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Dear Mr. Haywood

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017
REGULATIONS 6 – REQUEST FOR AN EIA SCREENING OPINION.**

Installation of Ground Mounted Solar PV Array at HMP Werrington

Cushman & Wakefield has been instructed by the Ministry of Justice (MOJ) to prepare this formal request for an EIA Screening Opinion in respect of the above proposed development.

The proposed development consists of a ground mounted PV generation system on operational land to the south of the main HMP Werrington prison facility (please refer to drawings enclosed with this letter). The site extends to 0.71 hectares and is bounded by agricultural land on all sides other than north, which comprises sports fields associated with the prison site. The installation will be mounted on the ground in a portrait configuration comprising 2 sets of 100 panels. The proposed solar arrays are predicted to generate approximately 25% of the prison's yearly energy usage.

The proposed development is considered to fall under Schedule 2, Column 1, 3 Energy Industry (a) Industrial installations for the production of electricity, steam and hot water of the EIA Regulations 2017. This part of Schedule 2 provides that for such schemes, where the area of development exceeds 0.5ha, it is advisable to consider whether an EIA is required or not.

Cushman & Wakefield on behalf of the Ministry of Justice therefore requests a Screening Opinion from Staffordshire Moorlands District Council (the Council) as the relevant planning authority. Accordingly, to aid in the matter and as required by Regulation 6(2) of the EIA Regulations the following information is provided.

- A plan sufficient to identify the land (enclosed).
- Proposed Development (Proposed Ground Mounted PV Generation Layout plan enclosed)
- A brief description of the nature and purpose of the development; and
- A brief description of the possible effects on the environment of the development.

To inform the drafting of this letter, and to assist Staffordshire Moorlands District Council in their own assessment, a Landscape Opinion prepared by LUC is enclosed which provides a commensurate assessment of the likely visual impact on the landscape.

A Preliminary Ecological Appraisal is also enclosed within this letter providing an assessment of the potential for any impacts on protected species and local biodiversity. The assessment confirms that the land is species-poor semi-improved grassland.

A Historic Environment Opinion also prepared by LUC is enclosed to determine any potential impact on the historic environment from the development.

The Nature and Purpose of the Proposed Development

The proposed development is shown on the enclosed Proposed Ground Mounted PV Generation Layout plan, and its nature and purpose are described in the following paragraphs.

A ground mounted solar PV array is proposed at HMP Werrington. The solar array will be formed of 2 groups of 100 panels. The panels will be mounted in a portrait configuration, with 2 modules on top of each other. The panels will be south facing and inclined to between 20 and 35 degrees to capture the most sunlight.

The panels will be laid in rows, with a minimum separation distance of 4 metres to prevent any overshadowing. The panels will be no higher off the ground than 3 metres and will be installed on a 2-post steel support. These will have a minimal impact on the ground and thus will allow the site to be returned to its current state at the end of the installation's lifespan.

The panels will be accompanied by 50kw inverters which connect the solar panels to the main switchboard which is located within the gatehouse. The inverters will be 0.26 cubic metres in size and will be installed on a concrete hard standing. A power meter will also be installed to monitor the PV generation.

A cable will be laid from the inverter's location at the North side of the compound and connected to the main switchboard in the gate house. The cable route is mostly adjacent to the prison.

Possible Effects on the Environment

Under the EIA Regulations, if a Schedule 2 development is considered to have 'significant' effects on the environment by virtue of factors such as its nature, size or location' it will require an EIA.

In applying this test, a Local Planning Authority is expected to comply with Regulation 5 of the EIA Regulations and the associated schedule. To assist in this process, guidance on 'Screening Schedule 2 projects' and the EIA process is provided in the Government's Planning Practice Guidance – the PPG¹.

Importantly, the PPG highlights that:

"Only a very small proportion of Schedule 2 development will require an assessment. While it is not possible to formulate criteria or thresholds which will provide a universal test of whether or not an assessment is required, it is possible to offer a broad indication of the type or scale of development which is likely to require an assessment. It is also possible to provide an indication of the sort of development for which an assessment is unlikely to be necessary... However, it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its own merits."

In respect of the above guidance, regulation 5(4) requires local planning authority take into account the selection criteria set out in Schedule 3 as are relevant to the development. Three key criteria are set out:

1. Characteristics of development, having regard to:
 - The size and design of the whole development;
 - The cumulation with other existing development and/or approved development;

¹ Paragraph: 017 Reference ID: 4-017-20170728 and Paragraph: 018 Reference ID: 4-018-20170728

- The use of natural resources, in particular land, soil, water and biodiversity;
 - The production of waste;
 - Pollution and nuisances;
 - The risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;
 - The risks to human health (for example, due to water contamination or air pollution).
2. Location of development – i.e. the environmental sensitivity of geographical areas likely to be affected by development having regard to:
- The existing and approved land use;
 - The relative abundance, quality and regenerative capacity of natural resources in the area (including soil, land, water and biodiversity) in the area and its underground;
 - The absorption capacity of the natural environment.
3. Characteristics of the potential impact, having regard to:
- The magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
 - The nature of the impact;
 - The transboundary nature of the impact;
 - The intensity and complexity of the impact;
 - The probability of the impact;
 - The expected onset, duration, frequency and reversibility of the impact;
 - The cumulation of the impact with the impact of other existing and/or approved development;
 - The possibility of effectively reducing the impact.

Furthermore, Paragraph 023 of the PGG notes: *“The extent to which mitigation or other measures may be taken into account in reaching a screening opinion depends on the facts of each case. The local planning authority must have regard to the amount of information available, the precautionary principle and the degree of uncertainty in relation to the environmental impact. However, there may be cases where the uncertainties are such that Environmental Impact Assessment is required. Subject to this, proposals for mitigation and other measures may be taken into account by the local planning authority (R(Loader) [2012] EWCA Civ 869)”*.

Possible effects from the proposed development in this location could be regarded to be:

1) Characteristics of development

a) *The size of the development*

The proposal is for a solar array with an area of 0.71 hectares (1.75 acres) of Solar PV panels on operational land at HMP Werrington.

b) *the cumulation with other developments*

In respect of cumulative development, the PPG notes each application should be considered on its own merits. There are occasions where other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. In this case we are aware of no other known significant developments proposed or permitted in the locality.

c) The use of natural resources

The proposed Solar PV panels respond to the need to kick start economic growth impacted by COVID-19 by creating jobs through investment. The MOJ has been awarded funding to invest in low carbon technologies on its estate to help enable a post COVID-19 recovery. The development will also assist the MOJ (the second largest Central Government estate) to reduce its total greenhouse gas emissions in line with national policy to reduce carbon and transition to low carbon energy sources.

One of the ways in which the MOJ can reduce its energy consumption for its prison sites, is to invest in renewable technologies to meet the energy requirements of their existing estate. The proposed development will make use of solar energy and will therefore have a positive effect on the use of natural resources as a result of its construction or operation. The panels are expected to deliver up to 75% of the Prison's daytime load equivalent to 10% of the Prison's yearly energy use.

Whilst, the construction will require the use of limited natural resources, the operational phase will generate electricity from a renewable source, thereby helping to conserve natural resources. It will not therefore have a significant effect on the use of natural resource as a result of its construction or operation.

d) The production of waste

The proposed development will generate negligible construction waste and no operational waste. Once decommissioned, the materials can be re-used or recycled. No waste materials are expected to be generated during the operational phase.

e) Pollution and nuisances

The installation of the Solar Panels will not result in any significant pollution or long-term nuisances to sensitive receptors. Appropriate construction mitigation measures can be put in place during installation to reduce the potential for nuisance. Once installed the Solar Panels operation does not give rise to pollution or nuisance.

Solar farms are passive and do not generate any noise. The accompanying plant is housed within cabinets which will further reduce any potential noise. The site does not lie within close proximity of any neighbouring sensitive uses which would be impacted by any pollution or nuisances.

f) Risks of Accidents

The risk of accidents which could impact upon the environment during construction and decommissioning is considered to be very low.

Once operational, the solar array will be secure and its operation carefully controlled, ensuring that risks to members of the public is low. This will be achieved through additional security measures that will take the form of a new deer stock fence to the perimeter of the PV panel installation. The fence will form a complete enclosure of the site. A gate and crossover for the access road will be located at the North side of the compound opening into an existing access road on the eastern edge of the playing fields. Appropriate information and safety signage will be erected on the fence and on the access gate.

g) Risk to Human Health

There are no risks anticipated which would give rise to significant impacts on human health.

2) Location of the Development

a) The existing land use

The location for the solar PV array is on operational prison land and consequently there will be no impact on existing land uses with any environmental sensitivity.

b) The relative abundance, quality and regenerative capacity of natural resources in the area

The introduction of Solar PV panels in this location will not affect the regenerative capacity of the landscape and natural resources in the area. The temporary nature of the proposed development will restore the site to its current state once finished and will not, therefore, impact on the capacity of the existing natural resources.

c) The absorption capacity of the natural environment

The site comprises 0.71 hectares (1.75 acres) of grassland located within the operational prison estate and is proposed to be used for the generation of renewable energy. The site is an area of low ecological value as such the natural environment is considered to have an appropriate capacity to absorb the development. Furthermore, the development is temporary and reversible and will not impact the environment in any significant manner. The site is surrounded by mature landscaping reducing the potential visibility of the site and improving the capacity of the natural environment to absorb the development.

3) Characteristics of the Potential Impact

a) The extent of the impact (geographical area and size of the affected population)

The extent of the impact of this proposal is local to the immediate vicinity of the Solar PV installation. The proposed array is located entirely within operational land located to the south of Werrington Prison. There are no residential properties within close proximity to the site. The number of people likely to be affected is limited to those who are visiting the Prison or recreational users of the surrounding countryside.

b) The nature of the impact

The proposed Solar PV panels are reversible with the panels able to be removed and the site restored to its former use therefore having limited impact on the land. Once constructed there would be no on-site office or permanent staffing. Visits to the site are for maintenance and management only and can include grass cutting and panel washing. The key issues related to the nature of the potential impact from the scheme are landscape visual impact, ecology, and heritage. These issues are considered below.

Landscape Visual Impact

A Landscape Opinion has been prepared by LUC and is submitted as part of this screening application.

The site is not considered to lie within a 'sensitive' area such as a National Park or an Area of Outstanding Natural Beauty as defined in the EIA Regulations. The proposals are modest in scale and reasonably well screened by trees lining the field to the south east and west. The development should not therefore generate any significant effects on the landscape character or visual amenity.

The site lies within the Potteries and Churnet Valley National Character Area. The Staffordshire Moorlands Landscape Character Assessment identifies the site to be within the 'Settled plateau farmlands' Landscape Character Type.

The study does not identify any sensitive viewpoints within this character type and notes the area south of Werrington as a landscape requiring regeneration.

The Study finds the proposed development will result in unavoidable direct landscape effects through the change in land use from open farmland to a solar farm development, and the potential removal of vegetation to accommodate access tracks. However, these direct effects will be localised due to the small extent and height (3m) of the proposed solar development and surrounding high weld mesh fencing.

Further, given the proximity of residential receptors to the proposed development, there will be a minor change to the landscape within views, as the field will be overlaid by an array of PV panels. However, these changes will be seen in the context of the existing prison buildings and therefore it is unlikely to be more than a minor effect on visual amenity from these properties.

Some filtered views from the public footpath are judged to have a moderate potential impact, which can be reduced through mitigation in the form of screening.

Ecology

A Preliminary Ecological Appraisal (PEA) produced by LUC and is enclosed with this letter.

In summary, the survey finds the site was comprised of poor semi-improved grassland with a native hedgerow in the North, and a hardstanding pathway adjoining to the Northwest. The grassland habitat is common, widespread and of limited ecological importance within the local area. Its loss will have a negligible effect on the functionality of wider ecological processes.

To mitigate for the loss of this habitat, the proposals will provide hedgerow planting to the South of the Site to maintain connectivity within the Site and into the wider area.

Heritage

A high-level Historic Environment Opinion has been prepared by LUC and is submitted with this screening application.

There are no designated heritage assets within the site. The nearest designated asset is the grade

II listed Milepost at, which stands approximately 150m northeast of the prison on the side of the A52. No other designated heritage assets have been identified within the study area.

The proposal preserves the existing landscape character and will help to reduce the visibility of the site and the development in views from the south and east. As a result, the potential Moderate effects identified to two non-designated assets, Domain Farm and Upperhouse Farm, are reduced to Minor. The level of effect to other nearby assets would not change. The overall residual level of effect is therefore Minor.

c) *The transboundary nature of the impact*

There are no transboundary impacts expected from the proposed development.

d) *The intensity and complexity of the impact*

The PV installation needs to be completed and operational before summer 2022. The installation will require 6 weeks and the methods adopted are well established ones and of a modest scale of operation. The intensity and complexity of the proposed development is therefore minor. The effects will not therefore extend beyond the immediate area of the site.

e) *The probability of the impact*

The nature of the scheme is fixed, and the probability of impacts have therefore already been identified and is therefore in a context that is well defined and understood. Consequently, the probability of the impacts has been appropriately assessed in each instance.

f) *The expected onset, duration, frequency and reversibility of the impact*

The installation will require 6 weeks and can at any time be removed. Once installed the Solar PV panels only require minimal maintenance. The proposed development is therefore reversible with the site able to be restored back to its former condition.

g) *The cumulation of the impact with the impact of other existing and/or approved development*

There are no other known significant developments proposed or permitted in the locality.

h) *The possibility of effectively reducing the impact*

The site has been chosen on the basis that it is well enclosed and screened reducing any direct impact on sensitive receptors that have been identified earlier in this letter, and that the ecological value of the land is considered to be low (site value). It is therefore considered that the sites location has been determined by factors that seek to effectively reduce and minimise any potential adverse impact.

Summary

In summary, it is considered that the characteristics of the development proposed in this location are unlikely to give rise to significant environmental effects, alone, or in cumulation with existing or approved development and an EIA should not be required. The site is not an environmentally sensitive location as set



out in the EIA Regulations.

We therefore request a Screening Opinion in accordance with the procedures and timescales set by the EIA Regulations.

If you consider that you have not been provided with sufficient information to adopt an opinion, please do not hesitate to contact us to request the required information.

Yours faithfully

Mark Jackson
Partner
Cushman & Wakefield Debenham Tie Leung Limited

Enclosed.

- Site Location Plan
- Proposed Ground Mounted PV Generation Layout Plan
- PEA
- Historic Environment Appraisal
- Landscape and Visual Impact Assessment