groundwater. The applicant should continue to liaise with the relevant consultees.
ID.48	13.5.1-4	Flood Risk	The SR confirms that there are several areas of Flood Zone 2 and 3 of the Flood Map for Planning (FMfP) within the site. NRW support the approach set out in the SR, and agree that a proportionate FCA is required. PCC's LLFA highlight that at various locations in the site, the surrounding land slopes away from the developable area. Therefore, the applicant will need to consider how surface water runoff will be controlled, to prevent exacerbating or creating any flooding problems on site or elsewhere. NRW advise if poles are proposed to be erected within fluvial floodplains, the temporary works will need to be controlled by a CEMP as identified in table 13.1. NRW also refer the applicant to minimum spatial and design conditions will need to be adhered to as set out in Flood Risk activity exemption 2: 'The erection of an electric cable service crossing over a main river' from Guidance Note 044 Technical Guidance: Flood risk activity exemptions. Given the nature of the works, PEDW concurs that flood risk can be scoped out of the EIA.
ID.49	13.5.6	Surface Water	NRW advise that the principal concerns and risks from a water quality perspective are the potential for silt contaminated surface water run-off, cabling routes acting as watercourses during periods of heavy rainfall if sections are left open and aren't backfilled swiftly, and the poaching of vegetation due to vehicle and machinery movements during construction. There are a number of surface water features within the area however their hydraulic connectivity with the water environment is currently unknown and this needs to be further considered where relevant to the proposed development. NRW further advise that consideration should also be given to how groundwater contamination could impact on surface water. PEDW concurs with NRW's advice and the relevant assessments for impact on surface water should be undertaken.

ID	Reference in Scoping Report	Issue	Comment
			NRW welcome the provision of a CEMP, which should be site specific with identified pollution pathways and measures implemented to avoid pollution, taking into account groundwater and diversion of surface water streams beneath the site. The ES must demonstrate that the design and construction of the site ensures that all potential pollution pathways are protected. The developer should plan the works carefully, so that contaminated water cannot run uncontrolled into any watercourses (including ditches) or waterbodies. The applicant should refer to NRW's detailed comments on the content of the CEMP, which should be included as a technical appendix to the ES.
ID.50	13.2.14, 13.3	Geomorphology and Water Framework Directive (WFD)	NRW raise concerns that the SR does not consider potential impacts on fluvial geomorphology, advising that the applicant will need to specifically address fluvial geomorphology and give appropriate regard to the associated physical forms and processes of the individual watercourses on site (e.g. baseline conditions, receptors, likely effects, mitigation, future watercourse evolution, opportunities for enhancement/restoration etc). Without this assessment, the development is unlikely to comply with the WFD. NRW state that no information has been provided demonstrate appropriate buffer sizes are proposed to prevent geomorphological impacts. In addition, should any existing water crossings be used or upgraded, the applicant will need to consider the impact on the riverine environment it crosses. NRW advise the applicant that in general, clear span structures greater than x1.3 natural channel width are recognised as posing the least environmental impact. Any temporary works which impact on fluvial geomorphology also should be assessed in the ES. The assessment should include cumulative impacts of temporary works and the impact of the development over the lifetime of the scheme (construction, inspection and maintenance), and this should be considered at reach, waterbody and catchment scales.

ID	Reference in Scoping Report	Issue	Comment
			NRW advise that infrastructure should be located outside of Flood Zone 3 of the FMfP to prevent impacts on both the environment and the infrastructure. Where this is not possible, the developer will need to provide further details and modelling to demonstrate compliance with WFD and structural resilience. NRW state that the any cable, foundation, pole, chamber, bridge / culvert / crossing or similar such feature must not be located where it would be at risk of river erosion. PEDW directs that the impact on fluvial geomorphology is scoped in to the ES. Whilst chapter 10 and 13 acknowledge that the watercourses on the site fall into WFD catchments, no assessment is proposed to be included on the impact to fluvial geomorphology. In accordance with NRW's advice, this assessment is scoped in to the ES, and should include all works over the lifetime of the development including temporary works, construction, maintenance and inspection. Should any aspect of the development be located within Flood Zone 3 of the FMfP, further information will be required to demonstrate structural resilience and compliance with WFD.
ID.51		Surface Water Drainage	The applicant's attention is drawn to comments from Network Rail regarding any drainage works adjacent to the railway. Network Rail advise that soakaways or attenuation ponds must not be located within 5 m of their boundary or at any point which could adversely affect the stability of Network Rail's infrastructure. Surface water must not discharge onto Network Rail's property, including their culvert's or drains. PEDW advise the applicant that they should consider these comments when designing their surface water drainage scheme and liaise with Network Rail and the SAB regarding the proposed scheme.

ID	Reference in Scoping Report	Issue	Comment
ID.52	13.5.10	Additional data collection	NRW strongly recommend an intrusive investigation to collect data for the baseline is carried out to inform ongoing assessment of impacts and determine mitigation requirements.
ID.53		Drainage Strategy	PCC as the LLFA advise that a Drainage Strategy will be required, the scope of which will need to be agreed with them. The applicant should refer to the LLFA's detailed comments regarding the potential impacts which should be considered in the Drainage Strategy.
ID.54		Additional consents	The applicant is advised that any proposed alterations, interference or erection of any structure that affects an ordinary watercourse will require prior consent from PCC as the LLFA. In addition, any buildings, structures, fences, planting or changing of contours within 5 metres of the top of the bank of any watercourse, or 3 metres either side of any culverted watercourse (which would allow also allow for overland flows) also require permission from PCC. The LLFA advise that they are opposed to culverting ordinary watercourses and whenever practical will seek to have culverted watercourses restored to open channels. Any culverting or interference with a main river system requires the prior written approval of NRW. The applicant should be aware that Riparian rights and responsibilities exist in respect of the open watercourses (including any culverted sections), meaning that it is their responsibility to maintain any section of the watercourse that passes or abuts their property.
Socioeconomics			
ID.55	Table 14.1	Study area	PCC raise concerns with the 2 km study area identified in the SR, advising that some receptors (i.e. campsites) could be impacted by construction and

ID	Reference in Scoping Report	Issue	Comment
			associated noise from a greater distance. The SR notes that the 2 km distance has been derived from professional judgement and to complement the visual assessment. The applicant should reconsider the 2 km study area, given that the auditory impact may be greater than the visual impact for some receptors. The applicant should liaise with PCC regarding the study area, with robust rationale included in the ES.
ID.56	Table 14.4	Public Rights of Way (PRoW) – Scoping of Impacts	The applicant's attention is drawn to comments from PCC's PRoW Officer, within which they highlight that the proposal is likely to have direct and indirect impacts on PRoW which should be assessed in the EIA. A list of PRoW which fall within or cross the scoping corridor is provided in the response, the applicant should consider the impact on all these routes. Whilst PCC acknowledge the statement that no permanent diversions are proposed, PCC disagree that operational impacts can be scoped out given that the exact alignment of the OHL and underground cable is not yet known. It is not possible at this stage to determine that no paths will be impacted. PCC advise that given the number of paths within the scoping area, it is likely the development will cross some of the paths. The impact of which needs to be considered in the ES. PEDW concur with this advice, at this stage there is inadequate information available to support the scoping out of operational impacts given the cabling route is unknown. Operational impacts on PRoW are therefore scoped in to the ES in a proportionate manner. Should, following finalisation of the cabling route, the applicant find, in consultation with PCC, that there would be no impact on PRoW during operation, robust rationale should be provided in the ES to support this approach. During the construction phase, temporary site compounds, material and / or vehicle storage areas and environmental measures such as new fencing may

ID	Reference in Scoping Report	Issue	Comment
			also impact on PRoW. The impact of temporary development must also be considered in the ES.
ID.57	14.6	PRoW – General advice	The applicant's attention is drawn to detailed comments from PCC regarding diversions. Early consultation is recommended with PCC's Countryside Access and Recreation team in order to ensure any proposed diversion routes are appropriately located for accessibility, maintenance and connections with the surrounding network. A detailed PRoW Management Plan will need to be submitted, to include safe working areas, details of excavations that may disturb PRoW surfaces, timing of any temporary closures (including lead in time), details of reinstatement including boundary crossings. The reinstatement should be informed by a pre-construction audit which includes detailed of existing boundary crossing points. The applicant should refer to PCC's detailed comments in appendix 1. Further information is available in PCC's Rights of Way Improvement Plan 2018-2028, which sets out the Council's strategic aspirations in terms of maintaining and enhancing the public rights of way network.
Health and Wellbeing			
ID.58	Table 14.2	Scoping of Impacts	PEDW concurs with the approach set out in the SR that some health and wellbeing impacts from construction would be covered in other chapters, and do not require a standalone chapter. However, PEDW notes that in accordance with the above advice, if air quality is scoped in then the applicant may need to also address the human health impacts of air quality within that chapter. PEDW directs that health and wellbeing impacts are scoped in to the ES in a proportionate manner, but not as a standalone chapter.

ID	Reference in Scoping Report	Issue	Comment
ID.59		Well-being of Future Generations (Wales) Act 2015	PEDW advises that, whilst it is not a statutory validation requirement, it may be helpful if the application is accompanied by a 'self-assessment' against the Ways of Working laid out in the Well-being of Future Generations (Wales) Act 2015. This can help lead to a more effective examination. Guidance on the Ways of Working is available from the Future Generations Commissioner for Wales .
Climate Change			
ID.60	Table 16.1	Scoping of Impacts	The SR proposes to scope out deforestation during construction as woodland in the scoping corridor may not be impacted. PEDW provisionally agree this can be scoped out, subject to further detail on the OHL and cabling route. The applicant should provide an overview of the trees or woodland that would be impacted, alongside details of the replanting. PEDW refers the applicant to PPW 12 with regards to replanting, which requires a minimum ratio of at least 3 trees for every 1 removed (para. 6.4.42). The applicant is advised that they should undertake a carbon balance calculation for the development, this should include the associated power stations to be connected. If the calculation shows significant benefits, this should be highlighted in the ES.
Electromagnetic Fields			
ID.61	17.4	Scoping of Impacts	PCC's Environmental Protection Officer is satisfied with the methodology and proposed assessment for electromagnetic fields as set out in the SR. PEDW concur with the approach to scope out EMF and welcome the standalone technical report to be submitted to address this matter. The applicant may wish to address this in the non-technical summaries of the ES.

ID	Reference in Scoping Report	Issue	Comment
			The applicant should continue to liaise with relevant consultees regarding EMF for other species, as noted in the ecology chapter above. This impact will need to be addressed in the ES, either within the ecology or EMF chapter.
Major Accidents and Disasters			
ID.62	18.3	Scoping of Impacts	The applicant's attention is drawn to comments from HSE stating there are two sections of the proposed development that fall within HSE public safety consultation zones associated with Major Accident Hazard Pipelines operated by Wales and West Utilities. The applicant should also refer to advice from The Fire and Rescue Service in appendix 1. PEDW welcomes the SR states that health and safety standards and a fire evacuation plan will be applied during construction. PEDW agrees this topic can be scoped out.
ID.63		Safeguarding existing network	The applicant's attention is drawn to comments from SP Energy, which have been provided on behalf of the statutory licenced Distribution Network Operator. They state that the applicant should provide baseline information and assessment of the impacts on this proposal on the network, in order to prevent an adverse impact on critical national infrastructure. SP Energy advise that the CEMP should include a section on utilities, to set out how impacts on the electricity network is to be managed and mitigated. They acknowledge that the SR report refers to existing 132 kV and 33 kV networks, however the multiple 11 kV network should also be included. PEDW advises the applicant to liaise directly with SP Energy Networks with regard to the existing national infrastructure.
Cumulative Effects			

ID	Reference in Scoping Report	Issue	Comment
ID.64			PEDW concurs with the approach set out in the SR. PEDW recommends the applicant continues to liaise directly with consultees to agree the approach to the cumulative assessment, which should be clearly outlined in the ES.
Other Considerations			
ID.65		Non-Technical Summary (NTS)	The Applicant's attention is drawn the IEMA guidance on Effective Non-Technical Summaries for Environmental Impact Assessment . The guidance indicates that large linear projects may impact too many receptors to report in one document and it may be appropriate to split the NTS into smaller documents covering smaller spatial extents.

9. Other Matters

This section does not constitute part of the Scoping Direction, but addresses other issues related to the proposal.

9.1 Changes to PPW

On 11 October 2023 the Welsh Government introduced changes to Chapter 6 of PPW relating to:

- Green Infrastructure,
- Net Benefit for Biodiversity and the Step-wise Approach,
- Protection for Sites of Special Scientific Interest, and
- Trees and Woodlands.

Details are available in the relevant 'Dear Chief Planning Officer' letter:

<https://www.gov.wales/addressing-nature-emergency-through-planning-system-update-chapter-6-planning-policy-wales>

These changes have now been consolidated into a new edition of PPW (ed. 12), published on 07 February 2024: <https://www.gov.wales/planning-policy-wales>

9.2 Updated Guidance from the Design Commission for Wales

On 23 November 2023 the Design Commission for Wales published their updated guidance "Designing for Renewable Energy in Wales". The guidance is available online: [Designing for Renewable Energy in Wales | GOV.WALES](#)

9.3 Habitats Regulation Assessment

[The Conservation of Habitats and Species Regulations 2017](#) require competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects). The competent authority in respect of a DNS application is the relevant Welsh Minister who makes the final decision. It is the Applicant's responsibility to provide sufficient information to the competent authority to enable them to carry out an AA or determine whether an AA is required.

When considering whether or not significant effects are likely, applicants should ensure that their rationale is consistent with the [CJEU finding](#) that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an AA and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site when determining whether an AA is required ('screening'). The screening stage must be undertaken on a precautionary basis without regard to any proposed integrated or additional avoidance or reduction measures. Where the likelihood of significant effects cannot be excluded, on the basis of objective information the competent authority must proceed to carry out an AA to establish whether the plan or project will affect the integrity of the European site, which can include at that stage consideration of the effectiveness of the proposed avoidance or reduction measures.

Where it is effective to cross refer to sections of the ES in the HRA, a clear and consistent approach should be adopted.

The Planning Inspectorate's guidance for Nationally Significant Infrastructure Projects – [Advice Note 10: Habitat Regulations Assessment relevant to Nationally Significant Infrastructure Projects](#) may prove useful when considering what information to provide to allow the Welsh Ministers to undertake AA.

9.4 SuDS Consent

Whilst a separate legislative requirement from planning permission, the Applicant's attention is drawn to the statutory SuDS regime that came into force in Wales in January 2019. The requirement to obtain SuDS consent prior to construction may require iterative design changes that influence the scheme that is to be assessed within the ES and taken through to application. As such, it is recommended that the applicant contact the local SuDS Approval Body early on.

Appendix 1: Consultation Responses



Application Number: 24/0427/PRL

Grid Ref: E:
N:

PEDW reference:
CAS-02913-
L1W3K0

Valid Date: 25.03.2024

Case Officer: Lorraine Jenkin

Applicant: Richard Kent

Location: Green GEN Rhiwlas Grid,

Proposal: Request for a DNS Scoping Direction

Application Type: Preliminary enquiry

Consultees:

HENEB
Powys County Council – Highways
Powys County Council – Countryside Services
Powys County Council – Ecologist
Powys County Council – Environmental Protection
Powys County Council – Land Drainage
Powys County Council – Contaminated Land

Please see Appendix below attachments for full consultation responses.

Introduction

Planning and Environment Decisions Wales (PEDW) consulted Powys County Council local planning authority (the LPA) requesting the LPA's advice on the scope of the proposed EIA and the proposed methodologies outlined in the Scoping Report, in respect of the above proposed development.

Rhiwlas Energy Park is proposing to connect a 132kV grid connection from the Rhiwlas Energy Park substation (2km east of the village of Llangurig) to the proposed Llyn Lort Energy Park, approximately 25km to the NE. They are also wishing to provide a 33kV underground cable connection between the proposed Banc Du and Rhiwlas Energy Parks – approximately 3km in length.

The proposed development comprises a 'Development of National Significance' (DNS) in accordance with the Planning (Wales) Act 2015.

The LPA have considered the Scoping Request and offer the following comments:

- *Planning Constraints*

The interactive Constraints Map available at the following web link: [Cyngor Sir Powys County Council – Local Plan: Powys LPA Constraints Map \(opus4.co.uk\)](http://opus4.co.uk) may be useful in identifying any key policy and designated site constraints. Please note that this data should NOT be relied on for legal purposes and may not be fully up to date with changes made to the constraints data in the County. The Council can accept no responsibility for any error or inaccuracy which may arise.

- *Local Planning Policy*

The adopted Powys Local Development Plan and associated suite of Supplementary Planning Guidance can be found at the following weblink:

<https://en.powys.gov.uk/article/4898/Adopted-LDP-2011---2026>.

The comments below, including in the appendices, refers to SPGs, a number of which will be relevant to the project. (e.g. Renewable Energy, Landscape, Biodiversity and Geodiversity, Historic Environment) will be The link for those documents is [LDP Supplementary Planning Guidance \(SPG\) and Supporting Policy - Powys County Council](#) .

In the absence of any specific questions - which makes the scoping a rather blunt and difficult exercise - officers will give scoping opinions on future elements to address:

2. Scoping Report Corridor and Proposed Development: this seems acceptable as a way forward.

3. The EIA process and Scoping – I concur with the findings of this section.

4. Transport and Access – Powys County Council's Highways Authority and Countryside Services have provided responses – see the Appendices below.

5. Air Quality - Powys County Council Environmental Protection have provided a response – see the Appendices below.

6. Noise and Vibration - Powys County Council Environmental Protection have provided a response – see the Appendices below.

7 Ecology – the Powys County Council Ecologist has provided a response – see the Appendices below.

8. Landscape and visual impact – agree the suggested protocol and in particular the use of LANDMAP as a baseline. LDP policy DM4 and SPG Landscape deals. Noting the importance of the landscape not just from general viewing areas, but also from Powys's assets – ie Glyndwr's Way, Sustrans etc.

Be aware of the Landscape SPG. <https://en.powys.gov.uk/article/4898/Adopted-LDP-2011---2026>

9. Cultural Heritage and Archaeology – HENEB has provided a response – see the Appendices below. Noting CADW as a consultee; see their website for locations of heritage assets. Please note the Historic Environment SPG.

<https://en.powys.gov.uk/article/4898/Adopted-LDP-2011---2026>

10. Land Quality – Noting Agricultural Land Use and Soil Policy, WG as a consultee.

11. Soils and Agriculture - Noting Agricultural Land Use and Soil Policy, WG as a consultee.

12. Material Assets and Waste – the Powys County Council Environmental Health (Contaminated Land) Officer has provided a response – see the Appendices below.

13. Flood risk, Hydrogeology and Hydrology - Powys County Council Land Drainage Officer has provided a response – see the Appendices below.

14. Socioeconomics – I would question the “within 2km of the proposed development” in terms of considering the impact of construction and noise? Depending on the type of noise, I would consider that certain tourism accommodation (campsites – for example) could be impacted from a greater distance from that. Otherwise I would accept the proposed protocol.

15. Health and Wellbeing - Powys County Council Environmental Protection have provided a response – see the Appendices below.

16. Climate Change – No comments to make.

17. Electromagnetic Fields - No comments to make
18. Major Accidents and Emergencies – No comments to make
19. Cumulative Effects. LDP policies deal with cumulative effects.

Conclusions -In conclusion, subject to the comments above and in the appendices below, it is considered that the scoping and protocol outlined is acceptable.

Appendix for Consultee Responses: Rhiwlas

1. **PCC Highways** – (not available yet: will be forwarded in due course)
2. **PCC Land Drainage**
3. **PCC Contaminated Land**
4. **PCC Environmental Protection**
5. **PCC Ecologist**
6. **PCC Rights of Way**
7. **HENEB**

PCC-(M) Highways

PCC Highways comment has not yet been submitted. It shall be forwarded to you as soon as it arrives.

PCC-(N) Land Drainage

Thanks for the opportunity to comment on this application. Having considered the information which has been submitted (Green GEN Rhiwlas Connection Request for a Scoping Direction under the Town & Country Planning (EIA) (Wales) Regulations 2017 Dated March 2024) (GGRCR), the Lead Local Flood Authority (LLFA) would make the following comments/recommendations.

Comment: The Banc Du Rhiwlas Grid Connection route identified in drawing 65208073-SWE-XX-XX-D-J-0001 indicate that the route may directly impact at least 25+ unnamed watercourses categorised as ordinary watercourse. Alongside the list of named watercourses identified in the GGRCR on page 75, our records show that the following watercourses should also be included: Afon Rhiw, Nant Colwyn, Signen Brook, Nant y Bradnant, Afon Dulas, Afon Brochan anf Nant Gwyllt.

Comment: GGRCR, page 76, Table 13.1: Potential Flood Risk, Hydrogeological & Hydrological Impacts - Construction, whilst the Land Drainage Section note the

reasoning identified but without reviewing the CEMP cannot comment further on any impacts associated with watercourses or surface water runoff.

Comment: GGRCR, page 78, Table 13.2: Potential Flood Risk, Hydrogeological & Hydrological Impacts - Operation, whilst the Land Drainage Section note the reasoning identified but without reviewing the CEMP cannot comment further on any impacts associated with watercourses or surface water runoff.

Comment: Records indicate that in numerous locations surrounding land slopes towards and away from the proposed site; the applicant would need to consider how surface water runoff from the surrounding land will be controlled without exacerbating or creating any flooding problems on site or elsewhere.

Comment: The LPA should consult NRW with reference to flood risk and the Flood Map for Planning (TAN15).

Comment: No buildings, structures, fences, planting or changing of contours shall take place within 5 metres of the top of the bank of any watercourse, or 3 metres either side of any culverted watercourse (which would allow also allow for overland flows) without prior permission of the LPA.

Comment: The LLFA is, in general, opposed to culverting ordinary watercourses and whenever practical will seek to have culverted watercourses restored to open channels.

Advisory: Any proposed alterations, interference or erection of any structure that affects an ordinary watercourse will require prior consent from Powys CC (as Lead Local Flood Authority), in accordance with Section 23 of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Further information can be sought at: <https://en.powys.gov.uk/article/4661/Ordinary-Watercourses-Applying-for-consent-for-works>

Advisory: It is presumed that Riparian rights and responsibilities exist in respect of the open watercourse (this will apply to any culverted sections of watercourse). The Applicant (or subsequent owners) are advised that they will be responsible to maintain any section of the watercourse that passes or abuts their property.

Advisory: Any culverting or interference with a main river system requires the prior written approval of Natural Resources Wales (NRW).

Observation: The hydrology of receiving water bodies can be affected by the presence of compacted/excavated surfacing. A new pipeline/trench may increase the volume of runoff that reaches the receiving watercourse and also reduce the time it takes to get there. This has implications for channel stability, aquatic habitats and flooding. Where the movement of any existing channels is required, this may also affect the local hydrological regime. A Drainage Strategy will be required, the scope of which will need to be agreed with the Lead Local Flood Authority.

Comment: The SuDS Approval Body (SAB) would remind the applicant that any construction area over 100m² may require SAB approval, whilst this application could

be exempt from the regulations, Powys County Council would strongly recommend that SuDS drainage solutions are used. For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>. Alternatively, please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk.

PCC-Contaminated Land Officer

I have reviewed the Scoping Report dated March 2024 and note that S.10 'Land Quality' makes reference to previous reports which have been used to produce this section of the report. Without the previous reports also being provided I am unable to comment as to how appropriate the assessment is? Therefore, the previous reports must be presented. Secondly, it is strongly suggested that if materials are to be reused then DowCop is adopted and appropriate documentation produced.

PCC - Environmental Protection

2nd Apr 2024

Thank you for the consultation, I have read the proposed chapters on Air Quality, Noise and Vibration, Electromagnetic Fields.

I am satisfied with what has been written in each chapter and I am happy that the correct methodologies for assessment are being proposed.

PCC-Ecologist

Please find below comments regarding ecology matters in relation to the Rhiwlas Green Energy Network (GEN) Scoping Direction Consultation (PEDW Reference CAS-02913-L1W3K0) – If you have any queries or require any further information, please let me know.

Chapter 5 – Air Quality

Table 5.3 states that potential impacts as a result of 'Temporary emissions of dust and particulate matter from construction activities affecting human/ecological sensitive receptors in the vicinity of the Scoping Report Corridor' will not be assessed in the EIA, with regards to potential impacts to ecological receptors the reason for this is stated as

‘There are no air quality sensitive ecological receptors within 250m of the Scoping Report Corridor. Therefore, potential impacts on ecological receptors are scoped out’.

Whilst it is noted that it has been proposed that Air Quality is scoped out of the EIA as it is considered that any potential negative impacts during the construction phase could be mitigated using standard best practice dust mitigation measures, it is unclear how the absence of ecological receptors to sensitive to such impacts has been confirmed as the Ecology Chapter of the Scoping Report states that ‘No ecological surveys have yet been undertaken within the Scoping Report Corridor to inform the proposed development’, in addition reference is made the presence of statutory and non-statutory designated sites as well as areas of ancient woodland, veteran and ancient trees within or close to the Scoping Report corridor which have potential to be adversely impacted by temporary emissions generated by the construction phase – it is therefore unclear as to how it has been concluded that there are no air quality sensitive ecological receptors within 250m of the Scoping Report Corridor.

Chapter 7 – Ecology

Section 7.2.2 of the Scoping Report identifies that ‘No ecological surveys have yet been undertaken within the Scoping Report Corridor to inform the proposed development’, it is understood that the ecology chapter presented in the Scoping Report has been prepared based on desk-based assessments, as such limited detailed information has been provided to evidence the conclusions presented in Scoping Report.

In the absence of any ecological survey information to provide a baseline it is not possible to provide detailed comments with regards to the Scoping Report recommendations and as such where appropriate general comments have made.

Statutory & Non-Statutory Designated Sites

The Scoping Report identifies that potential effects to Statutory & Non-Statutory Designated Sites are proposed to be scoped into the EIA – this proposal is generally considered to be appropriate.

Whilst potential effects to Statutory & Non-Statutory Designated Sites have been identified as scoped into the EIA limited details have been provided as to which designated sites have been identified as being scoped into the EIA and therefore it is not possible to provide further comments with regards to the proposed assessment.

In addition to direct impacts to Statutory and/or Non-Statutory Designated Sites the EIA will also need to consider potential for indirect impacts, PPW Ed 12 identifies that ‘there is also a presumption against development not within a SSSI but likely to damage a SSSI. In such cases, proposals must be carefully assessed to ensure that effects on those nature conservation interests which the designation is intended to protect are clearly understood and development should be refused where there are adverse impacts on the features for which a site has been designated. International and national responsibilities and obligations for conservation should be fully met, and, consistent with the objectives of the designation, statutorily designated sites should be protected from damage and deterioration, with their important features conserved and enhanced and the capacity for restoration demonstrated by and through appropriate management’.

Terrestrial Habitats

The Scoping Report identifies that potential effects to terrestrial habitats are proposed to be scoped into the EIA – this proposal is generally considered to be appropriate.

The Scoping Report identifies that extended phase 1 habitat surveys and where appropriate further detailed NVC habitat surveys are planned to be undertaken. These surveys will also need to include assessments of habitats associated with any areas that would be affected as a result of ancillary development associated with the proposed development. Sections 2.4.12 and 2.4.16 of the Scoping Report identify ancillary development likely to be required with regards to the proposed development i.e. ‘development In addition to the proposed wooden poles supporting the OHL conductors, ancillary development will be required to facilitate the construction of the OHL. Ancillary development will include construction working areas around individual poles, temporary access tracks, watercourse crossings, winching/pulling areas and construction compounds/laydown areas. This ancillary development will be temporary and will be removed and the ground re-instated following completion of construction of the OHL’ and Section 2.5.2 states ‘Prior to construction of the OHL, temporary accesses will be constructed, as needed, and laydown/ storage areas set up, usually mid-way along the route. The use of existing tracks and watercourse crossings will be maximised, with the upgrading of these if needed’.

Consideration will also need to be given to the habitats detailed in the Powys Nature Recovery Action Plan 2022-2032 – consideration of habitats identified in the PNRAP would ensure locally important habitats can be appropriately accounted for and assessed in accordance with the Step-Wise approach set out in PPW and considered when identifying opportunities to deliver net benefits to biodiversity. Further information

and associated Habitat Action Plans can be found at <https://en.powys.gov.uk/article/2573/Powys-Nature-Recovery-Action-Plan>

It is recommended that the ES should include an outline Habitat Protection Plan in light of the findings of the habitat surveys and associated assessment of impacts, the Habitat Protection Plan should include details of pre-commencement surveys, sensitive timing and methods of working as appropriate and details of buffer zones identified as required to protect habitats of ecological importance.

Trees, woodland and hedgerows

Section 2.5.4 of the Scoping Report states that ‘Any trees which may have an impact on safety clearances will be removed or lopped’, no specific details have been provided within the Scoping Report with regards to likely extent of impacts to trees, woodland or hedgerows or any associated assessment of impacts as a result of the proposed development or associated ancillary works.

Where woodland, trees and/or hedgerows are potentially impacted by proposed development it will be necessary to undertake a detailed Arboricultural Impact Assessment (AIA). The AIA will need to demonstrate compliance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations. Where impacts to trees are identified it will be necessary to identify suitable mitigation measures to avoid or reduce adverse impacts wherever possible, for example, through redesign and/or implementation of an approved Tree Protection Plan.

PPW Ed 12 identifies that ‘Where trees, woodland and hedgerows are present, their retention, protection and integration should be identified within planning applications. Where surveys identify trees, hedgerows, groups of trees and areas of woodland capable of making a significant contribution to the area, these trees should be retained and protected. The provision of services and utilities infrastructure to the application site should also avoid the loss of trees, woodlands or hedges and must be considered as part of the development proposal; where such trees are lost, they will be subject to the replacement planting ratios set out below.’

Where trees are required to be removed to accommodate the proposed development, or access (including construction access) to the development, appropriate compensation will be required. PPW Ed 12 identifies ‘Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s)

lost, and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost. Where a woodland or a shelterbelt area is lost as part of a proposed scheme, the compensation planting must be at a scale, design and species mix reflective of that area lost. In such circumstances, the planting rate must be at a minimum of 1600 trees per hectare for broadleaves, and 2500 trees per hectare for conifers. The planting position for each replacement tree shall be fit to support its establishment and health, and ensure its unconstrained long-term growth to optimise the environmental and ecological benefits it affords’.

Consideration will also need to be given to the value of any impacted trees/woodland/hedgerow in terms of ecological connectivity and their potential for trees to support protected species e.g. bats, breeding birds.

Habitat Management Plan

Where impacts to habitats are identified and mitigation and/or compensation is required it would be expected that as a minimum the EIA would be accompanied by an outline Habitat Management Plan (HMP) which would identify measures proposed to maintain and secure a net benefit for biodiversity. The HMP will need to set out the immediate and on-going management of the Site, future monitoring arrangements for all secured measures and identify funding mechanisms to meet management plan objectives.

The outline Habitat Management should clearly set out how the proposed development will contribute to maintaining and enhancing biodiversity and deliver net benefits for biodiversity and improve the resilience of ecosystems including those included in the PNRAP.

It is recommended that the OHMP include specification regarding an appropriate Ecological Compliance Audit, this should detail:

- *Key performance indicators for each identified ecological feature.*
- *Persons responsible for commissioning and undertaking the audit.*
- *The duration and frequency of audits*
- *Dissemination of audits to relevant regulatory bodies*

When developing the OHMP consideration should be given to the principles set out in the CIEEM publication ‘Good practice guidance for ecological restoration - January 2024’ which can be found at <https://cieem.net/wp-content/uploads/2024/01/Good-Practice-Principles-V4.pdf>

Ancient Woodland/Veteran Trees

The Scoping Report identifies that potential effects ancient woodland/veteran trees are proposed to be scoped into the EIA – this proposal is generally considered to be appropriate.

PPW Ed 12 identifies that ‘Ancient woodland, semi-natural woodlands, individual ancient, veteran and heritage trees and ancient hedgerows are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees, woodlands and hedgerows are to be afforded protection from development which would result in their loss or deterioration unless very exceptionally there are significant and clearly defined public benefits; this protection must prevent potentially damaging operations and their unnecessary loss’.

As identified above, where woodland, trees and/or hedgerows are potentially impacted by proposed development it will be necessary to undertake a detailed Arboricultural Impact Assessment (AIA). The AIA will need to demonstrate compliance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations. Where impacts to trees are identified it will be necessary to identify suitable mitigation measures to avoid or reduce adverse impacts wherever possible, for example, through redesign and/or implementation of an approved Tree Protection Plan. Where Ancient Woodland or veteran trees are impacted achieving appropriate compensation may not be possible due to the irreplaceable nature of these features.

Legally Protected Species – badgers, bats, dormice, GCN and otters

The Scoping Report identifies that potential effects to legally protected species i.e. badgers, bats, dormice, GCN and otters are proposed to be scoped into the EIA – this proposal is generally considered to be appropriate.

Indicative survey methods and distances for the above species have been provided within the Scoping Report, these are broadly considered to be in line with current best practice survey guidelines.

It is noted that with regards to dormice, the Scoping Report states that ‘Where habitat is found to be suitable to support a population of dormice, further habitat assessment will be undertaken using a proforma based assessment’, no further details regarding the proposed proforma based assessment has been provided as such it is no possible to provide any comments with regards to the acceptability of this approach, in addition

where records indicate that dormice are present in the vicinity of the proposed development and suitable connectivity exists then further assessment of sub-optimal habitats for this species may also be necessary.

The Scoping Report states that ponds within the Scoping report Corridor and approximately 300m buffer will be subject to HSI survey and where appropriate further surveys including eDNA. It is noted that the Scoping Report states ‘it is extremely unlikely that any works will take place within 50 m of any ponds or impact good quality terrestrial habitat within 100 m of any ponds’ whilst this may be the case it is considered that these distances are not sufficient to rule out adverse impacts to great crested newts if present, where works associated with the proposed development are proposed within 500m of ponds confirmed to support great crested newt, It is also noted that the Scoping Report states ‘it is considered that presence / absence data will likely be sufficient to inform any mitigation / licensing requirements’ this approach would need to be confirmed as acceptable by NRW and it should be noted that in the absence of population assessment data a worst case scenario would need to be adopted in terms of assessment of impacts and identification of appropriate mitigation and/or compensation requirements. It is therefore advised that full surveys of any ponds within 500m of the proposed development and associated ancillary works to establish the population concerned should be undertaken in accordance with recognised guidelines i.e. Natural England - Great Crested Newt Mitigation Guidelines (2001).

The Scoping Report states that ‘Otter surveys will be undertaken on watercourses that have the potential to be utilised for holts and where there is a risk of disturbance impacts’, in addition to consideration of impacts to breeding or resting sites and potential disturbance impacts consideration will also need to be given to potential barriers to movement as a result of the proposed development and associated ancillary works – as identified above the Scoping Report makes reference to new and/or upgraded watercourse crossings, consideration will need to be given to the potential impacts to otter as a result of such works and where appropriate mitigation measures will need to be identified.

Other Protected/Notable Species - water voles, reptiles and invertebrates

The Scoping Report identifies that potential effects to Other Protected/Notable Species - water voles, reptiles and invertebrates are proposed to be scoped out the EIA – due to a lack of information and evidence to support this conclusion this proposal is not considered to be acceptable.

Table 7.1 of the Scoping Report identifies that impacts on other protected / notable species, including water voles, reptiles and invertebrates is proposed to be scoped out of the EIA, the reasoning behind this is stated as 'due to the embedded mitigation (e.g. maintenance of watercourse buffers) there is limited potential for significant effects', as identified previously a number of references to watercourse crossings associated with the proposed development including potential for new and/or upgraded crossings are made within the Scoping Report, therefore it is unclear how reliance on embedded mitigation e.g. watercourse buffers would be sufficient to rule out significant effects without baseline survey information to establish presence and potential for impacts.

No reference to consideration of potential impacts to fish and/or aquatic species has been made in the Scoping Report, it is noted that a number of references to watercourse crossings associated with the proposed development are made throughout the Scoping Report, therefore further information would be required with regards to impacts to watercourses including upgrade of existing infrastructure and potential for impacts to associated flora/fauna prior to confirmation that it would be appropriate to exclude fish and aquatic species from consideration or for them to be screened out of the EIA.

It is recommended that the ES should include an outline Species Protection Plan in light of the findings of the detailed surveys and associated assessment of impacts, the Species Protection Plans should include details of pre-commencement surveys, sensitive timing and methods of working as appropriate and details of buffer zones identified as required to minimise impacts to species potentially impacted by the proposed development and ancillary works.

Breeding, wintering and passage birds

The Scoping Report identifies that potential effects as a result of construction activities to breeding, wintering and passage birds are proposed to be scoped into the EIA – this proposal is generally considered to be appropriate.

It is considered that the proposed survey methodology set out in the Scoping Report does not follow that set out in the recognised survey guidelines, it is recommended that the survey effort and methods as detailed in SNH Guidance: Assessment and mitigation of impacts of power lines and guyed meteorological masts on birds. 2016 should be followed.

With regards to the proposed vantage point surveys Section 7.5.15 of the Scoping Report states that 8 VP locations have been identified - details of these VP locations have not been provided therefore it is not possible to provide any comments with regards to their acceptability.

In addition, whilst the Scoping Report identifies consideration of impacts to breeding, wintering and passage birds would be scoped into the EIA the proposed VP surveys detailed in section 7.5.15 would only consider the breeding season i.e. March – June/July. The SNH guidance recommends that a minimum of 72 hours per VP location divided between seasons (36 hours breeding and 36 hours non-breeding) per year, as a standard for species where vantage point survey is required.

It is also noted that no reference is made to other surveys that may be required where the VP surveys and breeding bird surveys would not provide the necessary information to inform an assessment of potential impacts e.g. for nocturnal species - nightjar or owls.

It is recommended that the ES should include an outline Bird Protection Plan in light of the findings of the detailed surveys and associated assessment of impacts, the Bird Protection Plans should include details of pre-commencement surveys, sensitive timing and methods of working as appropriate and details of buffer zones identified as required to minimise impacts to species potentially impacted by the proposed development and ancillary works.

Operational phase

The Scoping Report identifies that potential effects as a result of operation of the proposed development to breeding, wintering and passage birds are proposed to be scoped into the EIA – this proposal is generally considered to be appropriate.

It is noted that EMFs are referenced in Section 7.4.3 as a source of potential effects on ecology receptors during operation, however no further reference to this potential effect is made in the Ecology chapter including Table 7.2 which details operational effects proposed to be screened in/out of the EIA. It is unclear therefore as to whether this has been scoped out and if so for what reason – it is noted that Chapter 17 considers EMFs but only identifies key human potential receptors therefore provides no further clarity as to whether this has been scoped out with regards to ecological receptors

Invasive species

Introduction/ spread of invasive non-native species is identified in section 7.4.2 as a potential effect on ecology and nature conservation receptors during the construction phase - however no further reference to this potential effect is made in the Ecology chapter including Table 7.1 which details construction effects proposed to be screened in/out of the EIA. It is unclear therefore as to whether this has been scoped out and if so for what reason.

General Comment – survey methodology

It is advised that where proposed survey methods or other work deviates from current recognised survey guidelines detailed justifications for such deviations will need to be provided and a full description of the methodology used should be provided in the EIA report.

Habitats Regulations Assessment

It is noted that the Scoping Report identifies that ‘the ecological impact assessment will include sufficient information for the Welsh Ministers as the competent authority to undertake (if required) an appropriate assessment of likely significant effects of the proposed development on Natura 2000 designated sites and associated functionally linked land’. This approach is considered to be acceptable however as no details have been provided with regards to the National Site Network sites/Natura 2000 sites proposed for consideration it is not possible to provide any further comments with regards to this matter.

Construction Environmental Management Plan

It is noted that the Scoping Report states that ‘A Construction Environment Management Plan (CEMP) will be developed and adhered to throughout the duration of the construction of the proposed development. The CEMP will set out guidance on compliance with nature conservation legislation, policy and best practice’. It is recommended that an Outline CEMP should be included within the ES and includes details regarding the following in relation to ecology matters:

- *Details of any pre-commencement surveys identified as required.*
- *Risk assessment of potentially damaging construction activities.*
- *Identification of "biodiversity protection zones.*
- *Details of activities where specialist ecologists need to be present on site to oversee works.*
- *Responsible persons and lines of communication.*

- *Use of protective fences, exclusion barriers and warning signs.*
- *A Biosecurity Risk Assessment, and Method Statement*
- *Pollution Prevention Plan and pollution incident response plan.*
- *Monitoring and contingency proposals for implementation; and*
- *Details of construction lighting use to minimise impacts to local wildlife.*

Biodiversity Enhancement

A net benefit for biodiversity as a result of the proposed development will be required to be identified in line with the requirements set out in Planning Policy Wales, in addition such proposals should also aim to contribute towards improvement of ecosystem resilience. Proposals for delivering a net benefit for biodiversity will need to demonstrate that the attributes in the DECCA framework (PPW Ed.12 Para 6.4.5) have been considered. Plans will need to clearly set out the nature and extent of net benefits for biodiversity that would be delivered, and a clear distinction will need to be made between those measures required to mitigate or compensate for adverse effects and those delivering net benefits for biodiversity.

Consideration of opportunities to deliver net benefit for biodiversity should take into account all elements of biodiversity and not just those receptors for which potential significant effects have been identified and considered within the EIA.

Green Infrastructure Statement

In accordance with the requirements of PPW 12 a Green Infrastructure Statement (GIS) will also need to be produced, the GIS should include the following:

- *An outline and plan of the existing green infrastructure and connectivity on and adjacent to the site.*
- *Describe how green infrastructure has been incorporated into the proposal and demonstrate that there is no impact or no net loss.*
- *Provide a plan to show the proposed green infrastructure for the site and identify where opportunities for connectivity have been enhanced/created/restored.*
- *Include planting specifications.*
- *Provide details of long-term management set out the immediate and on-going management of the site, future monitoring arrangements for all secured measures and it should clearly identify the funding mechanisms in place to meet the management plan objectives.*

PPW makes reference to the Building with Nature Standards Framework <https://www.buildingwithnature.org.uk/standards-form>, the framework provides useful guidance regarding 'good green infrastructure' and identifies a key set of principles that

provide a useful guide for applicants to consider when producing a GIS. The key principles are as follows:

- **Multifunctional** - individual features in combination contribute to a network of multiple benefits.
- **Connected** – provides or fills a missing natural link in the landscape for the benefit of nature and people.
- **Sympathetically placed** – reflects and/or creates a sense of place, considerate to the context and character of the local environment and priorities of its people and wildlife.
- **Resilient** – responds to the climate emergency in a positive, contributory way.
- **Responsibly managed** – has a sustainable mechanism to support its life-long function and benefits.
- **Environmentally sensitive** – mitigates its own local impact and improves the quality of the immediate natural environment.

PCC-Rights Of Way Senior Manager

16th Apr 2024

The proposals subject of scoping request CAS-02913-L1W3K0 are highly likely to have both direct and indirect impacts on public rights of way as set out below. Consideration of these impacts should form part of the Environmental Impact Assessment (EIA.)

1. *There are 74 sections of public rights of way within the proposed red line scoping corridor. These are listed in the schedule at the bottom of this response. It must be noted that the Glyndwr's Way National Trail and the Severn Way recreational trail do cross the scoping corridor, albeit on county roads for the most part; interruption of use of these promoted trails must be avoided.*

Mapping to show the paths can be found and the digital data downloaded free of charge at: <https://en.powys.gov.uk/article/13184/Public-Rights-of-Way-Map>

2. *It is noted that the developer does not propose any permanent diversions of public paths and on that basis, proposes to scope public rights of way out of the EIA. Whilst we would welcome a strategy that avoids the need for permanent diversions, we do not agree that public rights of way can be scoped out, as there will be impacts on them whilst the underground cable and overhead lines are installed, as a minimum.*

3. *As the exact alignment of the underground cable and overhead poles and lines are not yet known, it is not possible to confirm exactly which public paths will be affected. However, given the number of paths within the scoping area, it is highly likely that the underground cable and overhead lines will need to cross at least some of the paths.*
4. *Overhead poles must not be located on the lines of public rights of way, otherwise permanent legal diversions will be required before any construction affecting the line of the public right of way can commence. If this is unavoidable, details of any proposed diversion route must be agreed with the Countryside Access and Recreation team at an early stage, to ensure that the diversion route is appropriately located for accessibility, maintenance and connections with the surrounding network.*
5. *The developer must submit a detailed management plan for the public rights of way affected by the proposals, once further detail is known. This will need to address the following areas.*
6. *It is noted that safe working areas will be required around the poles and presumably also the underground cable during installation. Details of these are needed i.e. the duration for which they will be in place and measures to secure the area, such as fencing off. If these would prevent use of a public right of way, then details of any temporary closures will be required as below.*
7. *Details of the phasing and timing of any temporary closures and any alternative routes must be agreed with the Countryside Access and Recreation team before work commences. The developer must also note that there is a lead time of up to 10 weeks to implement a new temporary closure and must plan their activities and liaise with the Countryside Access and Recreation and Streetworks teams accordingly.*
8. *Excavations to install the pads for the poles or to lay the underground cable may require disturbance to the surface of a public right of way. Likewise, temporary access routes to bring materials and vehicles to site may cross or run along public paths. Written consent is required from the Council as the Highway Authority to disturb the surface of a public right of way. The developer must agree details of the post construction reinstatement of any paths affected with the Countryside Access and Recreation team, both in terms of the specification and timescale for doing so.*
9. *Reinstatement must take into account the legal requirement for a suitable structure to be in place, where a public right of way crosses a boundary. If the developer is carrying out work at boundaries crossed by public paths, it is expected that irrespective of the situation before work, a suitable structure will be in place after reinstatement. A stile will only be acceptable on a footpath and where a landowner can demonstrate that there is lawful authority for a stile. Otherwise, a gate must be*

installed. It should be noted that reconstruction of a boundary across a right of way without a suitable structure may constitute wilful obstruction of the public path.

- 10. When the proposed audit of pedestrian, cycle and horse routes is carried out, the developer must note any boundary crossing points of rights of way and ensure that reinstatement work is planned accordingly. Details for each location must be provided to the Countryside Access and Recreation team; in some cases, consent may be required for a new structure under section 147 of the Highways Act 1980, where no lawful authority is already in place for a gate or stile at the crossing point.*
- 11. When reinstating the ground following laying of the underground cable, the developer must avoid any reprofiling of the ground that may result in significant increases in gradient or differences of levels that could otherwise make the path less convenient to use. If additional culverts or other structures are required, details must be provided to the Countryside Access and Recreation team as part of the management plan.*
- 12. The developer must set out their proposals for ensuring that the ground on affected public right of ways can reinstate successfully, particularly given the increased incidence of very wet weather due to climate change.*
- 13. Temporary site compounds, material and vehicle storage areas and environmental measures such as new fencing may also impact on public rights of way. These features must be located to avoid public rights of way.*
- 14. The importance of public rights of way and other outdoor recreation opportunities for our residents and visitors are highlighted in the Council's Rights of Way Improvement Plan 2018-28, which can be found at:*

<https://en.powys.gov.uk/article/2439/Rights-of-Way-Improvement-Plan>

The Rights of Way Improvement Plan sets out the Council's strategic aspirations in terms of maintaining and enhancing the public rights of way network. Open, waymarked and easy to use paths are key to realising the benefits of public rights of way for health and wellbeing and for their economic benefits.

The developer can contact the Countryside Access and Recreation team via rights.of.way@powys.gov.uk to discuss the points above.

Schedule of paths affected:

Route Code	Path No	Status	Community	Section
231/1/2	1	Footpath	Llangurig	Banc du to Rhiwlas
231/2/1	2	Footpath	Llangurig	Banc du to Rhiwlas
231/3/2	3	Footpath	Llangurig	Banc du to Rhiwlas
231/4/1	4	Footpath	Llangurig	Banc du to Rhiwlas
231/4/2	4	Footpath	Llangurig	Banc du to Rhiwlas
231/11/5	11	Bridleway	Llangurig	Banc du to Rhiwlas
231/11/6	11	Bridleway	Llangurig	Banc du to Rhiwlas
231/18/1	18	Bridleway	Llangurig	Banc du to Rhiwlas
231/18/2	18	Bridleway	Llangurig	Banc du to Rhiwlas
231/18/3	18	Bridleway	Llangurig	Banc du to Rhiwlas
231/18/4	18	Bridleway	Llangurig	Banc du to Rhiwlas
231/20/1	20	Footpath	Llangurig	Banc du to Rhiwlas
231/83/3	83	Footpath	Llangurig	Banc du to Rhiwlas
231/90/1	90	Footpath	Llangurig	Banc du to Rhiwlas
231/91/2	91	Footpath	Llangurig	Banc du to Rhiwlas
231/91/1	91	Footpath	Llangurig	Banc du to Rhiwlas
231/137/1	137	Footpath	Llangurig	Banc du to Rhiwlas
231/137/2	137	Footpath	Llangurig	Banc du to Rhiwlas
235/17/3	17	Restricted Byway	Llandinam	Rhiwlas to Llyn Lort
220/81/1	81	Footpath	Llandinam	Rhiwlas to Llyn Lort
220/81/2	81	Footpath	Llandinam	Rhiwlas to Llyn Lort
220/82/1	82	Footpath	Llandinam	Rhiwlas to Llyn Lort
220/82/2	82	Footpath	Llandinam	Rhiwlas to Llyn Lort
220/83/1	83	Footpath	Llandinam	Rhiwlas to Llyn Lort
220/84/1	84	Footpath	Llandinam	Rhiwlas to Llyn Lort
220/89/2	89	Footpath	Llandinam	Rhiwlas to Llyn Lort
220/90/1	90	Footpath	Llandinam	Rhiwlas to Llyn Lort
220/91/1	91	Footpath	Llandinam	Rhiwlas to Llyn Lort
220/92/1	92	Footpath	Llandinam	Rhiwlas to Llyn Lort
220/17(A)/1	17(A)	Restricted Byway	Llandinam	Rhiwlas to Llyn Lort
220/17(A)/3	17(A)	Restricted Byway	Llandinam	Rhiwlas to Llyn Lort
220/86(A)/1	86(A)	Footpath	Llandinam	Rhiwlas to Llyn Lort
231/22/2	22	Footpath	Llangurig	Rhiwlas to Llyn Lort
231/40/1	40	Bridleway	Llangurig	Rhiwlas to Llyn Lort
231/85/1	85	Footpath	Llangurig	Rhiwlas to Llyn Lort
231/85/2	85	Footpath	Llangurig	Rhiwlas to Llyn Lort
231/85/3	85	Footpath	Llangurig	Rhiwlas to Llyn Lort
231/86/1	86	Footpath	Llangurig	Rhiwlas to Llyn Lort

231/101/1	101	Footpath	Llangurig	Rhiwlas to Llyn Lort
231/104/1	104	Footpath	Llangurig	Rhiwlas to Llyn Lort
Route Code	Path No	Status	Community	Section
231/118/1	118	Bridleway	Llangurig	Rhiwlas to Llyn Lort
231/118/2	118	Bridleway	Llangurig	Rhiwlas to Llyn Lort
231/118/4	118	Bridleway	Llangurig	Rhiwlas to Llyn Lort
231/122/2	122	Footpath	Llangurig	Rhiwlas to Llyn Lort
235/80/1	80	Footpath	Llanidloes	Rhiwlas to Llyn Lort
235/17/1	17	Restricted Byway	Llanidloes without	Rhiwlas to Llyn Lort
235/17/2	17	Restricted Byway	Llanidloes Without	Rhiwlas to Llyn Lort
235/83/1	83	Footpath	Llanidloes without	Rhiwlas to Llyn Lort
235/84/1	84	Footpath	Llanidloes without	Rhiwlas to Llyn Lort
235/86/2	86	Footpath	Llanidloes without	Rhiwlas to Llyn Lort
235/86/1	86	Footpath	Llanidloes without	Rhiwlas to Llyn Lort
235/86/3	86	Footpath	Llanidloes Without	Rhiwlas to Llyn Lort
235/87/1	87	Footpath	Llanidloes without	Rhiwlas to Llyn Lort
235/87/2	87	Footpath	Llanidloes Without	Rhiwlas to Llyn Lort
235/88/1	88	Footpath	Llanidloes without	Rhiwlas to Llyn Lort
235/89/1	89	Footpath	Llanidloes without	Rhiwlas to Llyn Lort
235/89/2	89	Footpath	Llanidloes without	Rhiwlas to Llyn Lort
220/90/2	90	Footpath	Llanidloes without	Rhiwlas to Llyn Lort
235/90/1	90	Footpath	Llanidloes without	Rhiwlas to Llyn Lort
235/90/2	90	Footpath	Llanidloes without	Rhiwlas to Llyn Lort
235/90/3	90	Footpath	Llanidloes without	Rhiwlas to Llyn Lort
235/91/1	91	Bridleway	Llanidloes without	Rhiwlas to Llyn Lort
235/91/2	91	Bridleway	Llanidloes without	Rhiwlas to Llyn Lort

235/91/3	91	Bridleway	Llanidloes without	Rhiwlas to Llyn Lort
235/91/4	91	Bridleway	Llanidloes without	Rhiwlas to Llyn Lort
235/91/5	91	Bridleway	Llanidloes without	Rhiwlas to Llyn Lort
235/91/6	91	Bridleway	Llanidloes without	Rhiwlas to Llyn Lort
235/92/1	92	Footpath	Llanidloes without	Rhiwlas to Llyn Lort
235/92/2	92	Footpath	Llanidloes without	Rhiwlas to Llyn Lort
235/92/3	92	Footpath	Llanidloes Without	Rhiwlas to Llyn Lort
235/93/2	93	Bridleway	Llanidloes without	Rhiwlas to Llyn Lort
235/95/1	95	Bridleway	Llanidloes without	Rhiwlas to Llyn Lort
235/96/1	96	Footpath	Llanidloes without	Rhiwlas to Llyn Lort
220/17(A)/2	17(A)	Restricted Byway	Llanidloes Without	Rhiwlas to Llyn Lort

HENEB

Thank you for the pre-application consultation on this proposed cable route.

We note the boundary of the proposed cable route, both via a sub-surface cable, and the overhead cabling routes, and can confirm that this development would require a detailed archaeological assessment to inform an Environmental Statement as part of an EIA. The development Site boundary and surrounding Core (Underground Cable route) and Wider Study areas (Overhead Lines) include a large number of non-designated and designated heritage assets which will need to be assessed for both direct and indirect (setting) impacts. We note that Archaeology Wales have been contracted to complete a Cultural Heritage Assessment and we would need close liaison with the archaeological consultants throughout the design stage of the application leading up to application submission. We consider that these proposals are likely to have an adverse impact on the historic environment at this location.

In terms of our specific interests, we would be commenting on impacts to the non-designated heritage. Cadw (via cadwplanning@gov.wales) will comment on Scheduled

Monuments and their settings, Registered Parks and Gardens and their settings, Battlefields, Registered Historic Landscapes and World Heritage Sites. The Powys CC Built Heritage Conservation Officer will comment on Listed Buildings and their settings and Conservation Areas and their settings.

Further information:

Walkover - Normally we would expect a detailed walkover in areas that have not been covered by transect surveys before. With the advent of the new national 1m lidar for Wales, or any additional high resolution 25cm lidar survey that you may propose to commission, it should be possible to target surface features for ground-truthing and more detailed analysis without potentially having to complete a traditional whole Site walkover. It should be clarified if lidar survey will be used in this way along with traditional walkover transect techniques. Lidar survey via drone has been used very successfully on other large-scale schemes with resolutions of 10cm now readily available.

No assessment of impacts to the paleoenvironmental potential (peat deposits) of the Site area is included and should be part of the assessment – see further information below.

Policy and Guidance

In addition to any Powys CC guidance already stated in the applicants documents the following should be referred to in the assessment:

The Historic Environment (Wales) Act 2023 which can be viewed here:

<https://www.legislation.gov.uk/asc/2023/3/contents/enacted>

Planning Policy Wales Edition 11, February 2021 (PPW) (Welsh Government, 2021).

Technical Advice Note 24: The Historic Environment (May 2017) (Welsh Government, 2017).

Powys CC Archaeology and Historic Environment Supplementary Planning Guidance documents here <https://en.powys.gov.uk/article/4907/LDP-Supplementary-Planning-Guidance-SPG-and-Supporting-Policy>

Cadw guidance documents: Heritage Impact Assessment in Wales (May 2017) (Cadw, 2017a) and the Setting of Historic Assets in Wales (Cadw, 2017b).

Cadw Conservation Principles (March 2011) (Cadw, 2011).

Principles of Cultural Heritage Impact Assessment in the UK (IEMA, IHBC, ClfA 2021)

Natural Resources Wales (NRW) Guide to using the Register of Landscapes of Historic Interest (NRW, 2007).

CIFA Standard and Guidance for Historic Environment Desk-Based Assessment (Chartered Institute for Archaeologists (ClfA, 2020).

CIFA Standard and guidance for commissioning work or providing consultancy advice on archaeology and the historic environment (ClfA 2020).

CIFA Standard and guidance for the creation, compilation, transfer and deposition of archaeological archives (ClfA June 2020)

CIFA Standard and universal guidance for field evaluation (ClfA Dec 2023)

DBA and Walkover Survey

A detailed desk-based assessment and transect walkover (normally 30m transect width) of the whole Site red boundary area would be required unless otherwise agreed. Normally the study areas will extend to 5 and 5 - 10 km (occasionally 20km) radii from the red boundary area for designated monuments (to be agreed with Cadw and the Powys CC Built Heritage Conservation Officer) and out to 5 km from the Site red boundary for non-designated sites in terms of indirect (setting) impacts.

The DBA and walkover should be supplemented by information from the new National Wales 1 metre DTM and DSM Lidar datasets from NRW here <https://datamap.gov.wales/maps/lidar-viewer/view#/> where first clicking on the WG Lidar 2020-22 tile index in the left menu and then zooming in on the map will present the relevant area tiles. These tiles can be clicked on to get links to the DTM and DSM tiles for processing and visualisation. If newly acquired lidar data is used this should be at 25cm resolution and a 25cm DTM and DSM should be produced from the resulting point cloud data for assessment purposes. These elevation files should be appropriately processed using standard archaeological lidar visualisation techniques to make sure

that all possible archaeological features present on the DTM/DSM data area identified and recorded.

Any new sites located on the lidar must be verified on the ground by the archaeological team and mapped, described, photographed and interpreted with images and an accompanying gazetteer of sites included in the report. All sites should be categorized for their importance and the significance of impact stated.

In addition, the DBA should include the following sources as a minimum:

Designated asset data from Cadw (<http://historicwales.gov.uk>)

Archaeological records held by the National Monuments record RCAHMW including information on historic place names <https://rcahmw.gov.uk/discover/list-of-historic-place-names/>

Archaeological records held by Heneb - Clwyd-Powys Archaeology HER (via direct consultation with the HER team her@cpat.org.uk and not just relying on Archwilio data)

Conservation Area details from Powys County Council.

LANDMAP datasets from NRW for Cultural Landscape and Historic Landscape aspect areas and associated character areas with the significance of impact to be quantified.

Maps, plans and documents held in the Powys Archives.

Maps, plans and documentary sources held at National Library of Wales including the Tithe Maps of Wales <https://places.library.wales/home>

Aerial photos held by the Central Register for Aerial Photography Wales

(CRAPW) <http://aerialphotos.wales.gov.uk/> and the National Monuments Record RCAHMMW

Records held on the Portable Antiquities Scheme database here <https://finds.org.uk/>

Readily available and relevant primary and secondary published sources and unpublished archaeological reports.

ZTV / cumulative ZTV from blade tip to determine those heritage assets which will be affected visually for subsequent setting impact assessments (If required).

Findings of other environmental topics (landscape, peat, water, soils, noise, & vibration).

Geophysics and Evaluation Trenching

During the iterative design process, and depending on the feedback from the DBA, walkover and lidar surveys, there may be a requirement to gather more information on the sub-surface archaeological potential of the development area, which will not normally be apparent from a desk based and walkover study alone. This requirement would be triggered by clusters of surface monuments suggesting high levels of nearby activity, typically prehistoric funerary and ritual monuments, for which associated sub-surface archaeology may be present, but cannot be properly quantified and located. It may also be triggered where prior surveys cannot accurately define the nature, function and date of surface or sub-surface features without retrieving more information. CPA would advise on the need for geophysical survey after the DBA and walkover survey reports have been presented to them for comment. If geophysical anomalies are located but are not diagnostic enough to allow informed opinions on dating, function, level of preservation and importance then additional intervention by targeted evaluation trenching may also be required within the assessment stage and in accordance with Planning Policy Wales and TAN24.

Paleoenvironmental Potential (Peat)

The impact on intact peat deposits which may contain important paleoenvironmental evidence and artefacts of prehistoric date should be assessed. There may be some

surface exposures of peat, boggy areas and pools within the development area which may indicate the sub-surface presence of peat deposits. Normally the peat deposit depths and extent will be mapped as part of the NRW Peat Management Plan requirements and in archaeological terms we would generally be interested in any peat deposits deeper than 0.40 m although shallow deposits can also be archaeologically significant. The turbine and infrastructure layout should seek to avoid all peat deposits. Where significant peat deposits cannot be avoided a suitable scheme of sampling, analysis, dating and reporting will need to be completed using appropriate sampling techniques advised by a paleoenvironmental or geoarchaeological specialist.

Timing of the EIA Survey Window for Cultural Heritage Assessment

A realistic time period should be set aside to complete the archaeological assessment, reporting and mitigation discussion before the application is formally submitted for examination and in accordance with guidance on pre-determination archaeological evaluation set out in Technical Advice Note 24 (May 2017): Paragraph 4.7 and Planning Policy Wales (Feb 2021): Paragraph 6.1.26.

Failure to complete the appropriate surveys may result in delays at the examination stage if we have to ask for additional information to be supplied. The applicant should therefore adjust their application submission dates if necessary to ensure these surveys are fully completed.

Project Design Approval, Archiving and Reporting of Archaeological Assessments

With regard to reporting and archiving of any archaeological reports produced by the archaeological consultants/contractors for this assessment it should be noted that a high resolution digital pdf will be required by the CPA Historic Environment Record to be sent via HEDDOS <https://cpat.org.uk/heddos.html> in accordance with the Welsh Archaeological Trusts HER submission guidelines here <https://cpat.org.uk/curatorial-services/historic-environment-record/#page-content> and the full digital archive will need to be forwarded to the National Monuments Record, RCAHMW, Aberystwyth and/or the Archaeology Data Service in accordance with their submission guidelines.

We will need to approve a Written Scheme of Investigation (WSI) document (sometimes called a project design) before any new assessment work commences and WSI's will be required for any additional geophysics and evaluation trenching also. All WSI's and resulting final reports must include a Data Management Plan (updated for final report).

Archive Selection Strategy, Archive Content List and Archive Deposition Location Statement

Further Consultation & Communication

We would welcome further direct correspondence and communication with the archaeological consultants/contractor who are engaged to complete the cultural heritage assessment as part of an iterative design process, and we would also wish to see copies of any cultural heritage assessment reports completed as the design process moves forward. We would expect to be consulted on the draft final ES cultural heritage chapter before it is submitted for examination.

Ends.

From: [REDACTED]
To: [PEDW – Seilwaith / Infrastructure](#)
Subject: FW: CAS-02913-L1W3K0 - Scoping - Rhiwlas, Powys -FAO Tanya Leck.
Date: 03 May 2024 09:19:48
Attachments: [REDACTED]

Hi Tanya – I’ve had this back from the Ecologist – do you want me to include it within the report somehow, or was it more for your own clarification? Let me know if you want me to do anything.

Thanks,
Lorraine.

From: Rachel Probert [REDACTED]
Sent: Thursday, May 2, 2024 6:27 PM
To: Lorraine Jenkin [REDACTED]
Subject: RE: CAS-02913-L1W3K0 - Scoping - Rhiwlas, Powys -FAO Tanya Leck.

Hi Lorraine

Apologies for the confusion – the intention of my response was to raise concerns with regards to scoping out ‘other protected/notable species’ in general, as it is considered the Scoping Report lacks sufficient information to support this and ‘contradictory’ information in the Scoping Report raises concerns with regards to the feasibility/delivery of the suggested ‘embedded mitigation’.

I referred to ‘*other protected / notable species, including water voles, reptiles and invertebrates*’ as this was the corresponding reference provided in Table 7.1. of the Scoping Report – the reference to impacts to watercourses was used as an example - the reason for scoping other species out of the EIA provided in this table only included the example of ‘maintenance of watercourse buffers’ as embedded mitigation and as reference to watercourse crossings (new and upgraded) is made in the Scoping Report it would appear that ‘buffers to watercourses’ would be unlikely to be feasible throughout the proposed development to avoid potential impacts to ‘other protected species’ and therefore unclear how this could be relied upon to scope out any potential significant effects.

With regards to scoping ‘other protected/notable species’ out of the EIA based on the limited supporting information provided in the Scoping Report, it is considered that this would not be appropriate until the Extended Phase 1 survey has been completed and an assessment of likely impacts to habitats with potential to support other protected/notable species has been undertaken.

I hope this clarifies my comments

Many Thanks
Rachel

From: [REDACTED]
To: [PEDW – Seilwaith / Infrastructure](#)
Subject: FW: 24/0427/PRL - DNS CAS-02913-L1W3K0 - Rhiwlas Green Energy Network (GEN) - FAO Tanya Leck
Date: 03 May 2024 13:11:30
Attachments: [REDACTED]
Importance: High

Hi Tanya – here is the PCC Highways response.

Let me know if you want me to send it in a different format or anything.

Thanks,

Lorraine.

From: Simon Crowther [REDACTED] > **On Behalf Of** Land Drainage
Sent: Wednesday, April 24, 2024 3:04 PM
To: Planning Consultations <planning.consultations@powys.gov.uk>
Cc: Lorraine Jenkin [REDACTED]
Subject: 24/0427/PRL - DNS CAS-02913-L1W3K0 - Rhiwlas Green Energy Network (GEN)

Good afternoon Lorraine,

Thanks for the opportunity to comment on this application. Having considered the information which has been submitted (Green GEN Rhiwlas Connection Request for a Scoping Direction under the Town & Country Planning (EIA) (Wales) Regulations 2017 Dated March 2024) (GGRCR), the Lead Local Flood Authority (LLFA) would make the following comments/recommendations.

Comment: The Banc Du Rhiwlas Grid Connection route identified in drawing 65208073-SWE-XX-XX-D-J-0001 indicate that the route may directly impact at least 25+ unnamed watercourses categorised as ordinary watercourse. Alongside the list of named watercourses identified in the GGRCR on page 75, our records show that the following watercourses should also be included: Afon Rhiw, Nant Colwyn, Signen Brook, Nant y Bradnant, Afon Dulas, Afon Brochan and Nant Gwylt.

Comment: GGRCR, page 76, **Table 13.1: Potential Flood Risk, Hydrogeological & Hydrological Impacts - Construction**, whilst the Land Drainage Section note the reasoning identified but without reviewing the CEMP cannot comment further on any impacts associated with watercourses or surface water runoff.

Comment: GGRCR, page 78, **Table 13.2: Potential Flood Risk, Hydrogeological & Hydrological Impacts - Operation**, whilst the Land Drainage Section note the reasoning identified but without reviewing the CEMP cannot comment further on any impacts associated with watercourses or surface water runoff.

Comment: Records indicate that in numerous locations surrounding land slopes towards and away from the proposed site; the applicant would need to consider how surface water runoff from the surrounding land will be controlled without exacerbating or creating any flooding problems on site or elsewhere.

Comment: The LPA should consult NRW with reference to flood risk and the Flood Map for Planning (TAN15).

Comment: No buildings, structures, fences, planting or changing of contours shall take place within 5 metres of the top of the bank of any watercourse, or 3 metres either side of any culverted watercourse (which would also allow for overland flows) without prior permission of the LPA.

Comment: The LLFA is, in general, opposed to culverting ordinary watercourses and

whenever practical will seek to have culverted watercourses restored to open channels.

Advisory: Any proposed alterations, interference or erection of any structure that affects an ordinary watercourse will require prior consent from Powys CC (as Lead Local Flood Authority), in accordance with Section 23 of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Further information can be sought at: <https://en.powys.gov.uk/article/4661/Ordinary-Watercourses-Appealing-for-consent-for-works>

Advisory: It is presumed that Riparian rights and responsibilities exist in respect of the open watercourse (*this will apply to any culverted sections of watercourse*). The Applicant (or subsequent owners) are advised that they will be responsible to maintain any section of the watercourse that passes or abuts their property.

Advisory: Any culverting or interference with a main river system requires the prior written approval of Natural Resources Wales (NRW).

Observation: The hydrology of receiving water bodies can be affected by the presence of compacted/excavated surfacing. A new pipeline/trench may increase the volume of runoff that reaches the receiving watercourse and also reduce the time it takes to get there. This has implications for channel stability, aquatic habitats and flooding. Where the movement of any existing channels is required, this may also affect the local hydrological regime. A Drainage Strategy will be required, the scope of which will need to be agreed with the Lead Local Flood Authority.

Comment: The SuDS Approval Body (SAB) would remind the applicant that any construction area over 100m² may require SAB approval, whilst this application could be exempt from the regulations, Powys County Council would strongly recommend that SuDS drainage solutions are used. For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>. Alternatively, please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk.

Many thanks,

Simon

Simon Crowther

Peiriannydd Perygl Llifogydd a Draenio Cynaliadwy, Priffyrdd, Cludiant ac Ailgylchu,

Flood Risk and Sustainable Drainage Engineer, Highways, Transport and Recycling,

Cyngor Sir Powys / Powys County Council

Ebost / Email: land.drainage@powys.gov.uk

Ffôn / Tel:



Powys County Hall, | Neuadd y Sir

Spa Road East, | Spa Road East

Llandrindod Wells, | Llandrindod

PCAC/PEDW
Crown Buildings,
Cathays Park,
Cardiff,
CF10 3NQ

Ein cyf/Our ref: CAS-252166-C4Y0
Eich cyf/Your ref: CAS-02913-L1W3K0

Dyddiad/Date: 25 April 2024

Annwyl Syr/Madam/Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (PROCEDURE) (WALES)
ORDER 2016
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
(WALES) REGULATIONS 2017**

BWRIAD/PROPOSAL: Development of an underground cable between the Banc Du and Rhiwlas Energy Parks (approximately 3 km). Development of a single circuit OHL (supported on wooden poles) from the proposed Rhiwlas Energy Park to the collector substation at Bryngwyn (approximately 35 km).

LLEOLIAD/LOCATION: Banc Du Energy Park (located approximately 500 m NW of Llangurig) to Rhiwlas Energy Park.

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 22 March 2024.

We have reviewed the information provided in the 'Request for a Scoping Direction under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017', Scoping Report (SR) document by Green Gen Cymru, dated March 2024 and the associated documents provided on your website.

Please note that our comments are without prejudice to any comments we may wish to make when consulted on any subsequent planning applications or on the submission of the full Environmental Statement (ES). At the time of any planning application there may be new information available which we will need to take into account in making a formal response.

These comments include those matters NRW consider will need to be taken into consideration and applied to the Environment Impact Assessment (EIA) and the resulting ES.

Our comments are set out below following the chapter order in the SR and we have provided advice where relevant to matters that fall under our remit.

General Advice

The ES for this development should include sufficient information to enable the relevant authorities to determine the extent of any environmental impacts arising from the proposed scheme on legally protected species, including those which may also comprise notified features of designated sites affected by the proposals.

Evaluation of the impacts of the scheme should include direct and indirect; secondary; cumulative; short, medium, and long term; permanent and temporary; positive and negative, and construction, operation and decommissioning phase and long-term site security impacts on the nature conservation resource, landscape and public access.

Description of the Project

Within the ES, the proposed scheme should be described in detail in its entirety. This description should cover construction, operation, and decommissioning phases as appropriate and include detailed, scaled maps and drawings as appropriate.

We would expect the description to include:

- The purpose and physical characteristics of the proposals;
- Location, development size and configuration of the development including flexibility of the site layout;
- Procedures for good working practices;
- Identification of appropriate pollution contingency and emergency measures for watercourses on site;
- Timing of all works and contingency plans should slippage in the programme occur;
- Maintenance requirements of structures;
- Maintenance of any habitats within the site;
- Artificial lighting requirements, including likely intensity and location of light spill on green infrastructure.

Illustrations within the ES

Any maps, drawings and illustrations that are produced to describe the project should be designed in such a way that they can be overlaid with drawings and illustrations produced for other sections of the ES such as biodiversity.

Cumulative effects

We are supportive of the proposed assessment methodology for cumulative significant effects with other existing and / or approved projects (Chapter 19 of the report). We advise the Applicant to liaise with the relevant planning authority to determine which development should be considered within the EIA.

1. Chapter 5 – Air Quality

We are satisfied with the conclusions to scope out Air Quality from the EIA where no sensitive ecological receptors are present within 250m of the development.

Provided this minimum distance can be retained, then both dust and traffic emission impacts screen out and any impacts are likely to be absent or negligible. We welcome the intention to produce a *'construction dust risk assessment'* to be *'appended to the draft Construction Environmental Management Plan (CEMP), which will ensure the appropriate level of dust mitigation is applied during construction phase activities'*

However, we note that Coed Mawr SSSI is adjacent to the North of the corridor as identified in section 2.3.2 of the SR and illustrated in Figure 1.2 Environmental Constraints Plan (65208073- -SWE-XX-XX-D-J-0002 P01).

Provided the works can be kept at a minimum 250m distance from Coed Mawr SSSI, we are satisfied that impacts from the construction phase of this proposal on protected sites can be screened out of the EIA. However, the details of actual powerline route are not available at this stage. Therefore, if it is not possible to provide confirmation that the minimum distance can be achieved, we would advise that table 5.3 (Potential air quality impacts – construction) is amended to include impacts on ecological sensitive receptors within the scope of the EIA.

2. Chapter 7 – Ecology

2.1 Section 7.2 - Baseline

It is noted that no statutory designated nature conservation sites are present within the SR corridor and that nine are located within the maximum relevant zone of influence of the proposal (2km):

- One Special Area of Conservation (SAC); River Wye / Afon Gwy SAC, located approximately 0.9 km from the Scoping Report Corridor at its closest point.
- Eight Sites of Special Scientific Interest (SSSI), the closest being Coed Mawr SSSI, located approximately 20 m from the Scoping Report Corridor.

Multiple habitats of principal importance, ancient woodland, ponds and watercourses have also been identified within the SR corridor, all of which support a variety of wildlife and protected species. NRW would expect the developer to contact other relevant people/ organisations for biological information/ records relevant to the site and its surrounds. These include the relevant Local Records Centre and any local ecological interest groups (e.g. bat groups, mammal groups).

We note the SR states that no ecological surveys have yet been carried out.

We advise that the site and where necessary land adjacent to the site is subject to assessment to determine the likelihood of protected species being present and affected by the proposals. Targeted species surveys should be undertaken for all species scoped in which:

- i. are undertaken by qualified, experienced and where necessary, licensed ecologist(s) and,
- ii. comply with current best practice guidelines. In the event that the surveys deviate from published guidance, or there are good reasons for deviation, full justification for this should be included within the EIA.

Any habitat surveys should accord with the NCC Phase 1 survey guidelines (NCC (1990) Handbook for Phase 1 habitat survey. NCC, Peterborough). We advise that Phase 1 surveys are undertaken and completed during the summer to ensure the best chance of identifying the habitats present.

2.2 Section 7.4 – Scoping of impacts

We note that statutory designated sites, bats, dormice, otters, great crested newts, breeding and wintering and passage birds have been scoped in the EIA and further survey will be required to determine potential impacts.

2.3 Section 7.5 – Methodology for Impacts Assessment

The level and extent of detailed survey requirements will be informed by the results of the Extended Phase 1 habitat survey, however potential impacts assessment will focus on established study areas as identified in table 7.3.

- Statutory designated sites of nature conservation importance - Potential for effects through pollution and temporary impact (e.g. disturbance through noise and construction lighting), several buffers identified based on the designation type. A desk study only is proposed.
- Bats – within the SR Corridor (as shown on the plan *FIGURE 1.1 - SITE LOCATION PLAN* in Appendix B of the SR) plus adjacent features of interest (e.g. hedgerows): Daytime bat walkover; desk-based habitat assessment to inform static surveys, which in turn may inform possible targeted vantage point/ back-tracking surveys; ground level tree assessment surveys to inform the need for further in-depth surveys on potential roost trees at risk from the proposed development (e.g. aerial inspections, emergence surveys with night vision aids, motion activated trail cameras, advanced licence bat survey techniques where necessary)
- Dormice - within the SR Corridor plus adjacent features of interest (e.g. hedgerows): The scoping report states: *“Where habitat is found to be suitable to support a population of dormice, further habitat assessment will be undertaken using a proforma based assessment. Where required, nest tubes and / or boxes will be installed and checked once per month during May and July to October inclusive. Nut searches will also be undertaken to inform presence / absence of the species.”*
- Great crested newts – ponds within the SR Corridor plus 300m buffer: Habitat Suitability Index (HSI) survey; eDNA analysis within 250 m (*“or less if there are significant barriers to amphibian dispersal”*); and possibly further population size surveys informed by presence/ absence data, surveys of terrestrial habitat, and up-to-date proposals.
- Otters – within the SR Corridor, plus 100 m (*“where necessary”*): The scoping report states: *“Otter surveys will be undertaken on watercourses that have the potential to be utilised for holts and where there is a risk of disturbance impacts.”*
- Raptors and waders (activity and potential breeding) - The SR Corridor*, plus 500-800 m (where desk and field-based study suggests required).
- Other Birds (breeding) - The Scoping Report Corridor*, potentially beyond for certain species (e.g. those listed under Schedule 1 of the Wildlife and Countryside Act 1981)

Bats

We welcome the proposal to survey trees potentially affected by the proposals as described above and advise that all surveys for bats should be carried out in accordance with ‘*Bat Surveys for Professional Ecologists – Good Practice Guidelines*’ (4th edition), published by the Bat Conservation Trust, 2023. Where any trees categorised as having moderate or high potential for supporting bats during the preliminary ground level roost assessment are likely to be felled or pruned as a result of the proposals, further surveys (climbing inspections and/ or activity surveys) will be required in accordance with best practice guidelines. A detailed plan should be included in the supporting information for the EIA that shows location of trees, together within an indication of their potential to support roosting bats and the results of any additional surveys.

Should bat roosts subsequently be confirmed in any tree affected, we advise that an assessment of the impacts of the scheme on these roost sites, and proposals to mitigate and/ or compensate for them, is included in the EIA. Where possible, it would be expected that important features for bats would be retained and their function for bats protected.

Dormice

It is unclear what the “proforma-based assessment” of habitat in relation to dormice entails. We are content with the proposal to undertake nest tube/box surveys for dormice and advise that these should cover all habitats suitable for dormice along the Scoping Report Corridor plus adjacent features of interest (e.g. connected hedgerows and woodland). The surveys should be carried out in accordance with ‘*The dormouse conservation handbook Second edition*’, published by English Nature, 2006. We advise that tubes and boxes are left in situ between May and the end of October and checked monthly. You may wish to consider supplementing the nest tubes and boxes with footprint tunnels, as these may provide a quicker confirmation of presence.

Great crested newts

We note the following paragraph regarding GCN surveys:

“A proportionate consideration will be given to the inclusion of ponds with negative eDNA that are in close proximity to ponds with confirmed GCN presence. Taking into account the nature of the scheme and embedded mitigation (e.g. it is extremely unlikely that any works will take place within 50 m of any ponds or impact good quality terrestrial habitat within 100 m of any ponds), it is considered that presence / absence data will likely be sufficient to inform any mitigation / licensing requirements.”

We advise that where works are proposed within 250 metres of any ponds confirmed by surveys to support GCN, population size class surveys will be needed to inform mitigation proposals and licensing.

Otters

We wish to observe that the proposed development site crosses a number of main rivers, in particular River Severn and its tributaries, the number of which has not been defined within the Scoping Report. Otters are known to be present on these water courses. We therefore advise all water bodies that may be affected by the proposals are subject to otter surveys, and that a full assessment is made of the potential impacts of the development on the species and its habitats.

Birds

Both tables 7.1 and table 7.2 list potential impacts during construction (7.1) and operation (7.2) on “... *breeding, wintering and passage birds*.”. However, the surveys proposed under 7.5.15 and 7.5.16 only detail surveys that will be undertaken during the breeding season. The proposed surveys therefore do not provide sufficient seasonal coverage or scope to assess the potential impacts identified, particularly on passage and wintering birds. Additional survey effort needed to cover passage and winter periods and should be appropriate for the species/species groups identified at risk.

Surveys for breeding, wintering, and passage birds should be in line with industry best practice ([see Bird Survey Guidelines](#)). We note that 7.5.16 states only 4 visits for breeding bird surveys when the recommendation is for 6 survey visits. Given the habitats likely to be encountered within the scoping corridor, NRW’s view is that 4 visits will be insufficient to produce a robust assessment of the breeding birds assemblage present within the scoping corridor. As per guidance, these visits should be spread between late March and early July for breeding birds surveys. Additionally, sufficient walk over surveys should be conducted during the passage and winter periods to assess impacts on passage and wintering bird populations.

Additional, species-specific surveys may also be required and should be informed by the habitat on site as well as the results of any desktop survey conducted to date. The methods

can be species specific and may require different timings (both during the day/night and seasonally). As we are not in receipt of the full results of a desktop survey so are not able to provide an exhaustive list of the species specific surveys we would expect to be included within the EIA.

We note that under 7.5.15 the Vantage Point (VP) surveys have “*been identified based on known peregrine / goshawk breeding sites, presence of woodland blocks with mature trees (suitable for goshawk and other raptors).*” yet surveys “*will be carried out at each VP (approximately 2 days per month) between March – June/July*”. This survey window will miss the optimum period to detect territorial displays by goshawk (January/February) and potentially other raptor species.

Given the impacts have been identified for breeding, passage, and wintering birds a series of VP surveys should be conducted throughout these periods. We recommend a minimum of 36 hours of survey effort in each of the breeding and non-breeding season (see NatureScot guidance). The view sheds for the VPs should be provided within the EIA. Without more detailed information regarding the VPs it is not possible for us to determine their suitability for surveying for curlew and other breeding waders; we therefore recommend more species appropriate survey methods for this species group. The corridor contains suitable habitat to support breeding and foraging barn owl; appropriate surveys should be undertaken for this species.

Should protected species be confirmed, information must be provided identifying the species-specific impacts in the short, medium and long term together with any mitigation and compensation measures proposed to offset the impacts identified.

We advise comprehensive descriptions of the habitats affected are included to support robust conclusions about their significance for the species.

We advise that EIA considers significance (both alone and in combination) and where applicable conservation status. In respect of conservation status, we advise consideration be given to the current conservation status of the relevant species. The EIA must demonstrate that there will be no detriment to maintenance of favourable conservation status (FCS) of European Protected Species (EPS) during construction, operation and where relevant decommissioning phases of the scheme.

Where proposals implicate protected species, which are also notified features of designated sites (e.g. SAC, SSSI), we advise that the EIA considers the impacts on those species from both perspectives.

With regards to birds, determining the importance of species and populations identified from surveys should refer to Wales specific resources and publications where practical. Relevant population estimates can be found in, but no limited too, [Hughes et al. 2020](#) (Wales) and [Woodward et al. 2020](#) (UK/Britain). County Bird Reports, the Welsh Bird Reports, as well as Birds of Wales/Adar Cymru (Pritchard et al. 2021) may also contain relevant information. Reference should be made to [Birds of Conservation Concern Wales 4](#) (BoCCW4) as well as listing on Section 7 of the Environment Act (Wales) 2016, and Schedule 1 of the Wildlife & Countryside Act 1981 (as amended).

Details of appropriate mitigation or compensation for any impacts identified should be provided along with appropriate enhancements. Where buffer distances are required or need to be considered then reference should be made to [Goodship & Furness 2022](#) or alternative published references for species not listed within Goodship & Furness 2022.

We advise that the EIA sets out how the long-term site security of any mitigation or compensation will be assured, including management and monitoring information and long term financial and management responsibility. Where the potential for significant impacts on protected species is identified, we advocate that a Conservation Plan is prepared for the relevant species and included as an Annex to the EA.

Where a EPS and/or nationally fully protected species is identified and the development proposal will contravene the legal protection they are afforded, a licence should be sought from NRW.

Finally, we advise that where EPS and/ or nationally fully protected species are present, the development maintains habitat connectivity across the route of the cables, particularly where undergrounding the cables is necessary.

3. Chapter 8 – Landscape and Visual Impact

Our landscape advice on this chapter relates to the development's potential impact on the Eryri National Park (ENP) landscape character, visual amenity, special qualities, and visual setting, and its accordance with national policy.

As outlined in section 8.3.7 of the SR, *'The Scoping Report Corridor does not pass through any nationally designated landscape'*.

Noting the distance to the above designated landscape area (approximately 15 km to the north west), and considering the maximum height parameter of 22m above ground for the overhead infrastructure (132kV lines on wooded poles), we advise that any landscape impacts on the ENP are unlikely to be significant and the proposal would not affect the purposes of the National Park designation.

4. Chapter 10 – Land Quality

Our comments below relate to potential impacts on environmentally sensitive receptors only. This chapter discusses both historic contamination and potential future contamination. We are in agreement there is unlikely to be historic contamination on site given it's greenfield however we are advising that potential future sources of contamination be assessed in more detail.

4.1 Section 10.3 – Receptors

Section 10.3.1 identifies groundwater as a key potential receptor, however, section 10.3.3 states *'Surface water has been excluded from assessment as the pylons and below ground cables are unlikely to interact with surface water in any significant manner minimising the potential for negative impacts.'*

It is not clear why surface water is considered a receptor and a pathway in Chapter 13 table 13.1 (potential flood risk, hydrogeological and hydrological impacts) but not in this section.

Whilst we understand there will be minimal direct interaction with surface water as part of the proposed works, we advise consideration is given to other aspects of the development and overall scheme that could give rise to a risk to surface water via indirect routes, such as groundwater pathways, especially in the operational phase of the development.

4.2 Section 10.4 Scoping of Impacts

Table 10.1 Potential Land Quality Impacts - Construction – This table identifies all potential impacts that may lead to a deterioration of land quality. It however contains limited detail as

to the mitigation to be put in place to prevent introduction of significant sources of contamination and instead defers to details to be included in a CEMP. We advise more information about mitigation measures for all potential sources of contamination needs to be provided within the ES.

Table 10.2 Potential Land Quality Impacts – Operation – Whilst introduction of significant sources of contamination has been considered for the construction phase, this potential impact has not been considered for the operational phase. As the risk of introducing contamination is not limited to the construction phase, we advise potential land quality impacts need to be considered for the operational and decommissioning (if applicable) phases of the scheme.

4.3 Section 10.5 – Mitigation

This section refers to primary mitigation that will be applied to the scheme to mitigate impacts during the construction phase. There are no details provided as to the primary mitigation that will be in place during the operational life of the scheme.

Further details of information required to be included in the EIA are provided in section 6 below.

5. Chapter 11 – Soils and Agriculture

Our comments are limited to potential impacts on peat. We note peat deposits have been considered and mapped within the SR corridor, including around Rhyd, Bwlch y Garreg, Cwmbelan and Llangurig. Peat soils have been identified as a receptor in section 11.3 of the SR.

5.1 Section 11.4 – Scoping Of Impacts

Table 11.2 – Potential soils and agriculture impacts – Construction, identifies potential impacts on peat soils and states that *'The Unified Peat Map of Wales and BGS data indicate the presence of potential peat deposits within the Scoping Corridor. As the Project design evolves, suitable peat surveys will be undertaken and the findings used to inform the design of the Project. However, the potential for significant effects on peat cannot be ruled out at this scoping stage. Therefore, peat is proposed to be scoped into of the EIA during the construction phase.'*

We welcome that peat, peat soil and peatland have been scoped in and note the intention to carry out suitable peat surveys. We advise that high-density peat depth surveys may be required across the footprint of proposed infrastructure to inform micro-siting of the layout to seek avoidance of deep peat.

We also welcome the intention to provide a stand-alone Peat Management Plan (PMP) in support of the application. We note the PMP will outline mitigation measures to be implemented during construction to minimise effects on peat.

We however advise that avoidance of peat should be the first option to mitigate against loss of peat. Therefore, we advise that the findings of the peat surveys are utilised to demonstrate that the best locations for the proposed power connection infrastructure have been selected to avoid areas of deep peat.

We advise that the potential areas of peat affected by the proposals do not underpin a Site of Special Scientific Interest (SSSI)/Special Area of Conservation (SAC) designation and we will not be providing specialist technical advice on the impacts upon peat during this scoping

process. PEDW should consider the potential effects on peat and consult with their own internal specialists if an impact is identified by the further survey works.

6. Chapter 13 – Flood Risk, Hydrogeology and Hydrology

We are in agreement that impacts on groundwater, surface water and flood risk are scoped in for further assessment of impacts.

6.1 Section 13.3 - Receptors.

This section identifies three potential receptors:

- Four Water Framework Directive (WFD) water bodies and respective floodplains: Afon Carno, Afon Trannon, Afon Cerist, Afon Hafren/ River Severn;
- Unnamed watercourses; and
- Potential active private water supplies and discharges.

We consider groundwater to be a receptor in its own right and therefore we advise it is included within the list.

6.2 Section 13.4 – Scoping of Impacts

The proposed works include underground cabling between the Banc Du and Rhiwlas Energy Parks (approximately 3 km) and *Table 13.1 (potential flood risk, hydrogeological and hydrological impacts)* – construction identifies the potential risk these works could pose to changes in the flow direction and flow pathway of groundwater.

We therefore recommend associated impacts be further assessed in line with [The Environment Agency's approach to groundwater protection \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/the-environment-agency-s-approach-to-groundwater-protection) specifically position C5, which is endorsed by NRW:

'The Environment Agency will normally object to pipelines or fluid filled cables that transport pollutants, particularly hazardous substances that:

- *pass through SPZ1 or SPZ2 where this is avoidable*
- *are below the water table* in principal or secondary aquifers*

Where there is an existing or unavoidable need for pipelines or fluid filled cables to pass through SPZ1 or SPZ2, operators are expected to adopt BAT and operate in accordance with the Energy Networks Association guidance.

Where existing pipelines or fluid filled cables are already below the water table or if the water level subsequently rises, the Environment Agency will work with operators to mitigate the risks. The Environment Agency will only agree to any redevelopment scheme with sub water table pipelines or fluid filled cables for the transport of hazardous substances where there are substantial mitigating factors.

When the opportunity to replace existing fluid filled cables in SPZ1 and SPZ2 arises the Environment Agency will work with the operators to agree the best environmental option. The Environment Agency expects operators to carry out a site-specific risk assessment prior to the decommissioning of pipelines or fluid filled cables in SPZ1 and SPZ2. It will then work with operators to agree the best available environmental option.

Please note that this position statement applies to underground and on-ground cables but not aerial cables.

** For the purposes of this position statement, the term ‘water table’ is taken to mean any laterally continuous groundwater including perched groundwater. Operators should consider the lifetime of the pipeline or cable in their assessment of the depth to groundwater.’*

6.3 Section 13.5 – Methodology for Impact Assessment

Flood Risk

We note paragraphs 13.2.16 & 13.2.17 identify the presence of several areas of flood zone 2 and 3 of the Flood Maps for Planning (FMfP) and section 13.2.19 states that a Flood Consequence Assessment (FCA) is likely to be required. We concur with this statement and advise a limited FCA is required.

We will be able to provide more specific advice once the preferred route and preferred pole positions, have been identified.

In the meantime, we refer the developer to Flood Risk activity exemption 2: ‘The erection of an electric cable service crossing over a main river [GPG 221 - Technical guidance - flood risk activity exemptions accessible copy \(naturalresourceswales.gov.uk\)](https://naturalresourceswales.gov.uk/gpg-221-technical-guidance-flood-risk-activity-exemptions-accessible-copy) which gives spatial and design conditions that would need to be met as a minimum.

For the erection of poles in fluvial floodplains, the main constraints will relate to temporary works which will need to be covered under the CEMP as identified in table 13.1 (Potential flood risk impacts – construction).

We are satisfied that flood risk associated to the operational phase of the proposal is minimal and can be scoped out of the EIA.

Groundwater

Section 13.5.5 identifies the need to assess groundwater impact implications in consultation with ourselves and the local authorities. The assessment will be used to identify any impacts and these will be mitigated through the CEMP, which would also include control measures. We advise that measures beyond the production of a CEMP are likely to be required for the protection of groundwater. For example, hydrogeological risk assessments and groundwater monitoring.

Surface Water

Section 13.5.6 identifies the need to assess potential impacts of accidental spillages on water quality in the receiving waterbodies. The principle concerns and risks from a water quality perspective from such development are the potential for silt contaminated surface water run-off, cabling routes acting as watercourses during periods of heavy rainfall if sections are left open and aren’t backfilled swiftly, and the poaching of vegetation due to the number of vehicle and machinery movements during the construction phase. As the SR notes, there are multiple surface water features within the area however their hydraulic connectivity with the water environment is currently unknown and need to be further considered where relevant to the proposed development (discussed in section 13.2.15). Further consideration should also be given to how groundwater contamination could also impact on surface water.

We welcome that a CEMP will be provided, and the developer should therefore plan the works carefully, so that contaminated water cannot run uncontrolled into any watercourses (including ditches) or waterbodies. The [Guidance for Pollution Prevention](#) documents should

be followed, particularly GPP5 '*Works and maintenance in or near water*' in terms of protecting the water environment.

The CEMP should be site-specific, with identified pollution pathways and measures implemented to avoid pollution, taking into account groundwater and diversion of surface water streams beneath the site. The ES must demonstrate that the design and construction of the site ensures that all potential pollution pathways are protected.

The CEMP should identify the following:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain, full details of how any watercourses will be crossed or confirmation that this is not applicable.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use, details of the nature, type and quantity of materials to be imported on to the site
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan, any sources of pollution (including silt), potential pathways for that pollution to enter any watercourses within the vicinity of the site and appropriate pollution control measures to be implemented on site.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

We also advise that measures beyond the production of a CEMP are likely to be required such as verification of appropriate storage of poles and other materials, leak detection, emergency planning and preparation to minimise impacts.

Additional Data Collection - 13.5.10

We strongly recommend an intrusive investigation to collect data for the baseline is carried out to inform ongoing assessment of impacts and determine mitigation requirements.

6.4 Geomorphology & Water Framework Directive (WFD)

The scoping document does not consider the proposed developments impact on the fluvial geomorphology of the area. Rivers and streams are mobile features of the landscape that through natural processes of erosion, deposition and transportation provide essential ecosystem services to wildlife and humans. Such naturally mobile processes should be protected from intrusion by the development. It is recommended that chapter 13 of the report specifically addresses fluvial geomorphology and gives appropriate regard to the associated physical forms and processes of the individual watercourses (e.g. baseline conditions, receptors, likely effects, mitigation, future watercourse evolution, opportunities for enhancement/restoration etc). Without considering the impact of the development on the geomorphology of the watercourses it is likely to impact, the proposals are likely to be non-compliant with the relevant legislation (WFD in particular).

At present it is unknown as to what size buffer will be sufficient to address the geomorphological concerns (e.g. floodplain flow velocities and associated scour and the future lateral movement of the watercourses involved – wider sources of information are likely to be needed e.g. broader historical mapping and BGS scour mapping). Any existing watercourse crossings used and upgraded where needed should be upgraded in the interests of the riverine environment it crosses as well as the project. Typically, clear span structures greater than x1.3 natural channel width are recognised as posing the least environmental impact.

Temporary works impacts on fluvial geomorphology also should be assessed in the ES and avoided if possible. Temporary watercourse crossings should also be clear span wherever possible. The cumulative impact of temporary works and the impact of the development, over the whole life of the scheme, should be considered at reach, waterbody and catchment scales.

We would encourage infrastructure (i.e. poles, pylons and/or underground joints/launch & reception chambers, the cables themselves etc) to be positioned outside of Flood Zone 3 to avoid environmental and long term impacts on the infrastructure itself. Where such measures are not possible, flow velocity, scour and/or sediment modelling may be required and design parameters broadened to demonstrate legislative compliance (e.g. WFD) and structural resilience. Operation, inspection, maintenance and decommissioning of all elements of the infrastructure should be fully addressed to ensure compliance (including the Future Generations Act 2015). At no point during the whole life of the infrastructure should any cable, foundation, pole, chamber, bridge/culvert/crossing or similar such feature associated with the proposals be at risk of river erosion.

Yn gywir / Yours faithfully

Cinzia Sertorio

Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
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.

PEDW

Eich cyfeirnod
Your reference

CAS-02913-L1W3K0

Sent by email.

Ein cyfeirnod
Our referencePEDW.Infrastructure@gov.walesDyddiad
Date

17 April 2024

Llinell uniongyrchol
Direct lineEbost
Email:Cadwplanning@gov.wales

Dear Sir / Madam,

Rhiwlas Green Energy Network (GEN) - EIA Scoping Direction REF: CAS-02913-L1W3K0

Thank you for your letter asking for Cadw's view on the above.

Cadw, as the Welsh Government's historic environment service, has assessed the characteristics of this proposed development and its location within the historic environment. In particular, the likely impact on designated or registered historic assets of national importance listed on Annex A. In assessing if the likely impact of the development is significant Cadw has considered the extent to which the proposals affect those nationally important historic assets that form the historic environment, including scheduled ancient monuments, listed buildings, registered historic parks, gardens and landscapes.

These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

Advice

The scoping request is accompanied by a scoping report produced by SWEKO with chapter 9 outlining the methodologies that will be used to assess the impact on the proposed development on Cultural Heritage and Archaeology.

Cadw have been previously consulted in regard to appropriate methodologies for this assessment and this advice has been incorporated into the scoping report. However there remain some issues that need to be added to the scoping report.

Section 9.1.2: The Historic Environment (Wales) Act 2023 will be enacted before the EIA is produced. This will replace The Ancient Monuments and Archaeological Areas Act 1979; The Historic Environment (Wales) Act 2016 and The Planning (Listed Building and Conservation Areas) Act 1990. The enactment of the Act will also lead to

revisions to Technical Advice Note 24: The Historic Environment 2017 and other guidance notes.

Section 9.5.7a: The list of primary sources that will be used for the assessment does not include LiDAR information. A full assessment of the National Wales 1 metre DTM and DSM Lidar datasets should be carried out prior to any site walkover. Any new sites located on the Lidar must be verified on the ground by the archaeological team and mapped, described, photographed, and interpreted with images and an accompanying gazetteer of sites included in the report. All sites should be categorized for their importance and the significance of impact stated in the EIA.

Section 9.5.10: This section suggests that a desk-based assessment will provide all the necessary information for the value of heritage/archaeological assets and the potential impacts on them to be determined. However, this may well not be the case and there may be a need for archaeological field work to be carried out in order to provide the necessary information. This field work may include geophysical survey and/or evaluation trenching. The need for additional field work will need to be reviewed once the desk-based assessment and walkover reports have been produced. It is strongly recommended that Heneb – The Trust for Welsh Archaeology are included in this review. It should be noted that sufficient time should be allocated in the EIA process for any necessary additional field work to be carried out so that it can be completed and included in the EIA in accordance with Planning Policy Wales and TAN24.

Section 9.5.14 and 9.1.15: Whilst these sections propose mitigatory measures restricting such measures just to these proposals is premature. Other mitigation measures could be instigated and may be more appropriate. Therefore, determining the most effective mitigation measures should wait until the assessment of the impact of the proposed development has been completed.

Yours sincerely

Nichola Smith
Historic Environment Branch

Annex A

REF: CAS-02913-L1W3K0

Within the Scoping Report Corridor:

Scheduled Monuments

MG179 Y Capel Stone Circle
MG267 Domen Glw Cairn
MG278 Nant Cwm Gerwyn Cairns

Listed Buildings:

7584	Ystradfaelog	II*
17781	Milestone W of Maesyderwyn Lane	II
83240	Chapel House & Sunday School	II
83246	Pwllpridd	II

Within a 5km buffer:

Scheduled Monuments

MG001 Caersws Roman Site
MG016 Cefn Carnedd Camp
MG031 Pen y Clun Camp
MG052 Caer Noddfa
MG064 Gwyn Fynydd Camp
MG079 Domen Ddu Round Barrow
MG082 Pen y Castell
MG083 Pen y Castell Mound & Bailey Castle
MG084 Rhyd yr Onen Mound & Bailey Castle
MG085 Pen-y-Gaer Camp
MG086 Polyn y Groes-Ddu Round Barrow, Waun Lluest Owain
MG088 Carn Fach, Esgair Wen
MG123 Wyle Cop Camp
MG125 Pegwn Mawr Round Barrows
MG126 Pegwn Bach Round Barrow
MG127 Crugyn Llwyd
MG146 Cross-Incised Stone (Now in Carno Church)
MG149 Moel Ddolwen Camp
MG159 Bryn-tail Leadworks
MG161 Roman Earthwork NE of Caersws (revealed by aerial photography)
MG179 Y Capel Stone Circle
MG180 Ring Cairn 540m SW of Llyn y Tarw
MG205 Castell Carno
MG218 Root Store at Bon-y-Maen 800m NW of Blaen y Cwm
MG222 Caersws Roman Fort: Section of South Western Defences
MG234 Llandinam Hall Enclosure
MG235 Dolgwden Enclosure
MG242 Caersws Roman Fort and Vicus: section in southern part of vicus
MG243 Caersws Roman Fort and Vicus: section in SE part of vicus
MG244 Caersws Roman Fort: South-west corner defences
MG246 Penyclun Lead Mine
MG253 Waun Lluest Owain Round Hut and Long Hut
MG258 Llyn y Tarw ritual complex
MG259 Llyn y Tarw Cairn
MG261 Pen y Groes Uchaf Cairn
MG267 Domen Glw Cairn
MG272 Gelli Gethin Round Cairn
MG275 Carreg Hir Standing Stone

MG276 Lluest Uchaf Cairns and Stone Row
 MG277 Craig y Llyn Mawr Round Cairn
 MG278 Nant Cwm Gerwyn Cairns
 MG279 Blaen y Cwm Ring Cairn
 MG289 Pen y Groes Isaf Round Cairn
 MG290 Polyn y Groes Ddu Round Cairn II
 MG296 Bryn yr Aran Stone Setting
 MG298 Bryn Hafod Standing Stone
 MG303 Allt Gethin Round Cairn
 MG324 Caersws Roman road
 MG325 Bryn Du hut circle
 MG326 Mynydd Bwlch-y-gors standing stone.
 MG327 Mynydd y Gribin kerb cairn
 MG328 Craig y Llyn Mawr platform cairn and standing stone
 MG331 Bryn y Gadair round cairn
 MG333 Pegwn Mawr, Standing Stone 620m NNE of
 MG338 Round Hut 700m NNE of Garreg Hir
 MG339 Round Hut 400m NE of Garreg Hir
 RD070 Standing Stone & Round Barrow SE of Henriw
 RD119 Cwm y Saeson Standing Stone
 RD208 Carn y Groes cairn

Registered Parks and Gardens:

PGW(Po)25(POW) Plas Dinam

Registered Historic Landscape:

HLW (P) 5 Caersws Basin

HLW (P) 6 Clywedog Valley

Listed Buildings:

7566	Church of St Llonio	II
7568	Llandinam Hall	II
7569	Tyddyn	II
7572	Maesmawr Hall Hotel	II*
7573	Church of St Curig	II*
7574	Glyn Clywedog	II
7579	Church of St Mary	II*
7580	Church of St Gwynog/Cynog	II*
7581	Plasau duon	II*
7582	Gilfach-y-rhiw	II
7583	Plasnewydd	II*
7584	Ystradfaelog	II*
7590	Rhyd y Carw	II*
7591	Talgarth	II*
7592	The Old Ffinnant	II
7593	Glangwden	II
8218	NO.22 BETHEL STREET,,,,,POWYS,	II
8219	NO.23 BETHEL STREET,,,,,POWYS,	II
8220	NO.24 BETHEL STREET,,,,,POWYS,	II
8221	NO.25 BETHEL STREET,,,,,POWYS,	II
8222	Warehouse in the Courtyard to the rear of Nos. 22-25	II
8223	Titley Evans & Co (rear of)	II
8224	Former Railway Station	II
8225	Severn View	II
8226	Perllandy (The Apple Tree)	II
8227	NO.19 CHINA STREET,,,,,POWYS,	II
8228	NO.20 CHINA STREET,,,,,POWYS,	II

8229	NO.22 CHINA STREET,,,,,POWYS,	II
8230	NO.23 CHINA STREET,,,,,POWYS,	II
8231	Fish & Chip Shop	II
8232	Calvinistic Methodist Chapel	II
8233	Chapel Hall	II
8234	Chapel House	II
8235	St. Idloes Parish Church	II
8236	Boundary Walls and Gates to St. Idloes Parish Churchyard	II
8237	Former English Wesleyan chapel	II
8238	NO.1 FOUNDRY TERRACE,,,,,POWYS,	II
8239	NO.2 FOUNDRY TERRACE,,,,,POWYS,	II
8240	NO.3 FOUNDRY TERRACE,,,,,POWYS,	II
8241	NO.4 FOUNDRY TERRACE,,,,,POWYS,	II
8242	NO.5 FOUNDRY TERRACE,,,,,POWYS,	II
8243	NO.6 FOUNDRY TERRACE,,,,,POWYS,	II
8244	NO.7 FOUNDRY TERRACE,,,,,POWYS,	II
8245	NO.8 FOUNDRY TERRACE,,,,,POWYS,	II
8246	NO.9 FOUNDRY TERRACE,,,,,POWYS,	II
8247	NO.10 FOUNDRY TERRACE,,,,,POWYS,	II
8248	NO.11 FOUNDRY TERRACE,,,,,POWYS,	II
8249	NO.12 FOUNDRY TERRACE,,,,,POWYS,	II
8250	NO.13 FOUNDRY TERRACE,,,,,POWYS,	II
8251	NO.14 FOUNDRY TERRACE,,,,,POWYS,	II
8252	NO.15 FOUNDRY TERRACE,,,,,POWYS,	II
8253	,16 Foundry Terrace,,,POWYS	II
8254	NO.17 FOUNDRY TERRACE,,,,,POWYS,	II
8255	Foundry House	II
8256	Gorn View	II
	Former Railway Foundry original building and NE cross	
8257	range only (now Hafren Furnishers warehouse)	II
8258	Town Hall	II
8259	Lampstandard outside the Town Hall	II
8260	Lampstandard Outside the Town Hall	II
8261	Maesbury House	II
8262	NO.8 GREAT OAK STREET,,,,,POWYS,	II
8263	Oxfam	II
8264	Oxfam	II
8265	Oxfam	II
8266	The Great Oak	II
8267	Not Just Books	II
8268	The Stag P.H.	II
8269	The Stag P.H.	II
8270	Natural Foods	II
8271	NO.18 GREAT OAK STREET,,,,,POWYS,	II
8272	NO.19 GREAT OAK STREET,,,,,POWYS,	II
8273	NO.20 GREAT OAK STREET,,,,,POWYS,	II
8274	NO.21 GREAT OAK STREET,,,,,POWYS,	II
8275	NO.45 HIGH STREET (GREAT OAK STREET),,,,,POWYS,	II
8276	NO.46 HIGH STREET (GREAT OAK STREET),,,,,POWYS,	II
8277	NO.22 GREAT OAK STREET,,,,,POWYS,	II
8278	NO.23 GREAT OAK STREET,,,,,POWYS,	II
8279	J.K.Morgan	II
8280	NO.25 GREAT OAK STREET,,,,,POWYS,	II
8281	NO.26 GREAT OAK STREET,,,,,POWYS,	II
8282	NO.27 GREAT OAK STREET,,,,,POWYS,	II
8283	Dresden House	II
8284	Siop Yr Oen	II

8285	Laura Ashley	II
8286	Trewythen Arms Hotel	II
8287	Aubra's	II
8288	Morris, Marshall and Poole	II
8289	E.Owen & Sons	II
8290	The Bakehouse	II
8291	National Westminster Bank	II
8292	Oakview including Bethany Books	II
8293	Angel Inn PH	II
8294	Llinos Hair Salon	II
8295	Alliance & Leicester	II
8296	Shoepermarket	II
8297	NO.6 HIGH STREET,,,,,POWYS,	II
8298	NO.7 HIGH STREET,,,,,POWYS,	II
8299	NO.8 HIGH STREET,,,,,POWYS,	II
8300	NO.9 HIGH STREET,,,,,POWYS,,8300	II
8301	NO.10 HIGH STREET,,,,,POWYS,,8301	II
8302	NO.11 HIGH STREET,,,,,POWYS,,8302	II
8303	NO.12 HIGH STREET,,,,,POWYS,	II
8304	NO.13 HIGH STREET,,,,,POWYS,	II
8305	Magistrate's Court	II
8306	NO.40 HIGH STREET,,,,,POWYS,,8306	II
8307	NO.41 HIGH STREET,,,,,POWYS,	II
8308	NO.42 HIGH STREET,,,,,POWYS,	II
8309	NO.43 HIGH STREET,,,,,POWYS,	II
8310	NO.44 HIGH STREET,,,,,POWYS,,8310	II
8311	Former weaving factory to the rear of 40-44 High Street	II
8312	Telephone Call-box at corner of Great Oak Street	II
8313	The Green	II
8314	Maenol	II
	Former Coach-House and Stables at Maenol (Maenol	
8315	Cottage)	II
8316	Summerhouse Folly in the grounds of Maenol	II
8317	Old Market Hall	I
8318	Ceri Hill	II
8319	NO.3 LONG BRIDGE STREET,,,,,POWYS,	II
8320	Unicorn Hotel P.H.	II
8321	Unicorn Hotel P.H.	II
8322	Midland Bank	II
8323	Red Lion Hotel P.H.	II
8324	The Traveller's Rest	II
8325	Turner's Hair Fashions	II
8326	NO.22 LONG BRIDGE STREET,,,,,POWYS,	II
8327	Long Bridge	II
8328	Crown & Anchor P.H.	II
8329	Talerddig Bakery including Tourist Information Centre	II
8330	NO.44 LONG BRIDGE STREET,,,,,POWYS,	II
8331	Clywedog House	II
8332	Elephant Hotel	II
8333	Plynlimon House	II
8334	House to rear of Perllandy	II
8335	Claremont	II
8336	NO.5 NEW STREET,,,,,POWYS,	II
8337	NO.6 NEW STREET,,,,,POWYS,	II
8338	NO.7 NEW STREET,,,,,POWYS,	II
8339	Smithfield House	II
8340	Highgate Terrace	II

8341	Highgate Terrace	II
8342	Highgate Terrace	II
8343	Highgate Terrace	II
8344	Highgate Terrace	II
8345	Upper White House	II
8346	Brynhafren	II
8347	Brynhafren	II
8348	Huntsman's Cottage	II
8349	Minffordd	II
8350	The Friary	II
8351	Dolenog	II
8352	Former Stables and Coach-house at Dolenog	II
8353	Mount Severn	II
8354	W.Henry Price	II
8355	NO.2 SHORT BRIDGE STREET,,,,,POWYS,	II
8356	Wendy's Nursery	II
8357	Royal Head P.H.	II
8358	Royal Head P.H.	II
8359	Royal Head P.H.	II
8360	NO.7 SHORT BRIDGE STREET,,,,,POWYS,	II
8361	NO.8 SHORT BRIDGE STREET,,,,,POWYS,	II
8362	NO.9 SHORT BRIDGE STREET,,,,,POWYS,	II
8363	Former Cottage to rear of 7-9	II
8364	Llanidloes Baptist Chapel	II
8365	Chapel Hall	II
8366	Chapel House	II
8367	Former Flannel Mill	II
8368	Short Bridge	II
8369	Castle House	II
8370	Courtyard Wall and Outbuildings to:-	II
8371	Sion United Reformed Church	II*
8372	NO.29 SHORT BRIDGE STREET,,,,,POWYS,	II
8373	Laurels	II
8374	The Hollies	II
8375	Llanidloes Rugby Club	II
8376	House attached to Llanidloes Rugby Club	II
8377	NO.3 SMITHFIELD STREET,,,,,POWYS,	II
8378	NO.4 SMITHFIELD STREET,,,,,POWYS,	II
8379	NO.5 SMITHFIELD STREET,,,,,POWYS,	II
8380	NO.6 SMITHFIELD STREET,,,,,POWYS,	II
8381	NO.7 SMITHFIELD STREET,,,,,POWYS,	II
8382	Frankwell House	II
8383	Frankwell Cottage	II
8384	Glanclwywedog House	II
8385	Brynderwen	II
8386	Westbourne	II
8387	Dol-Llys Lodge	II
8388	Dol-Llys Hall	II*
8389	Cynon Cottage	II
8390	Cynon Cottage	II
8391	Felindre Bridge	II
8646	Ty Mawr	II*
8656	Pencopi	II
	Gwernfyda (also known as Gwern-y-Fedw) including	
8679	attached barns	II*
8697	Caersws Railway Station, with Stationmaster's House	II
8698	Signal Box at Caersws Railway Station	II

8712	Penybont & Glanyrafon, including forecourt wall	II
8713	Former Coach-house at Penybont	II
8714	Memorial Fountain	II
15653	Llandinam Bridge	II*
15654	Statue and pedestal, to David Davies of Llandinam	II*
16184	Llys Maldwyn Hospital	II
17546	Caersws bridge	II
17547	Pen-y-borfa fawr	II
17548	Milestone S of Weig Lane	II
17549	Engine Shed to the Van Line	II
17550	Dol-aethnen	II
17551	Wig Bridge	II
17552	Milestone W of village	II
17554	Gwyneira with attached farm buildings	II
17555	Telephone Call-box (01686 688564)	II
17556	Perth-eiryn	II
17557	Pont-dol-goch Station and Stationmaster's House	II
	Capel Saron MC with Caretaker's House, and enclosing	
17558	railings	II
17572	Capel Peniel	II
17573	Plas Llysyn	II
17574	Ty Brith	II
17575	Milestone	II
17576	Tegfan	II
17577	Ynyth	II
17578	Milestone	II
17579	Milestone	II
17580	Sarn Farmhouse	II
17581	Milestone	II
17582	Wgi Fawr	II
17761	Tyddyn Cottage	II
	Llandinam Presbyterian Church with front enclosing railed	
17762	wall	II
17763	1 Trelonydd	II
17764	2 Trelonydd	II
17765	3 Trelonydd	II
17766	4 Trelonydd	II
17767	5 Trelonydd	II
17768	6 Trelonydd	II
17769	Trelonydd War Memorial	II
17770	Milestone opposite Lodge to Plâs Dinam	II
17771	Plâs Dinam	II*
17772	Lodge to Plâs Dinam	II
	Gate piers, gates and retaining walls to entrance to Plâs	
17773	Dinam	II
17774	Malthouse Cottage	II
17775	Broneirion	II
17776	Retaining walls, gates and piers to Broneirion	II
17777	Broneirion Lodge	II
17778	Llandinam Institute	II
17779	Neuaddllwyd	II
17780	Craigiryn	II
17781	Milestone W of Maesyderwyn Lane	II
17782	Middle Esgair Cottage	II
17783	Berth-ddu barn	II
17784	Garth-fach	II
17785	Little House, also known as Gwerneirin Cottage	II

17786	Upper Talbot Cottage	II
17787	Farm building at Bryn coch cottage	II
17788	Glyn feinion	II
17789	Gilfach cottages	II
17790	Rhiew	II
17943	Belan Hall	II
18188	Ty'n y Cwm	II
18191	Capel Carmel	II
18194	Capel Adfa with forecourt railings	II
18195	Memorial to Lewis Evan	II
23030	Sychnant Presbyterian Church and vestry	II
23528	Zion Baptist Chapel and attached chapel house	II
80783	Dol-Hywel	II
82062	5 Castle Street	II
83239	Bryntail Cottage	II
83240	Chapel House & Sunday School	II
83241	Chimney Stack NW of Cwm dylluan	II
83242	Chimney Stack W of Brynlludw	II
83243	Crowlum	II
83244	Cwm dylluan	II
83245	Farm Ranges at Cwm dylluan	II
83246	Pwllpridd	II
83247	Stable and Cart-shed at Glyn Clywedog	II
83248	The Garth Farmhouse	II
83249	Ty Llwyd	II
83250	Village Institute, Van	II
83251	Chimney Stack SW of Brynlludw	II
83252	Barn at Rhyd y Carw	II
83253	Former cow-house at Rhyd y Carw	II
83372	Cilrhye, including attached farm ranges	II
83373	Cwmyrychen	II
83374	Farm building at Sychnant Fach	II
83377	Lower Fedw	II
83382	Sychnant Fach	II
83691	Barn at Birchen House	II
83692	Barn at Ffinnant	II
83694	Belle Vue	II
83695	Berth las	II
83696	Church of St Michael	II
83697	Commins Cottage	II
83700	Farm Building at Pen y Ddol	II
83701	Glandwr	II
83702	Gwaelod	II
83703	Min y nant	II
83704	Nant y Glyn	II
83706	Potato store at Belle Vue	II
83707	Y Gribyn	II*
84281	No.1	II
84282	No.2	II
84283	No.3	II
84284	Blaenbythigion	II
84285	Farm range at Glanrhyd	II
84286	Bryn dulas	II
84287	Bwlch y garreg	II
84288	Cincoed with attached farm buildings	II
84289	Clochfaen	II
84290	Clochfaen Cottage	II

84291	Cwmbelan Mill	II
84292	Felindre Bridge (partly in Llanidloes community)	II
84293	Glanrhyd	II
84294	Glanyrafon	II
84295	Hendre	II
84296	Lychgate at Church of St Curig	II
84297	Memorial to Chevalier Lloyd	II
84298	Milestone	II
84299	Multi-purpose Farm Building at Bryn dulas	II
84300	Oleu Ffynnon	II
84301	The Blue Bell Inn	II
84302	The Vulcan	II
	Ty Coch house, sawmill, carpenters' workshop, waterwheel	
87804	and attached machinery	II*
87838	The Oxford, 2, 3, 4 & 4A China Street	II



Ref: CAS-02913-L1W3K0

Tanya Leck Planning Officer
Planning and Environment Decisions Wales
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Via Email: PEDW.Infrastructure@gov.wales

25th April 2024.

Re: The Developments of National Significance (Wales) Regulations 2016 - Response to Scoping Request–DNS Application CAS-02913-L1W3K0: Rhiwlas Green Energy Network (GEN), Banc Du Energy Park (located approximately 500 m NW of Llangurig) to Rhiwlas Energy Park.

In reference to your email 22nd March consulting on the Scoping Direction on the above proposed DNS application, the Department offers the following response for your consideration in respect of agricultural land quality, soils and peatlands. This response is made in accordance with Technical Advice Note (TAN) 6¹; Annex B6 and relates to technical advice only; not the merits or otherwise of the proposal.

For the Department, the key issues likely to be significantly affected by the development are:

- Best and Most Versatile (BMV) agricultural land
- Maintaining soil services and functions
- The protection of peat resource

1. Agricultural Land Classification (ALC)

It is welcome that the ALC Predictive Map Version 2 has been used and considered in the assessment of proposed route and corridors for the project. The Department wishes to confirm and clarify that ALC Predictive Map Version 2 (2019) should be used together with the published Guidance Note²; Version 2.1 being the latest.

¹ [Technical advice note \(TAN\) 6: planning for sustainable rural communities | GOV.WALES](#)

² [Agricultural land classification: predictive map guidance | GOV.WALES](#)

The Department has published validated ALC field surveys³. There may be surveys undertaken that would be applicable to the proposed development. Copies of survey reports, where held, are available on request from LQAS@gov.wales.

It is appreciated that as the iterative design process continues, the Scoping Corridor will be refined and any potential interaction with Best and Most Versatile (BMV) agricultural land will be identified.

As noted in Section 11.5.3 and 11.5.4 (as per published departmental guidance), in areas of predicted BMV, ALC surveys will be undertaken to confirm the grades present and their distribution. This is welcome and the department is available to provide advice on survey requirements and to validate ALC survey reports on request. This service allows the Determining Authority to have confidence in the information being presented. Should any party refuse or neglect to commission a survey, or the survey is not accepted by the Department, the Predictive ALC Map Grade should be accepted as the best available information.

The Department has also engaged early and at regular intervals for similar developments and would be pleased to do the same in this case.

2. Best and Most Versatile (BMV) agricultural land policy.

It is noted in Section 11.2.10 and 11.2.11 that BMV land (Grade 2 and Subgrade 3a) is predicted in the vicinity of Trefeglwys, Caersws and Llanwnnog; and south-west of Llanidloes to the north of Llandinam. It is also noted according to the predictive ALC map, approximately 8% of land within the Scoping Report Corridor is likely to be BMV.

Should the refined proposals impact BMV agricultural land, the Department expects the applicant to provide clear evidence of how PPW paragraph 3.58 and 3.59 has been addressed in selecting the preferred route, in design and in construction / remediation:

- i. how '*considerable weight*' is given to protecting BMV land from development.
- ii. demonstrating an '*overriding need*' if BMV land needs to be developed, and
- iii. clear application of the sequential test approach.

The Department would welcome detailed information on the location, area and ALC grade of land that would be subject to development, both on a temporary and permanent basis.

3. Soil Resource Management Plan (SRMP)

As detailed in Section 11.4.2, it is welcome that a Soil Resource Management Plan will be developed by the applicant and based on survey evidence. Mineral, organo-mineral and peat soils are finite and provide crucial ecosystem services to Wales. These services include food, fibre, water and important contributions to climate regulation, biodiversity and protection from natural disasters.

³ [Post 1988 Agricultural Land Classification \(Wales\) Surveys | DataMapWales \(gov.wales\)](https://gov.wales/post-1988-agricultural-land-classification-wales-surveys)

The SRMP should be a clear scheme and programme setting out how all soils and their function will be conserved and reinstated and that can be confidently conditioned against. The SRMP should be presented in sufficient detail for the determining authority and statutory consultees to form a judgement as to its feasibility, and should include: -

- Soil stripping programme - volumes and types of soils affected;
- Soil handling techniques and procedure;
- Size, location, construction, management and period of soil storage dumps;
- Proposed restoration/reinstatement programme, including techniques, weather conditions / contingency, and aftercare programme.

The scheme should address PPW paragraph 6.4.3 (bullet 4) by demonstrating:

- i. the proposals will not compromise the resilience of ecological networks by not giving proper consideration to the soil components which underpin them.
- ii. to demonstrate the proposal protects and enhance biodiversity, protects and enhance water resources, protect soils, enables flood mitigation, and the creation of carbon sinks.

The Department agrees with the relevant guidance regarding soils noted at Section 11.4.2, including the Institute of Quarrying (IoQ) 'Good Practice Guide for Handling Soils in Mineral Workings'⁴ as some of the soils handling principals may be applicable to the proposed development.

4. Peatland definition

Peat soils are extremely fragile. Peatland habitats cover 3-4% of Wales yet store in the region of 20-25% of all Welsh soil carbon. Development and loss of peatland is contrary the recent update to Chapter 6 of PPW⁵, in respect of the 'Step-wise approach' (irreplaceable habitats including the natural resources which underpin them) and the new peatland paragraph at 6.4.20. The priority now given to peatlands reflects their significance in respect of safeguarding ecosystem resilience and ecological networks and in addressing the Nature and Climate Change Emergencies in Wales.

It appears there is no definition of 'peat' in the Scoping Direction Request. The Department considers the definition of peatland to be used for assessment is as published in the National Peatland Action Programme (NPAP) as noted below. This should also include any transitioning shallow peaty soils integral to the hydrological functioning of peat bodies (on site or adjoining): -

"Peat soils are defined by the Soil Survey of England & Wales as:

- more than 40 cm of (O horizon) material within the upper 80cm, excluding fresh litter (L) and living moss; or

⁴ [Soils Guidance \(quarrying.org\)](https://www.quarrying.org/soils-guidance)

⁵ [Planning policy Wales | GOV.WALES](https://gov.wales/planning-policy-wales)

- more than 30 cm of organic (O horizon) material resting directly on the bedrock (R or Cr) or extremely stony material; and,

- no overlying non-humose material mineral horizon that has a colour value of 4 or more and extends below 30cm depth.”

It is understood not all the peatland within a corridor would be developed or potentially impacted (hydrological function). The extent, depth, condition, and distribution of the peatland resource impacted by the development, whether temporary or permanent, is expected to be clearly identified and evidenced. A robust baseline is required to inform options for infrastructure siting and working area, to ensure that peatland and impacts to hydrological functions can be avoided.

5. Peatland baseline information

It is welcome the initial scoping corridor assessment process has included assessment of the Peatlands of Wales Map⁶ with deposits mapped in the Central, Eastern and Western Corridor's of the proposed site. The Department advises the applicant to assess the initial scoping corridor against the 'evidence score' layer⁷, as this may assist in identifying potential peatland areas for more detailed survey and does appear to suggest more extensive areas of peat are present within the site boundary.

The PMP should enable consultees to fully assess the extent, depth and distribution of the peatland resource and habitats it supports (within the red-line boundary) as part of the ES. As defined above, this should include any shallow peat soils supporting the hydrological functioning of peat habitats (on site or adjoining).

This information will allow the assessment of potential impacts and should inform decisions on all proposed infrastructure locations whether temporary or permanent. As per the stepwise approach (PPW, paragraph 6.4.21), the first priority must be to **avoid** impacts to peatland bodies, their functioning and irreplaceable habitats.

Should proposals include peat excavation and or hydrological impacts, information should be provided to clearly identify handling, storage and reuse arrangements as detailed in Section 3. This will allow consultees to assess whether the proposals are practicable. All proposals should be based on survey evidence.

The Department does not agree the potential impacts on peat soils during operation (Table 11.3 Potential soils and agricultural impacts – Operation) should be scoped out of the EIA assessment process.

6. Policy Context and Guidance

The Department consider the policies and guidance below are applicable to this development:

- Planning Policy Wales⁸ (PPW) 12 – 2024
- Policy 9 of Future Wales – The National Plan 2040⁹ highlights soil carbon, biodiversity hotspots/networks, natural flood management and upland habitats as '*national natural*

⁶ [Peatlands of Wales Maps | DataMapWales \(gov.wales\)](#)

⁷ [Peatlands of Wales Evidence | DataMapWales \(gov.wales\)](#)

⁸ [Planning policy Wales | GOV.WALES](#)

⁹ [Future Wales: The National Plan 2040 | GOV.WALES](#)

resources'. These natural resources exist as a direct result of the presence of peat soils.

- Policy 9 also identifies BMV agricultural land as a '*national natural resource*'.
- Policy 17 of future Wales – states '*all proposals should demonstrate that they will not have an unacceptable adverse impact on the environment*'.
- Policy 18(11) of future Wales – sets out the need for acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration.
- Chapter 6 and Annex B of Technical Advice Note (TAN) 6¹⁰ - 2010.

The Department would welcome early discussion.

The expression of view and advice expressed does not preclude any other part of the Department or Welsh Government from commenting on the proposal.

Yours sincerely

Helen Porter

Peatland & Agricultural Land Use Planning
Welsh Government
Department for Climate Change
Landscapes, Nature & Forestry Division
LQAS@gov.wales

¹⁰ [Technical advice note \(TAN\) 6: planning for sustainable rural communities | GOV.WALES](#)



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

PEDW.infrastructure@gov.wales

Eich cyf / Your ref CAS-02913-L1W3K0

Ein cyf / Our ref 24/NM-6406

24 April 2024

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES)
ORDER 2012:**

Banc Du Energy Park (located approximately 500 m NW of Llangurig) to Rhiwlas Energy Park

Development of an underground cable between the Banc Du and Rhiwlas Energy Parks (approximately 3 km). Development of a single circuit OHL (supported on wooden poles) from the proposed Rhiwlas Energy Park to the collector substation at Bryngwyn (approximately 35 km).

I refer to your consultation of 22nd March 2024 regarding the above application, and advise that the Welsh Government as highway authority for the A470 and A44 trunk road will require the following information to support this application:

- 1) The applicant is required to submit Method Statements for the cable crossings of the trunk roads that shall be to the satisfaction of the Welsh Government prior to the commencement of any works on site.
- 2) Applicant to provide full details of any proposed improvements to existing access arrangement to facilitate deliveries.
- 3) The applicant is required to submit a Construction Traffic Management Plan (CTMP) that shall be to the satisfaction of the Welsh Government prior to the commencement of any works on site.



General Notes

- 1) The applicant will be required to enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to enable the applicant to undertake agreed improvement works on the trunk road. This agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third-party claims. Without such an agreement in place, any consent that may be granted cannot be implemented.

For further information on this matter please refer to Welsh Government Procedure and Advice Guidance PAG 109/18: sections 38, 184, and 278 Agreements under the Highways Act 1980.

- 2) Applicant to note that the Trunk Road network in this area also includes the A44.

If you have any further queries, please forward to the following Welsh Government Mailbox
NorthandMidWalesDevelopmentControlMailbox@gov.wales,

Yours faithfully

Helen Lewis



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE

Sarn Mynach
Cyffordd Llandudno
LL31 9RZ

Sarn Mynach
Llandudno Junction
LL31 9RZ

Ebost/Email: NorthandMidWalesDevelopmentControlMailbox@gov.wales

From: [REDACTED]
Sent: 09 April 2024 10:41
To: PEDW – Seilwaith / Infrastructure
Subject: CAS-02913-L1W3K0 - Banc Du Energy Park (located approximately 500 m NW of Llangurig) to Rhiwlas Energy Park

OFFICIAL



Network Rail
1st Floor
Bristol Temple Point
Bristol
BS1 6NL

My Ref: P/TP24/47
Your Ref: CAS-02913-L1W3K0

Date: 9 April 2024

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

APPLICATION NO: CAS-02913-L1W3K0

PROPOSAL: Development of an underground cable between the Banc Du and Rhiwlas Energy Parks (approximately 3 km). Development of a single circuit OHL (supported on wooden poles) from the proposed Rhiwlas Energy Park to the collector substation at Bryngwyn (approximately 35 km).

LOCATION: Banc Du Energy Park (located approximately 500 m NW of Llangurig) to Rhiwlas Energy Park

Dear Sir/Madam,

Thank you for your email dated **23 March 2024** together with the opportunity to comment on this proposal.

Network Rail is a statutory undertaker responsible for maintaining and operating the railway infrastructure and associated estate. It owns, operates, maintains and develops the main rail network. Network Rail aims to protect and enhance the railway infrastructure therefore any proposed development which is in close proximity to the railway line or could potentially affect Network Rail's specific land interests, will need to be carefully considered.

Impact on Network Rail Infrastructure

Network Rail has been reviewing the information to date and at this stage it is not sufficiently detailed to fully assess potential impacts of the scheme on the railway and further information will be required to properly respond on the likely impacts of the proposed scheme.

The section of the railway that may be impacted by the proposal is between SBA2 56m 37cns and SBA2 48m 00cns.

Paragraph 4.2.2. identifies that the study area has taken into account rail crossings which present technical issues.

Traffic and Transport

During and post construction phase it is not clear whether transport or pedestrian routes will include those that cross a level crossing. Network Rail's position is that there shouldn't be any increase or change in usage to Level Crossings may require appropriate mitigation. The submitted transport assessment should include an assessment of any level crossing used during the construction of the proposed development and future access routes to the site. Any level crossings that are impacted by the works and post development will need assessing in a submitted transport assessment and suggestions made for appropriate mitigation methods.

Cabling

Network Rail will require further details relating to this depth of the cabling prior to any installation. The construction of the underground cables in this area may have an impact on the operational railway, which Network Rail will need to consider in full. The laying of any underground cabling would require an easement or wayleaves licence and approval from Network Rail for the laying of cables under Network Rail land.

Drainage

The following drainage standards should be considered for any works adjacent to the railway. Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage does not show up on Buried service checks.

Yours Sincerely,

Grace Lewis

Town Planning Technician Wales and Western
Network Rail
Temple Point, Redcliffe Way, Bristol, BS1 6NL

E [REDACTED]
www.networkrail.co.uk/property

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Leck, Tanya (COOG - Planning & Environment Decisions Wales)

From: AP Planning HD <APPlanning@hdcymru.co.uk>
Sent: 24 April 2024 15:11
To: PEDW – Seilwaith / Infrastructure
Subject: FW: EIA Scoping Direction Consultation for DNS CAS-02913-L1W3K0 - Rhiwlas Green Energy Network (GEN) HD Ref P-240325-43266
Attachments: 2024-03-22 - Rhiwlas Green Energy Network - DNS Scoping Consultation letter.pdf

ST Classification: UNMARKED

Good Afternoon

With reference to the above planning application the Company's observations regarding sewerage are as follows.

The above site is out of Hafren Dyfrdwy's waste water area, and therefore we have no comment to make.

Should you require any further information please contact us on email below.

IMPORTANT NOTE: This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water/Hafren Dyfrdwy, such as the provision of water supply or the protection of drinking water quality.

Kind regards,
Asset Protection Team

Asset Protection
Asset Strategy and Planning
Chief Engineer
Hafren Dyfrdwy

Email: APPlanning@hdcymru.co.uk

From: PEDW.Infrastructure@gov.wales <PEDW.Infrastructure@gov.wales>
Sent: Friday, March 22, 2024 3:10 PM
Subject: EIA Scoping Direction Consultation for DNS CAS-02913-L1W3K0 - Rhiwlas Green Energy Network (GEN)

You don't often get email from pedw.infrastructure@gov.wales. [Learn why this is important](#)

Caution: This is an external email originating outside Severn Trent. Think before you click on links or open attachments.

Dear Consultees,

Please find attached a consultation letter relating to a Scoping Direction for the above proposed DNS. The applicant should have submitted a copy of the request to the relevant Local Planning Authority, Powys County Council.

All documents are available via the casework portal (link provided in the letter).

Powys County Council
The Gwalia
Ithon Road
Llandrindod Wells
LD1 6AA

Date: 20/05/2024
Our Ref: PLA0079937
Your Ref: DNS CAS-02913-L1W3K0

Dear Sir/Madam

Grid Ref: SN894808 291100 281098

Site: Banc Du Energy Park to Rhiwlas Energy Park Powys,

Development: Development of an underground cable between the Banc Du and Rhiwlas Energy Parks, see consultation for full details

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We have examined the Scoping request report prepared in respect of the above development, and on the basis that the Environmental Statement has regard to the impact of the proposed development on the foul, surface water, and combined sewer network, together with the potable water supply network, we have no comments to offer.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Please quote our reference number in all communications and correspondence.

Yours faithfully,

Phillip Little
Development Planning Officer
Developer Services

Leck, Tanya (COOG - Planning & Environment Decisions Wales)

From: Allison Chippendale [REDACTED]
Sent: 10 April 2024 15:12
To: PEDW – Seilwaith / Infrastructure
Subject: RHIWLAS GREEN ENERGY (GEN) BANC DU ENERGY PARK - 2ND EIA SCOPING
OPINION

Dear Ms Leck

Further to your letter of 22 March 2024 HSEs advice is now as follows :

1. With reference to **Figure 1.1 Site Location Plan** found in **[Green GEN Rhiwlas Connection, Request for a Scoping Direction under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, March 2024]** on which is shown a redlined site boundary (**Scoping Corridor**), there are areas of the proposed development which fall within HSE public safety consultation zones associated with Major Accident Hazard Pipeline(s) operated by Wales & West Utilities:
 - a. Moat Lane - Llanwrin [HSE ref: 1023001, Transco ref: 2031] - Wales and West Utilities
 - b. Caersws / Llanidloes (VN083) [HSE ref: 7611, Transco ref: 1863] - Wales and West Utilities
2. The redlined area does not currently fall within the consultation distances of any Major Accident Hazard Installation(s).
3. HSE will not advise against the proposed development, providing the proposed development does not introduce populations, either permanent or temporary, into any of HSE's public safety consultation zones which are assigned to individual Major Accident Hazard Pipeline(s).
4. Please note if at any time a new Major Accident Hazard Pipeline is introduced or existing Pipeline modified prior to the determination of a future application, the HSE reserves the right to revise its advice.
5. Likewise, if prior to the determination of a future application, a Hazardous Substances Consent is granted for a new Major Hazard Installation or a Hazardous Substances Consent is varied for an existing Major Hazard Installation in the vicinity of the proposed development, again the HSE reserves the right to revise its advice.

Would Hazardous Substances Consent be needed?

6. The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) may require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) (Wales) Regulations 2015.
7. Hazardous Substances Consent would be required if the proposed development site is intending to store or use any of the Named Hazardous Substances or Categories of Substances and Preparations at or above the controlled quantities set out in schedule 1 of these Regulations.
8. Further information on HSC should be sought from the relevant Hazardous Substances Authority.

Explosives sites (CEMHD 7 Contribution)

No comment to make as there are no HSE licenced explosives sites in the vicinity of the proposed development.

Kind Regards

Allison



NSIP CONSULTATIONS

| HSE CEMHD 4

Working Pattern - Weds - Fri

Health & Safety Executive, Chemicals, Explosives and Microbiological Hazards Division
1.2 Redgrave Court, Merton Road, Bootle. L20 7HS

: Mobile : [REDACTED]

: NSIP.applications@hse.gov.uk



Gwasanaeth Tân ac Achub
Canolbarth a Gorllewin Cymru

Mid and West Wales
Fire and Rescue Service

Prif Swyddog Tân | Chief Fire Officer

Roger Thomas BA(Hons), MSc

tancgc.gov.uk
mawwfire.gov.uk

PEDW
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

*Gofynner am/
Please ask for:*

*Rhif Est/Extn.
No.*

E-bost/E-mail:

*Fy Nghyf/My
Ref:*

Dyddiad/Date:

Watch Manager A. J. Hall

6611

bregs@mawwfire.gov.uk

AJH/KDT/00350972

25 March 2024

Dear Sir / Madam,

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(WALES) ORDER 2012**

THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (PROCEDURE) (WALES) ORDER 2016

**DEVELOPMENT PROCEDURE (CONSULTEES) (WALES) (MISCELLANEOUS AMANDMENTS)
ORDER 2021 – FIRE AND RESCUE AUTHORITIES**

**RE: Rhiwlas Green Energy Network (GEN), Banc Du Energy Park (Located approx. 500m NW
of Llangurig) to Rhiwlas Energy Park**

APPLICATION NUMBER: CAS-02913-L1W3K0

I acknowledge receipt of the notification to the Mid and West Wales Fire and Rescue Authority in relation to the above application.

The site plan/s of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the planning committee/applicant. It is important that these matters are dealt with early on in any proposed development:

- The Fire Authority has no comment to make on access for fire appliances or water supplies.
- The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site and general guidance on this matter is given in the attached Appendix and the following links: <https://www.water.org.uk/guidance/national-guidance-document-on-the-provision-of-water-for-firefighting-3rd-edition-jan-2007/>

<https://www.ukfrs.com/index.php/promos/16847>

Y Pencadlys, Heol Llwyn Pisgwydd, Caerfyrddin, Sir Gâr, SA31 1SP
Headquarters, Lime Grove Avenue, Carmarthen, Carmarthenshire, SA31 1SP

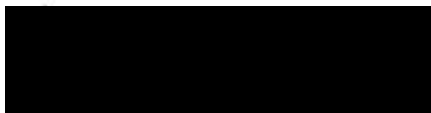
post@tancgc.gov.uk
mail@mawwfire.gov.uk

0370 60 60 699

Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the current version of Approved Document B (Wales).

The plan/s has been retained for record purposes.

Yours faithfully



Watch Manager A Hall
Authorised Fire Safety Regulator
On behalf of the Mid and West Wales Fire and Rescue Authority

Enc

MID AND WEST WALES FIRE AND RESCUE SERVICE

Advice on Water Supplies

1. WATER SUPPLIES FOR FIREFIGHTING

The existing output of the statutory water supply network may need to be upgraded in certain parts of the local plan area to care for firefighting needs of new developments. It is recommended that this provision be a condition of planning consent.

Reference to the National Guidance Document on the Provision of Water for Fire Fighting 2007.

Access to Open Water Supplies

Where development of water-front sites takes place, the need for permanent and unobstructed access for firefighting appliances to the water should be made a condition of any planning consent.

Consultation must take place with the Fire and Rescue Authority during the earliest planning stages of any development to ensure access for fire pumping appliances is satisfactory.

1.1. HOUSING

Minimum main size 100 millimetres. Housing developments of units of detached or semi-detached houses of not more than two floors should have a water supply capable of delivering a minimum of eight litres per second through any hydrant on the development.

The Fire and Rescue Authority should be consulted at the outline planning stage of any proposed projects to ascertain the exact requirements.

1.2. TRANSPORTATION

Lorry/Coach Parks - Multi-Storey Car Parks-Service Stations

Minimum main size 100 millimetres. All of these amenities should have a water supply capable of delivering a minimum of 25 litres per second through any hydrant on the development or within a vehicular distance of 90 metres from the complex.

1.3. INDUSTRY

In order that an adequate supply of water is available for use by the Fire and Rescue Authority in case of fire, it is recommended that the water supply infrastructure to any commercial industrial estate is as follows:

Light Industrial/Commercial

Up to one hectare, 20 litres per second - Minimum Main Size 100 millimetres

Up to two hectares, 35 litres per second - Minimum Main Size 150 millimetres

High Risk Industrial

Up to three hectares 50 litres per second - Minimum Main Size 150 millimetres

Over three hectares, 75 litres per second - Minimum Main Size 150 millimetres

In rural areas it may not be possible to provide sufficient mains water. To overcome this, static or river supplies would be considered on site if they are capable of supplying the above flow rates for at least one hour.

The Fire and Rescue Authority should be consulted at the outline planning stage of any proposed projects to ascertain the exact requirements, as high-risk premises may require a greater flow.

1.4. SHOPPING, OFFICES, RECREATION AND TOURISM

Commercial developments of this type should have a water supply capable of delivering a minimum of 20 to 75 litres per second to the development site. The Fire and Rescue Authority should be consulted at the outline planning stage of any proposed projects to ascertain the exact requirements.

1.5. EDUCATION, HEALTH AND COMMUNITY FACILITIES

Village Halls

Should have a water supply capable of delivering a minimum of 15 litres per second through any hydrant on the development or within a vehicular distance of 100 metres from the complex.

Primary Schools and Single Storey Health Centres

Should have a water supply capable of delivering a minimum of 20 litres per second through any hydrant on the development or within a vehicular distance of 70 metres from the complex.

Secondary Schools, Colleges, Large Health and Community Facilities

Should have a water supply capable of delivering a minimum of 35 litres per second through any hydrant on the development or within a vehicular distance of 70 metres from the complex.

1.6. DISTANCES BETWEEN FIRE HYDRANTS

The distance between fire hydrants should not exceed the following:

Residential areas	-	200 metres
Industrial Estates	-	150 metres
Town Centre Areas	-	90 metres
Commercial (Offices & Shops)	-	100 metres
Residential Hostels	-	Adjacent to access
Hotels	-	Adjacent to access
Institutional (Hospitals & Old Persons Home)	-	Adjacent to access
Old Persons Home	-	Adjacent to access
Educational (Schools & Colleges)	-	Adjacent to access

1.7. CONCLUSION

Developers should hold joint discussions with the relevant Water Authority or the Environmental Agency and the Fire and Rescue Authority to ensure that adequate water supplies are available in case of fire.

The Fire and Rescue Authority reserve the right to ask for static water supplies for firefighting on site, as a condition of planning consent, if the supply infrastructure is inadequate for any given risk.

Leck, Tanya (COOG - Planning & Environment Decisions Wales)

From: Edwards, Steven [REDACTED]
Sent: 26 April 2024 16:42
To: PEDW – Seilwaith / Infrastructure
Subject: EIA Scoping Direction Consultation for DNS CAS-02913-L1W3K0 - Rhiwlas Green Energy Network (GEN)
Attachments: Rhiwlas connection SPM Plan 1.pdf

Thank you for the opportunity to comment on the information made available as part of the recent EIA scoping consultation for the above project.

I have reviewed the proposals and provide comments for SP Energy Networks (SPEN) who operate and manage the electricity network up to 132kV in the area affected by the proposals on behalf of the asset owner, SP Manweb, as shown in part on the attached plan. SP Manweb is the statutory licence Distribution Network Operator, and has the following observations on the Green Gen Cymru Scoping Report for the above project.

SP Energy Networks must ensure the avoidance of any adverse impact on its network assets as we drive to maintain a network that is capable of meeting the increase in demand from an all-electric economy. The next decade will be crucial in preparing the grid for these changes and this is why we are interested in commenting on the proposals.

SP Energy Networks requires reference in any baseline studies to SPM network and assessment of the impact of the proposals on this network. This is critical national infrastructure that must not be adversely impacted on. There should be a draft construction management plan which has a section on utilities and explains how impact on the electricity network is to be managed and mitigated. SPEN requires there to be adequate space to maintain and operate its network in accordance with statutory obligations. Mitigation proposals will also need to take account of SPM assets and the operational requirements. In addition, SPM benefits from numerous land rights interests across the proposed site and these must be maintained for SPM to manage and operate a safe and reliable network and these rights should be included in protective provisions.

Reference to existing 132kV and 33kV network in the scoping report is noted, and this needs to be extended to include the multiple 11kV network.

The baseline studies should include reference to the SPEN 132kV Mid Wales Connections Project listed in the Planning Inspectorate Programme of Projects. In particular, regard should be given to cumulative impacts with the proposed SPEN route corridor identified as 'CC' in that project and to the northern end of CC where there are other proposed SPEN routes. SPEN is working closely with National Grid Electricity Transmission (NGET) on progressing these proposals in the context of a whole system design.

SPEN and NGET have jointly raised the importance of a whole system design with the applicant and continue to express a desire to work together at the pre-application stages which is necessary to manage the demand and generation through a coordinated approach providing suitable capacity and minimising impacts. The Future Wales National Plan 2040 notes new strategic grid infrastructure for the transmission and distribution of energy should be designed to minimise visual impacts and transition to a multi vector grid network.

Overall, shared collaborative working is welcomed. Jointly, SPEN and NGET have brought their Mid Wales proposals to the attention of the applicant through earlier pre-application consultation and requested further engagement with the applicant to work together.

I hope the above information is useful and please let me know if you require any further information.

Regards

Steve



Steven Edwards | Senior Environmental Planner | **Land & Planning**
Tel: [REDACTED] | Int: [REDACTED] | Mob: [REDACTED]

SP Energy Networks, 3 Prenton Way, Prenton Merseyside CH43 3ET

Follow us



Cheshire, Merseyside, North
Wales & North Shropshire

Connections 0845 270 0783

General enquiries 0330 10 10 444

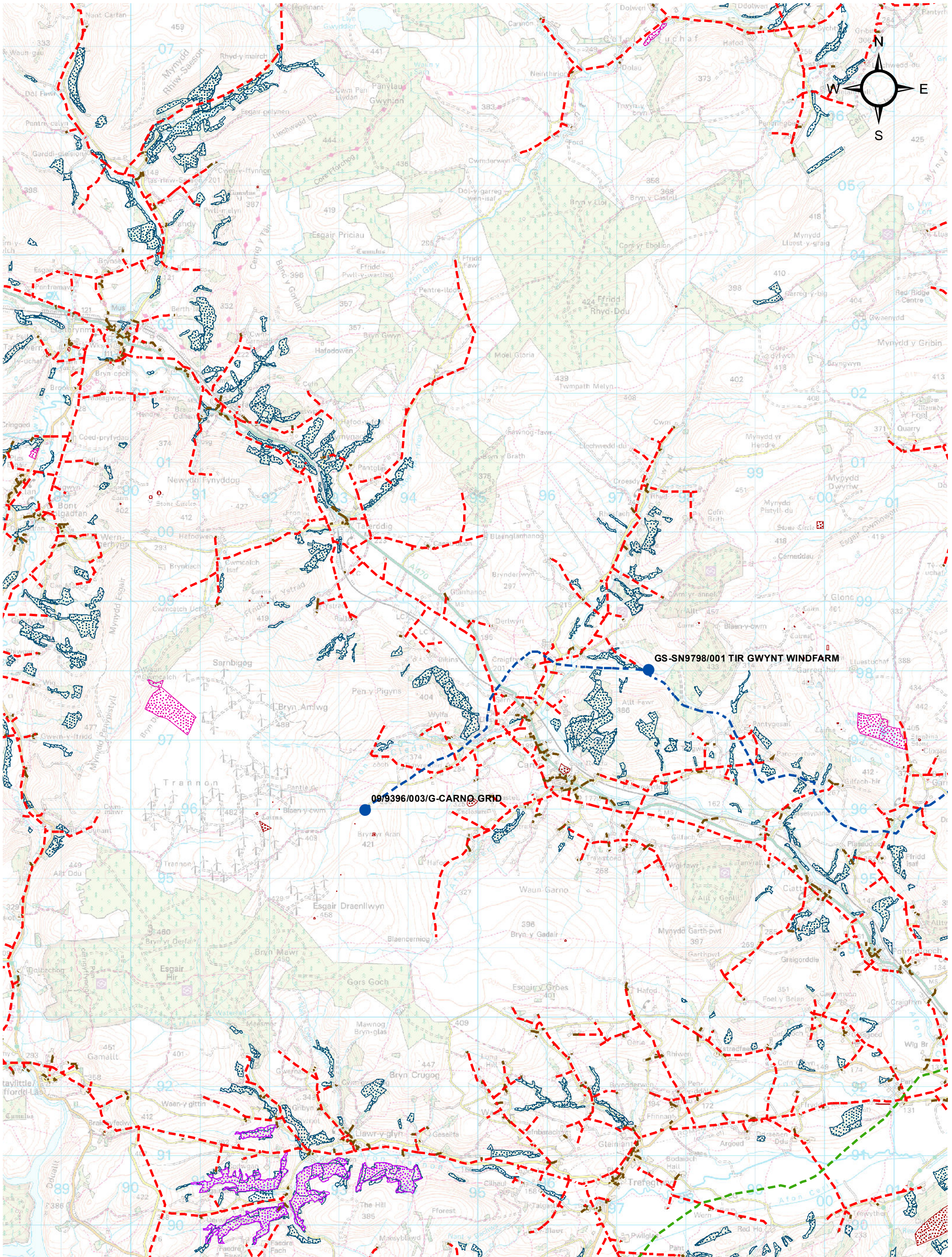


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The position and depths of underground and overhead apparatus as indicated on this plan are approximate and are intended for guidance only. The depths may have changed if the land surface levels have altered. You are also informed that the plan may not show, or may inaccurately show, individual property services and services to street lighting installations. The onus of locating the apparatus precisely before commencing any excavations or other works in the immediate vicinity therefore rests entirely upon the person undertaking or responsible for those works. Before any such works are undertaken the precise location of the apparatus and cables should therefore be ascertained by suitable means. In the event of an emergency or for further assistance please contact 0800-092-9290 (ScottishPower area) or 0800-001-5400 (SP Manweb area).

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**SP ENERGY NETWORKS**
On behalf of SP Manweb plc

SP Manweb plc
Registered Office: c/o PowerSystems
3 Prenton Way, Prenton, CH43 3ET
Registered in England and Wales No 2366937

OVERHEAD LINE	

UNDERGROUND CABLES	
In Use	—————
Out of Use	-----
Assumed route	-----
VOLTAGE COLOUR KEY	
EHV	132kV BLUE
	33kV GREEN
HV	RED
LV	BROWN

Where cables have been laid SINCE 1 OCTOBER 1988, the following depths in mm apply to the tops of cables or ducts) UNLESS OTHERWISE SHOWN, but see comments. (TO TOP OF CABLE, ADD 75mm FOR BOTTOM OF TRENCH)			
	EHV	HV	LV
IN FOOTPATHS:	775	600	450
ACROSS ROADS:	775	700	600
ALONG ROADS:	775	700	600
AGRICULTURAL:	910	910	910
Your attention is drawn to the Health and Safety Executive Booklet HSG47, available from HSE.			

DATE	08/01/2024
SCALE	1 : 49,955
MAP REFERENCE	294962,297835
0 165330 660 990 1,320	
 1 Metres	