

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016:

**DEVELOPMENT CONTROL
COMMITTEE
3 MARCH 2016**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 6
APPLICATION N0: 15/0777 - SOLAR PHOTOVOLTAIC PARK, ANCILLARY DEVELOPMENT AND ECOLOGICAL ENHANCEMENTS BERTHLLWYD FARM, MAENDY ROAD, PEN-Y- COEDCAE, PONTYPRIDD	

1. PURPOSE OF THE REPORT

Members are asked to consider the attached report and determine the planning application in accordance with the advice and recommendation given.

2. RECOMMENDATION

That the application be **REFUSED**.

3. BACKGROUND

This application was reported to a meeting of the Development Control Committee held on 3 December 2015 (see **APPENDIX A**). At that meeting determination of the proposal was deferred for a site visit subsequently held on 12 January 2015 (see **APPENDIX B**), at which consideration was given to the concerns raised by Cadw regarding the proposed development and its impact on the Scheduled Ancient Monument of Pen Y Coedcae Roman camp which adjoined the application site.

Following consideration of the proposal, it was **RESOLVED** that as Members were minded to approve the application contrary to the recommendation of the Service Director, Planning because they considered the proposed development would not change the character or appearance of the area and it would not have a significantly detrimental effect on the site of the Scheduled Ancient Monument; and that the applicant be required to erect a sign/plaque providing information on the monument as there are none at present, the matter be deferred to the next appropriate meeting of the Development Control Committee for a report from the Service Director, Planning, if necessary in consultation with the Director of Legal and Democratic Services, upon the strengths and weaknesses of taking a decision contrary to recommendation, prior to determining the matter (minute 148(2) refers).

Following the site inspection on 12 January 2016 and as advised at Committee on 21 January 2016, the applicant has presented a revised plan for consideration which shows the removal of some of the solar panels from the application site. Cadw has been consulted on the revised proposal though its response is still waited and will be reported verbally if received prior to Committee's meeting. In the meantime, Members are advised that Cadw's objection to the proposal detailed in the report attached at **APPENDIX A** still stands and accordingly the officer recommendation remains one of refusal for the reason set out in that report.

If, however, after further consideration of the matter Members are still minded to approve the application then it is suggested that planning permission is made subject to the applicant (and any other interested parties) first entering into a Section 106 Agreement to erect a sign/plaque providing information on the Penyrcoedcae Roman Marching Camp Scheduled Ancient Monument, and the conditions set out as follows:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the following approved plans and documents:

- Site Location Plan (dated received 01/06/2015)
- PV Panel Site Layout (reference 349/001 amended plan received 21 January 2016)
- Preliminary Ecological Appraisal (reference: FINAL v2.0 13/04/2015)
- Biodiversity Management Plan (reference: v0-1 18/03/2015)
- Tree Protection Plan (drawing number: 14/394/05 Rev F).
- Landscape Mitigation Plan (drawing number: 001 Rev E) submitted 5th October 2015
- Landscape Management Plan (reference: Final V1 / 04 September 2015)
- Survey for Great Crested Newts (reference: NEW3714 dated June 2014)
- Flood Consequences Assessment (reference V9 / 13th April 2015).

Reason: To ensure compliance with the approved plans and clearly define the scope of the permission.

3. The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from the development hereby approved to the electricity grid network ('First Export date'). Written confirmation of this shall be provided to the Local Planning Authority within one month of the First Export Date.

Reason: In the interest of visual amenity in accordance with Policies AW5, AW8 and AW12 of the Rhondda Cynon Taf Local Development Plan.

4. All electricity and control cables within the site shall be laid underground unless otherwise agree in writing with the Local Planning Authority.

Reason: To minimise environmental impact on the site in accordance with Policy AW12 of the Rhondda Cynon Taf Local Development Plan.

5. No construction work associated with the development hereby approved shall take place on site on any Sunday or Bank Holiday, or any day except between the following hours: Monday to Friday 0800 – 1800 hours; Saturday 0800 – 1300 hours, unless such work:
 - Is associated with an emergency relating to health, safety or environmental issues;
 - Is carried out with the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No external artificial lighting shall be provided during the construction phase or installed during the operation of the site as a solar farm.

Reason: To protect the visual amenity and ecological interests of the area in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall take place until a Species, Habitat and Tree Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:
 - An appropriate scale plan showing 'Species, Habitat and Tree Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
 - Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - Details of specific species and habitat mitigation measures for key species, including birds, bats, amphibians and reptiles;
 - Details of invasive plant avoidance and / or treatment
 - Persons responsible for:
 - Compliance with legal consents relating to nature conservation;
 - Compliance with planning conditions relating to nature conservation;
 - Installation of physical protection measures during construction;
 - Specific species and habitat mitigation measures;

- Provision of training and information about the importance of the 'Species, Habitat and Tree Protection Zones' to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the Plan unless otherwise approved in writing by the Local Planning Authority.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 and Aw8 of the Rhondda Cynon Taf Local Development Plan.

8. Within 25 years from the commissioning of the facility or within 6 months of the site ceasing to be used to produce electricity, if less than 25 years (whichever is the earlier) the panels hereby granted full planning permission shall be removed from the site and the land restored to its former condition in accordance with a scheme of works to be first submitted to and approved by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

9. All landscaping in the approved scheme shall be carried out within 12 calendar months of commencement of the development or in such phases as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

10. All construction Heavy Goods Vehicles shall access the site via the Southern Route along Maendy Road via Church Road, Upper Church Village.

Reason: In the interests of highway safety and free flow of traffic in accordance with Policies AW5 of the Rhondda Cynon Taf Local Development Plan.

11. The developer in conjunction with the haulier shall undertake an assessment of the haulage route along Church Road and Maendy Road to the site to ensure that the articulated lorry deliveries will be able to negotiate the route. The findings of this assessment shall be submitted in a report to the Local Planning Authority for approval prior to the commencement of delivery of materials to the site.

Reason: To ensure the adequacy of the haulage route to the site in the interests of safety of all highway users in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the proposed signage of the site

access and passing bays on Maendy Road, including the tie-in to the highway have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to the delivery materials to the site

Reason: To ensure the adequacy of the development in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. Prior to the commencement of development a report indicating the methodology for undertaking a survey of the condition of the access route along Maendy Road affected by the proposed development shall be submitted to and approved in writing by the Local Planning authority. The report shall include:

- (a) Details of the road to be surveyed;
- (b) The timescales for undertaking the surveys; and
- (c) The method(s) of reporting the findings to the local planning authority (including the use of comprehensive photographs), and any potential compensation arrangements.

The solar farm hereby permitted shall not become operational until the final survey on completion of the development has been carried out and any any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of safety of all highway users in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. Surface water run-off from the proposed development shall not discharge onto the public highway or be connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage and potential flooding in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

15. No development shall take place, including any works of site clearance, until a Construction Traffic Method Plan / Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for:

- (a) Details of delivery programme identifying all anticipated rigid and articulated deliveries to site and anticipated delivery times;
- (b) The parking of vehicles of site operatives and visitors;
- (c) The management of vehicular and pedestrian traffic along the access route to accommodate delivery movements to the site;
- (d) Consultation with all stakeholders such police, emergency services, public transport operators, properties and businesses affected by the

proposals, and notification to the travelling public and the local communities/businesses.

- (e) Temporary signage to be provided along the access route;
- (f) Management of delivery traffic and loading and unloading of plant and materials;
- (g) Storage of plant and materials used in constructing the development;
- (h) Wheel cleansing facilities;
- (i) The sheeting of lorries leaving the site.

The approved Construction Traffic Management Plan / Method Statement shall be adhered to throughout the development process unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the safety and free-flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

16. All HGV deliveries during the construction period shall only take place to and from the site between the hours of 09.00 and 15.30 on weekdays.

Reason: In the interests of the safety and free-flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

17. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To identify and record any features of archaeological interest discovered during the works in order to mitigate the impact of the works on the archaeological resource in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

18. No development approved by this permission shall be commenced until a Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The Method Statement should identify the following as a minimum:

- a. Storage facilities for all fuels, oils and chemicals.
- b. Details on any water features on the site and how they will be protected.
- c. Details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off.
- d. Details of measures to ensure no polluting discharge from disturbed areas.
- e. Details of the nature, type and quantity of materials to be imported on to the site.
- f. Measures for dealing with any contaminated material (demolition waste or excavated waste).

- g. Identification of any buried services, such as foul sewers, so that they are protected.
- h. Details of emergency contacts, for example Natural Resources Wales' Pollution hotline 0800 807 060.

Reason: To minimise environmental impact on the site in accordance with Policies AW10 and AW12 of the Rhondda Cynon Taf Local Development Plan.

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APPENDIX A

APPLICATIONS RECOMMENDED FOR REFUSAL

APPLICATION NO: 15/0777/10 (DB)
APPLICANT: Elgin Energy EsCO Ltd
DEVELOPMENT: Solar photovoltaic park, ancillary development and ecological enhancements
LOCATION: BERTHLLWYD FARM, MAENDY ROAD, PEN-Y-COEDCAE, PONTYPRIDD, CF37 1PS
DATE REGISTERED: 13/07/2015
ELECTORAL DIVISION: Graig

RECOMMENDATION: Refuse

REASONS:

The principle of the development is considered acceptable, being a medium scale solar farm development that would represent a useful contribution to the Welsh Government's commitment to securing a wider and more sustainable range of energy generation.

The solar farm would change the character and appearance of the local landscape and there would be some adverse landscape and visual effects from the immediate area. However, due to the screening effect of the existing landform and vegetation, it would not be a prominent feature in the wider landscape and can reasonably be accommodated naturally. There are no unacceptable effects on the interests of soil conservation, agriculture, nature conservation, wildlife, public health and residential amenity. In addition to this, no objections have been raised by statutory consultees with respect to the potential impacts upon either the amenity of nearby residential properties, highway safety or ecology.

However, Cadw have raised an objection to the proposed development which is supported as it is considered that the solar farm does not sensitively respect the scheduled monument of Pen Y Coedcae Roman Camp and would be likely to have a significantly detrimental effect on the setting of the scheduled monument.

Furthermore, it is considered that the wider economic benefits provided in support of the development are not sufficient to outweigh the harm and conflict with national policy as set out in Para 3.15 of TAN 8 and Policies AW7 and AW12 of the Rhondda Cynon Taf Local Development Plan.

APPLICATION DETAILS

This is a detailed (full) planning application for the construction of a solar farm with a maximum capacity of 5MW. The operational life sought would be 25 years with 12 weeks to construct and presumably a similar period to decommission the site.

The applicant states that the proposal would equate to the generation of electricity equivalent of up to 1,500 homes based on average consumption figures, and carbon savings equivalent to 62,000 tonnes over the life of the operational period.

The development would primarily consist of the solar panels which would be located over the three fields of the site but also includes inverters and a substation, antenna, CCTV, and security fencing. An area of approximately 1.47 ha within the south west corner is to be set aside as a peat retention and enhancement area.

There would be approximately 20,000 solar panels which would be laid out in equally spaced rows from east to west across the site at an approximate distance of 6 metres between the edge of the panels to avoid any shadowing effect. Each row would be mounted on a metal framework constructed of aluminium and extend from 0.8 metres above the existing ground level to a maximum height of 2.5 metres. The panels would be installed at approximately a fixed 25 degrees angle from the horizontal orientated to face south to optimise daylight capture and would be static and not move to "track" the sun.

Each module of the solar panels would have maximum dimensions of approximately 1.65m x 1.0m x 0.05m attached together to form 2 rows of panels fixed to the mounting frames. The panels would be non reflective which are designed to absorb daylight, coated to maximise daylight absorption and minimise glare potential. The mounting frames would be pile driven or screw anchored into the ground to a depth of 1.5 metres and would not involve any change in ground levels with no concrete foundations.

The security fencing would be located a minimum distance of 3m from the existing site boundary and internal boundaries of hedgerow and trees.

The associated infrastructure within the solar farm would involve the following matters:-

- One primary substation consisting of four small prefabricated buildings within a compound area of 11.8m x 17.5m located at the proposed entrance to the site within a boundary of 2.4m high paladin fencing ,
- The provision of five 1.25MW inverter stations measuring 6.93m x 3.07 x 2.43m finished in a green colour,
- Cabling from the solar panels and inverters to the substation via a network of shallow backfilled trenches which would be backfilled and restored,
- One telecommunications mast, consisting of a triangular lattice 0.85m wide and 15m high,
- Fourteen post mounted cctv cameras 3m high,
- Open mesh security fencing to a height of 2.4m around the solar panels within each field and the provision of matching gates, set back 3m from the existing field boundaries,

- An access track 3.5m wide between the site entrance and the inverter substations, constructed from a thin layer of granular material,
- A temporary construction, parking and turning compound,
- Connection to the national grid would be taken from Berthllwyd farm and all cabling throughout the site will be underground.

The Construction Traffic Management Statement states that all vehicles associated with the proposed development will access the site from Maendy Road via a temporary site access junction in the south east corner of the site. This will provide direct access into a temporary storage area / compound for the storage of materials and components for the development and would be void of loose surface material to prevent this being tracked out onto the highway by construction traffic. A turning area will also be constructed within the site to allow construction vehicles to turn within the site.

Access to the site for maintenance vehicles would usually consist of an HGV every 3-4 months to carry out routine maintenance will then be via an existing access into the site from Maendy Road. All other existing held accesses will be retained in their current form.

The applicant's agent has confirmed in an e-mail dated 25 August 2015 that in order to facilitate the proposed site access arrangements identified above, temporary traffic signals, with appropriate advanced warning signs and banks man would be used at the site access junction to allow vehicles to travel in and out of the development in a safe and efficient manner. These measures would remove the need to provide visibility splays of 2.4m by 70m which would have resulted in the loss of existing trees and hedgerows.

The swept path analysis drawings indicate possible minor improvements to the route for the duration of the construction works, including:

- Erecting temporary signage;
- Infill of hardcore material to improve running surface;
- Cutting back of vegetation within the highway verge.

It is proposed that the construction hours would be from 7am to 6.30 pm Monday to Friday and 7am to 1pm on Saturday.

An area of peat bog extending to approximately 4.5ha located within the south western part of the site is excluded from the development proposals and identified for peat enhancement management.

The existing boundaries of hedgerows, trees and woodland within and bordering the site would be retained, enhanced and maintained with the addition of new hedgerow and tree planting within the northern and eastern site boundaries and between the northern and central fields. The tree report has confirmed that there would be minimum effect on the existing tree stock provided the recommended mitigation measures are implemented.

The construction phase would involve some ground levelling works to construct and lay the foundations for the primary substation, inverter substation and telecommunications mast, the construction of the access tracks between the site entrance and inverter substations, a temporary construction compound and the erection of the solar panels, substations, CCTV and perimeter fencing.

The solar farm would not be manned but would be monitored remotely. There would be maintenance visits on two or more occasions per year, in addition to regular landscape and cleaning maintenance.

The application is accompanied by the following documents:-

- Planning Statement
- Design and Access Statement
- Tree Protection Plan
- Statement of Community Involvement
- Agricultural Land Classification Report
- Ecology Report
- Survey for Great Crested Newts
- Biodiversity Management Plan
- Landscape and Visual Assessment
- Tree Survey and Arboricultural Constraints Plan
- Landscape Management Plan
- Glint and Glare Assessment
- Preliminary Risk Assessment
- Flood Consequences Assessment
- Construction Traffic Management Statement and swept path Analysis

SITE APPRAISAL

The site lies in the countryside and covers a total area of 12.3 ha (30 acres) of land in agricultural use for sheep grazing. The centre of the development is at GR 307033 188117. The land is divided into three fields which are gently undulating not exceeding 10 degrees, apart from the southern field which has a slightly steeper gradient and lies between 203m AOD and 214m AOD. The site sits on a rolling plateau which generally slopes down to the east for approximately 300m before descending steeply down to the urban area of Treforest. A framework of hedgerows, trees and woodland areas generally enclose the fields. The exception to this general position is the northern and south western boundaries where there are no physical boundaries in place.

The land comprises a mixture of improved grassland, grazed marshy grassland with wet flushes, which are bounded by hedgerows, dry stone walls and fences with semi mature broad-leaved trees. The boundary trees are dominated by mature oaks with occasional beech and birch together with outgrown hedgerow hollies, hawthorn and hazel.

Within the southern field there is a pond and a number of watercourses and an area of peat land which has been excluded from the development of the solar farm and retained for ecological management purposes.

The site boundaries lie adjacent to agricultural land to the north and east, Maendy Road to the east and a wooded area of the former Maendy Quarries to the south. The Scheduled Ancient Monument of Pen Y Coedcae Roman Camp lies immediately adjacent to the north-western boundary of the site.

The site is located in close proximity to a number of residential properties:- Bungalows 1-4 Black Road (0.12km NW), Greenfield House (0.14km, N), Fforest Lodge (0.15km, N), Brynteg (0.16km, N), Berthllwyd Farm (0.49km, SE), Highland Farm, Housing Estate, Penycoedcae (0.26km, NW), Beechfield Bungalow (0.2km SW), Rhyd-y-llech (0.42km SW), Maendy (0.62km SE) and Ty'rarlwdd (0.8km SW). A number of residential properties along Llantrisant Road Penycoedcae lie between 0.5 and 1.0km west of the site. Heatherwood Court Hospital (0.46km, W) is a residential care home located on higher ground (229m AOD) at a 45° to the proposed site.

There are no Public Rights of Way that run through the site although there are two PROW's which are located to the east, PON/92/1 and PON/88/1 and one to the west of the site, PON/87/1.

The only natural water features or bodies within the site are linear field drains, a small ditch flowing eastwards into a culvert under Maendy Road and a pond located within the southernmost field of the site. Within the site are overhead electricity cables which run north west to south west across the site, two wooden telegraph poles along the western boundary and a single metal pylon.

Access to the site is gained from a number of field gate entrances off the public highway known as Maendy Road, which lies adjacent to the eastern boundary of the site. There are also field gate entrances from Black Road which runs parallel and 70m west of the site boundary which provide access to the southern field. Both of these routes are unclassified single country lane roads.

PLANNING HISTORY

There is no relevant history pertinent to the consideration of this proposal relating to the application site.

PUBLICITY

As part of the application process formal notices were placed in the local press (Western Mail) and at various locations in the vicinity of the site. Individual letters were also sent to the occupiers of the nearest residential properties to the application site.

As a result of this publicity 3 letters have been received raising the following comments:-

- No objections to the development proceeding but raises a concern regarding the size of the construction traffic and its detrimental impact on the access route where the road surface is not permanent.
- Supports development as land is of relatively low agricultural value, remote from residential areas, is a farm diversification scheme.
- Raises queries regarding the objection raised by Cadw as follows:-
 - Question whether based on fact or fiction and desk based,
 - Whether part of the roman camp is located on Berthllwyd Farm,
 - Provides maps and a list of activity/development around the area (including quarrying, landfill, construction of a road and Heatherwood Mental Hospital) to question value and significance of Roman Camp,
 - Questions location of east gate claimed by Cadw,
 - No visible remains on Berthllwyd Farm,
 - Solar Farm and security fencing of good distance to Main Gate of Roman Camp,
 - Development would have no physical impact on the Roman Camp.
- Development would help to meet renewable energy targets and the Rural Development Plan for Wales which promotes farm diversification for renewable technologies.

CONSULTATION

As part of the application process a number of statutory and non-statutory consultations with both internal sections within the Council and external organisations have been undertaken. A summary of the responses is provided below.

Wales & West Utilities – Advises that their records indicate that there are no apparatus in the area of the enquiry.

Public Health and Protection Section – no objections raised subject to conditions restricting hours of construction operations and provides notes regarding dust minimisation, treatment of waste and contaminated land.

NRW - no objections raised but requests reconsultation if trees assessed to be suitable for use by roosting bats are to be impacted as a result of the proposals.

Countryside, Landscape and Ecology Section – raises no objections subject to the imposition of appropriate conditions and a S106 Agreement to secure a species, habitat and tree protection plan for construction, an adequate hedgerow and tree management plan, monitoring, management and appropriate grazing regime during the life of the project. Advises that there are no relevant records of Statutory Protected Species from the immediate vicinity. However, an appropriate bat informative note would be required on any permission.

Transportation Section – no objections raised subject to conditions relating to the hours and route restriction of all construction HGV traffic, an assessment of the

haulage route, full engineering of the improvements and signage to the site compound access, field accesses and passing bays on Maendy Road, a condition survey along Maendy Road, no surface water to discharge on to the public highway and a construction method statement.

Glamorgan Gwent Archaeological Trust (GGAT) – no objections raised following review of the archaeological desk based assessment but recommends the attachment of a condition to secure a programme of archaeological work in accordance with the advice in Circular 60/96. Also recommends Cadw's views are sought on the impact on the Scheduled Ancient Monument.

Cadw – raises objections to the impact of the development on the Scheduled Ancient Monument known as Pen Y Coed Cae Roman Camp. Cadw considers that the proposed development will have a significantly adverse impact on the setting of this nationally important monument.

Drainage/Land Reclamation – no objection subject to the inclusion of appropriate drainage conditions.

POLICY CONTEXT

The principal planning policy considerations relating to this development can be summarised as follows:

Rhondda Cynon Taf Local Development Plan

The application site is located in the southern strategy area, outside of the settlement boundary, in a sandstone safeguarding area and adjoins the SINCs of Maendy Quarry AW8.133 and Pen y Coedcae Grassland AW8.128. The south western corner adjoins the SLA of Treforest Western Slopes. SSA23.11.

Policy CS2 - sets out the strategy for the southern area of the County Borough.

Policy CS10 seeks to protect mineral resources such as sandstone from sterilisation and allow them to contribute to the demand for minerals.

Policy AW2 - development proposals will only be supported in sustainable locations, which would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options, have good access to key services and facilities and is required to be well related to existing water, sewerage, waste, electrical, gas and telecommunication infrastructure.

Policy AW5 – lists amenity and accessibility criteria for development proposals. These include requiring the scale, form and design of new development to have an acceptable effect on the character and appearance of the site and surrounding area, retain existing features of the natural environment and have no significant impact on the amenities of neighbouring properties. Development should be compatible with other uses in the locality, design out crime, be accessible, have safe access and not cause traffic congestion. Car parking should be provided in accordance with the Council's Supplementary Planning Guidance (SPG).

Policy AW6 - outlines the types of development criteria that will be supported, including the following:

- A high standard of design;
- Appropriate to the local context;
- An efficient use of land;
- A high level of connectivity and accessibility to existing centres;
- The design protects and enhances the landscape and biodiversity;
- The development promotes energy efficiency and the use of renewable energy;
- The design promotes good water management.

Policy AW7 – only permits development where it would preserve or enhance sites of archaeological importance and public open space, allotments, public rights of way, bridle ways and cycle tracks.

Policy AW8 - only permits development where it would not cause harm to features of the natural environment, special designated sites, or could reasonably be located elsewhere. The policy requires proposed development to demonstrate what measures are proposed for the protection, management and mitigation of potential impacts on species and habitats of ecological importance.

Policy AW10 - refers to Environmental Protection and Public Health and advises that development will not be permitted where it would cause or result in a risk of unacceptable harm to health or local amenity due to pollution, contamination, instability or flooding, or any other identified risk to the environment, local amenity and public health or safety.

AW12 - advises that development which promotes the provision of renewable and non-renewable energy will be permitted where there is no unacceptable impact on the interests of soil conservation, agriculture, nature conservation, wildlife, natural and cultural heritage, landscape importance, public health and residential amenity.

AW14 – safeguards mineral resources from sterilisation or development that would hinder their extraction, including coal and sandstone.

SSA23 – identifies the Special Landscape Areas in the Southern Strategy Area including **SSA23.11** - Treforest Western Slopes. Development within SLA's will be expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy (which are not duplicated in the Local Development Plan) particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 6 (Historic Environment), Chapter 7 (Economy), Chapter 8 (Transport), Chapter 12 (Infrastructure and Services) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

Circular 60/96: Planning and the Historic Environment: Archaeology.

PPW Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities

PPW Technical Advice Note (TAN) 8: Planning for Renewable Energy.

Welsh Government Practice Guidance – “Planning Implications of Renewable and Low Carbon Energy” Feb 2011 (PG to TAN 8) sets out the land use planning impacts and benefits of different forms of such developments, including solar energy generation. Whilst recognising that solar PV arrays are an emerging technology in the UK, it provides a summary of potential impacts and design mitigation and enhancement measures of solar installations.

National Policy Statement for Energy (2011) – Sets out the UK national policy for energy infrastructure.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

The main considerations in the determination of this application are whether the principle of the development is acceptable in this location and whether the renewable energy scheme would have any adverse impacts on the adjacent scheduled ancient monument and on the character and appearance of the site and the surrounding area. Other important considerations include whether the scheme would have any adverse impacts on nature conservation, agriculture, other cultural heritage features, residential amenity of those living closest to the site, access and highway safety, land drainage and whether resource use has been minimised. Other issues include grid connection issues and the safeguarding of mineral resources.

Principle of Development

Planning Policy Wales TAN 6 and TAN 8 are explicit in support for the principle of renewable energy generation and they reaffirm the Welsh Government's commitments presented within One Wales (namely, to produce more electricity from renewables than Wales consumes as a nation by 2019).

Paragraph 12.1.4 of PPW aims “*to promote the generation and use of energy from renewable and low carbon energy sources at all scales*” and Paragraph 12.8.6 seeks “*to secure an appropriate mix of energy provision... which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts*”. Paragraph 4.6.4 sees the countryside as a sustainable energy source and solar is recognised in Paragraph 12.8.7 as a source of renewable energy which “*will*

feature in many types of situations such as those that are stand-alone directly connected to the grid".

Paragraph 12.8.15 of PPW clarifies that a renewable energy project of less than 5MW is regarded as a sub-local authority scale of project which would be eligible for feed in tariffs. Paragraph 12.8.19 advises that such projects should be supported.

Paragraph 12.9.9 of PPW states that *"at the sub-local authority scale, renewable projects are applicable in all parts of Wales and development plans should encourage such development and clearly set out the local criteria against which such proposals will be evaluated."*

Paragraph 3.7.2 of TAN 6 advises that *"many economic activities can be sustainably located on farms e.g. renewable energy are likely to be appropriate uses."*

The Local Development Plan duly sets out a permissive stance towards renewable energy generation within Policy AW12. Policy AW2 of the LDP restricts development outside settlement boundaries in the interest of ensuring more sustainable development. As renewable energy generation is sustainable there is no objection to the principle of a solar farm outside the defined settlement boundary.

In conclusion, the proposed solar farm would be a sub-local authority scale energy project which PPW supports in principle in any location and which the LDP similarly raises no objections. The proposal would not be a permanent development and after a period of 25 years it would be removed and the land returned to its former agricultural use. In addition the application site would represent 10% of the landholding at Berthllwyd Farm and the diversification of the use of a small proportion of land within this wider agricultural holding whilst retaining the agricultural management of the site.

It is considered that the proposal would provide a modest but useful contribution with regards to meeting the target for the production of energy from renewable sources at the local level; and secondly, it would contribute towards the viability of the existing farmstead through diversification of income.

However, due to the location of the proposed solar farm adjacent to a Scheduled Ancient Monument, the impacts of the proposal on this designation is a key consideration which is discussed below.

Archaeology and cultural heritage

The site adjoins the Scheduled Ancient Monument of Pen Y Coedcae Roman Camp. The designation was made in September 1959 and states that the monument is recognised to be of national importance as the third largest marching camp recorded in Wales for its potential to enhance our knowledge of Roman military organisation. The schedule includes the remains (combination of surviving earthworks, a bank 4.6m wide and up to 0.9m high with a shallow outer ditch and modern hedge lines which run along the lines of the original Roman defences) and areas around them within which related evidence may be expected to survive.

National planning policy at Para 6.5.1 of PPW advises that the setting of an ancient monument is a material consideration. Para 12.8.10 advises that *“local planning authorities should ensure that national statutory obligations to protect..... the historic environment are observed”* and Para 3.15 of TAN 8 advises that *“other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported.”*

The Planning Guidance to TAN 8 considers the role of renewable energy generation within designated areas and sites. In respect of the historic environment it identifies that the key issues include the potential loss or direct impact and indirect impacts on the character/ appearance and setting of features of historic interest. It highlights that historically sensitive settings and views are particularly vulnerable to damage from large scale renewable energy developments.

Policy AW7 of the LDP only permits development where it would preserve or enhance sites of archaeological importance.

The likely impact of the proposed development on the setting of the scheduled monument and views into and out of it are therefore a material consideration.

The supporting information includes an archaeological desk based assessment which has assessed the known archaeological and heritage assets within a study area of 12 ha around the proposed development area and also considers the impact on the settings of heritage assets within a 1.5km radius of the site.

The assessment has highlighted that the site is of overall moderate potential for the recovery of features associated with the Roman Period if associated with the marching camp and low-moderate otherwise. The assessment identifies that there would be a moderate-high adverse impact upon the setting of the Pen y Coedcae Roman marching camp, with localised high adverse impact on the north eastern corner and elements of the eastern circuit. Impact is stated to be mitigated due to the fact that the proposed development will be transitory in nature with a maximum duration of 25 years and is fully reversible and will not impact on the physical remains of the camp.

Glamorgan Gwent Archaeological Trust has advised that the assessment meets current professional standards, examines the known archaeological resource in the area and considers the likely physical and visual impacts of the proposed development. The assessment states that there is a moderate potential for encountering remains of a Roman date and low potential for remains for other dates. The assessment also considers the results of a geophysical survey undertaken by AB Heritage in April 2014, which identified some potential archaeological features in the northern part of the development area, which it notes may be attributable to Roman activity. As such there is a potential for archaeological remains of Roman date associated with the marching camp to be present in the application area.

Taking the results of this into account, GGAT recommend that an archaeological programme of work is submitted and implemented, to ensure that the archaeological resource is fully investigated and recorded. GGAT recommend the attachment of a condition, which will ensure that suitable mitigation is prepared and implemented which will reduce the impact of the development on the archaeological resource and

heritage assets: GGAT recommend that the applicant employs an archaeological contractor to submit a written scheme of investigation for the implementation of a programme of archaeological work, prior to the commencement of the development and that this is secured by a condition worded in a manner similar to the model given in Welsh Office Circular 60/96 section 23: It is therefore considered that a condition could be imposed on any consent granted to secure an archaeological programme of work prior to any works commencing in order to fully investigate and record any archaeological remains of Roman date associated with the adjacent scheduled marching camp within the northern part of the development area.

GGAT have recommended Cadw's views are sought on the impact of the proposed solar farm on the Scheduled Ancient Monument.

Cadw have raised an objection to the proposed development on the basis of the impact on the setting of the Scheduled Ancient Monument. Cadw consider that the development would have a significantly and relatively long term (25 years) adverse effect on the setting of the scheduled monument. Cadw have advised that the temporary nature of the development would not in itself reduce this impact. Cadw consider that the setting does not just comprise the view and consider that the proposed structures would create a significantly physically dominating presence .

Cadw consider that the adverse impact will be very high as the eastern defences of the roman camp are the best preserved section of the camp's fortifications, where views especially from the east remain largely open with only a little screening and due to the close proximity of the vertical elements of the development to the boundary of the scheduled monument. Cadw consider that the height of the proposed structures, in particular the security fencing will not only block views to and from the SAM, but will be a significant physically dominating presence. Cadw have confirmed that it is the impact on the setting of the visible remains that triggers their concern rather than any direct physical impact on the monument itself.

Cadw refer to the guidance set out in Para 17 of Circular 60/96 which states that there should be a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains.

Cadw consider that there are likely to be less sensitive locations where the solar farm could be located. The applicant's advisors response to this matter is that sites are not commonplace and that there is no alternative location available. Whilst it is recognised that there are limited sites available to meet the necessary site criteria for such a size of solar farm as there is a presumption in favour of solar farms in any location, it is considered that a site should be available in a less sensitive location.

The applicant's advisors have made representation in respect of the Cadw response. They consider that the response is not proportionate to the significance of the asset, it is a desktop appraisal only, the development would not be located immediately outside the suggested eastern main gate, (but 84m distance), and would not create a physically dominating presence. They maintain that the remains of the roman camp are so ephemeral that it is difficult for a viewer to comprehend and to assign much aesthetic value to it, and that it is not appreciated as a monument at present. The

location of the solar panels at least 26m from the Scheduled Monument, are light weight and no higher than 2.4m high and at 6m intervals such that views to the east through the development would remain for its duration. The proposed development would therefore not harm the setting substantially. The applicant's advisors also cite the permissions on the site of Heatherwood Court, formerly occupied by the Towers Hotel, which lies immediately adjacent to the western boundary of the SAM. One of these was permitted on appeal (04/1029) in respect of which the Inspector concluded that the proposal "does not raise issues concerning the scheduled monument itself or its setting".

The letters received in relation to the application include a letter from the land owner which questions the value and significance of the Roman Camp in view of the amount of activity/development that has occurred around the area (including the construction of Black Road, former quarrying, (as shown on 1919 OS plan), a former Taff Ely Borough Council landfill site in the 1970's, and Heatherwood Mental Hospital).

Conclusions

In consideration of the impact on the archaeological resource there is consensus from the applicant's archaeological advisors and Cadw that there will be adverse harm on the setting of the adjacent scheduled monument. The applicant's contend that the harm would be moderate to high whereas Cadw consider the impact would be high.

In Cadw's view the proposed development would be located immediately adjacent to the north eastern elements of the scheduled monument and generally to the east and south east of the monument. In Cadw's view as the marching camp was orientated to the east the proposed development would be located in a significant view from and to it. The applicant's advisors maintain that as the solar panels would be sited between 26m and 143m from the scheduled monument and 84m from the suggested "east gate" it would not be located immediately adjacent. However, it is the case that the site boundary does immediately adjoin the north eastern corner of the scheduled area as defined by Cadw and in this respect is considered not to respect this designation.

Cadw consider that the scale of the development at a consistent height of 2.4m high (together with other associated structures) would be substantially higher than most ground viewpoints which would affect the views from and to the scheduled monument towards the east. In this respect it is considered that it is views from and to the scheduled monument would be affected but it is views from the monument which would be most affected by the solar farm as the monument is sited on slightly elevated open ground.

Cadw acknowledge that whilst there have been changes to the landscape since the camp was designated in 1959, the changes to the surrounding landscape have not been of a scale where the location of the camp cannot be understood.

Overall It is considered that the siting and design of the proposed development has not taken account of the results of the historic environment assessment and the siting and design is not sensitive and respectful to the setting of the scheduled

monument. It is considered that the proposed development does not sensitively respect the scheduled monument and would be likely to have a significantly detrimental effect on the setting of the nationally important scheduled monument of Pen Y Coedcae Roman Camp, which whilst temporary, would nonetheless affect views for a relatively long term. The views of Cadw are therefore supported in this case. It is therefore considered that the proposed development would not be in keeping with the provisions of national policy as set out in Para 3.15 of TAN 8 and the provisions of Policies AW7 and AW12 of the LDP.

It is further considered that the significant harm to this nationally important archaeological resource should be balanced against the public benefits of the proposed development. In this case it is considered that the balance does not weigh in favour of the development. This is explained more fully in the conclusion of the report below.

Landscape and visual assessment

The Landscape and Visual Assessment (LVA) assesses the effects of the proposed solar farm development on landscape character, designated landscapes and visual amenity.

The site is described as comprising of 3 medium sized fields, of gently undulating pastoral farmland used for sheep grazing. The field boundaries surrounding the site are a combination of remnant hedgerows, mature hedgerow trees and post and wire fencing. It is a rural, peaceful and tranquil landscape where long distance views to the east contribute to the overall character of a rural upland landscape. The only man made elements are a telegraph pole and small pylon with associated electricity wires which cross the southwest corner of the middle field and northeast corner of the south field.

The assessment and conclusions of the LVA have been made on the basis of the existing vegetation on the site during March. It takes account of the screening effect of existing buildings and woodland with assumed heights of 8 m and 12m, but not isolated trees and hedgerows and states that once the mitigation planting has been established it would provide some screening which would be likely to reduce the overall visual impact.

The LVA identifies that the site is not located within a nationally designated landscape. There is one Scheduled Monument within 1km of the proposed site, the Pen-y-Coedcae Roman Camp which lies adjacent to the western boundary of the site. The visual impacts of the views and setting of the Scheduled Monument are included in the submitted cultural heritage assessment. Consideration of this issue is covered in the archaeology and cultural heritage section of this report.

The LVA shows that the nearest listed building is the Pig Sty at Berthllwyd Farm, a Grade II Listed building located 0.53km east of the site. The LVA states that although this listed structure has been predicted by the ZTV to be within view of the proposed development, the barns and outbuildings at Berthllwyd Farm prevent views towards the site. The setting of the pig sty is largely enclosed by the barns, outbuildings and the farmhouse and the proposal will not affect the setting of the pig sty. Overall, the

landscape sensitivity of the listed pig sty is high, but there is no magnitude of change therefore the effect is considered to be negligible. Ynysangharad Park a Grade II listed Historic Park and Garden is located 1.47km northeast of the proposed site in the centre of Pontypridd but due to intervening topography there are no views of the proposed development.

Locally, approximately 300m to the east and north and adjacent to the eastern boundary of the south is the Treforest Western Slopes Special Landscape Area, as designated in the LDP. The LVA states that the majority of the SLA will be screened from view due to the steep slopes that characterise this SLA, localised topography and vegetation cover. The greatest effects will be seen from the area of SLA that is adjacent to the eastern boundary of the south field. The effects decrease with distance with views from Berthllwyd Farm predicted to be glimpsed through intervening localised vegetation. Figure 4b illustrates the potential view from Viewpoint 2 at the entrance to Berthllwyd Farm and from the edge of the SLA. Due to this designation, the LVA considers that overall this is a sensitive and valued landscape and its sensitivity to the change proposed is considered to be medium-high. The magnitude of change is considered to be more apparent for the area closest to the south field. However, given the overall scale of the SLA, where available views will only be seen from a very small proportion of the designation, the LVA considers that the overall magnitude of change is considered to be negligible. Therefore the effect is considered locally to be moderate, but overall slight.

In respect of LANDMAP character areas, a localised notable moderate landscape effect is identified for the LANDMAP Visual and Sensory area of Mynydd y Glyn. This area encompasses the rolling topography descending from the hill of Mynydd y Glyn, Pen y Craig and Maendy and the notable effect is for an area within 0.5km of the site. This will reduce rapidly with distance and beyond around 1km the impact will be negligible.

A notable effect is expected for the site character. The solar PV and associated infrastructure, located in a pastoral landscape, will be a new and prominent feature within the immediate locality. The LVA identifies that while the massing of the solar panels across the site will be considerable, the visual envelope for the solar development site is well contained and limited to 0.5km from the site. The ZTV indicates that vegetation cover surrounding the site and localised topography exert the greatest influences on visibility and limit views into and out of the site. This combines with the overall low-lying form and scale of the development, which will be no greater than 3m, with the exception of the telecommunications mast at 15m, will result in the development not appearing as a prominent feature within the wider landscape. The telecommunications mast will appear as a slightly more prominent feature but it has a transparent appearance and there are other pylons of a similar appearance, located within the site and within the surrounding landscape.

Visual effects are limited by the lack of sensitive receptors close to the site and levels of screening. Many roads are bordered by hedgerows and views are often likely to be glimpsed. Views from residential properties—even within the nearby housing estate to the north of the site, and the isolated properties to the northeast are generally screened by boundary vegetation and topography.

A summary of the most significant visual effects are provided. For all notable landscape and visual effects, the impact is considered to be moderate-substantial. A notable visual effect is expected for receptors using the public right of way and road users along Maendy Road, at the entrance to Berthllwyd Farm 0.2km SE from the site (Viewpoint 2). A notable visual effect is also expected for receptors (road users along Black Road) as shown at the entrance to a field entrance and gap in the hedgerow 0.14km to the west of the site, (Viewpoint 8). These effects arise through the close proximity to the solar development with open views across the site from an elevated position. No notable effects are expected from the nearest residential properties with views towards the site due to topography and vegetation.

No other solar developments are currently being applied for, or have been consented or constructed within a 5km radius of the site. Therefore no notable cumulative effects are expected on landscape character or visual amenity.

Due to the location of the site within the open countryside and adjacent to a SLA it is important that the position and design of the ancillary features minimise their visual impact. The substation building would be finished in a green colour and the 2.4m high fencing would be green paladin located inside the peripheral hedgerows; thus their appearance from outside the site is minimised.

Conclusions and considerations

The proposal would cover the majority of the site with solar panels and introduce a large manmade development of a semi-industrial character over a moderately large area into a rural landscape with its distinctive, tranquil, attractive, nature of scattered dwellings and small farm complexes.

It is acknowledged that views of the proposal would not be widely available, views from nearby residential properties would be limited and the new hedge planting, once established, would assist in helping to screen the solar panels from various viewpoints and breaking up its mass. The solar panels would appear coherent due to their consistent spacing and their height and scale together with other components of the development would not be overly prominent although the racks, CCTV & mast would be higher than the field boundaries. The impact is reduced by the retention of the existing field patterns, woodland edge and agricultural grazing management of the site, thus retaining these aspects of the farming character of the site.

The greatest effects would be on the character of the immediate area of the site. There would be moderate adverse landscape and visual effects from locations in close proximity to the site where there are open views, as shown from Viewpoints 2 and 8. Visual effects from the residential properties within 0.5km of the site are not considered significant as views are restricted due to the local topography and vegetation cover such that only small parts of the development site would be viewed from any one receptor, although the screen fencing at 2.4m high, CCTV cameras and telecommunications mast would be noticeable from some views, as shown from Viewpoints 1(Berthllwyd Farm), 4 (Forest Lodge), 5 (Greenfield Lodge), 6 (Burns Way), 7 (Black Road North) and 9 (Maes y Grug Llantrisant Road). There would be minimum effects from higher vantage points at a distance to the site across the

valley which would face towards the site, as shown from Viewpoint 10 (Morien Crescent, Glyntaff).

In summary, it is acknowledged that there would be some adverse effects from the proposed solar farm to the appearance of the countryside and the character and appearance of the area, which adjoins Treforest Western Slopes SLA, as shown from Viewpoints 2 and 8. However, as stated above, the development would be largely contained within the enclosed character of the existing landscape, with the field boundaries and agricultural management of the site remaining. Whilst there are some adverse effects on some nearby visual receptors, the majority of views would be screened by the existing landform and vegetation. Overall therefore, it is considered that whilst the development would change the character and appearance of the local landscape, the site would remain as a patchwork of fields bounded by hedgerows and trees and the component parts of the development would not be overly prominent. In addition, the agricultural use, retention and management of the field boundaries could be secured by means of a Section 106 Agreement.

It is therefore considered that there would be no landscape or visual constraint to the proposed development subject to some amendments to the detailed mitigation and management measures which could be secured by appropriate conditions and the imposition of a S106 Agreement to cover the agricultural and landscape management of the site and its boundaries.

Ecology and existing landscape features

The application is accompanied by an ecological appraisal which is made up of a desk top survey, an extended Phase 1 habitat survey, a survey for great crested newts and a biodiversity management plan.

The ecological appraisal shows that the site does not form part of any statutory or non statutory designated site for nature conservation. The nearest statutory designated sites are located approximately 800m to the north west of the site, Nant Gelliwion Woodland SSSI and at 2.4km distance, Rhos Tonyrefail SSSI. The appraisal considers that due to the separation distance and lack of similar habitats the application site is unlikely to have any direct or indirect impacts on the integrity of these sites or the nature conservation interests they support.

The appraisal notes that the nearest non statutory site borders the southern boundary of the site, Maendy Quarry SINC, which is designated for its wet broadleaved woodland. The appraisal considers that the retention of all trees associated with the SINC and a 3m buffer to the development footprint would result in no effects to the SINC.

The ecological appraisal assesses the overall ecological value of the site as moderate local value. The potential for effects on habitats, birds, terrestrial mammals, amphibians, reptiles and invertebrates is considered within the ecological appraisal. The great crested newt survey found no evidence to confirm the presence of great crested newts on the site but revealed the presence of palmate and smooth newts.

The recommended mitigation measures are included in Table 3-1 of the Biodiversity Management Plan. These measures include enhancement measures for the retained peat bog, providing a minimum 3m buffer to all field margins, thickening up the boundary hedgerows along the northern, western and eastern boundaries and hedgerow management, tree planting along the northern and western boundaries, a temporary earth bund and the avoidance of large scale heavy machinery to protect the pond during construction, creation of artificial hibernacula for reptiles, amphibians and invertebrates and the provision of 20 no. each of bird and bat boxes. The ecological appraisal recommends directional lighting during construction or operational phases particularly during the period March to September when bats are most active, construction works to avoid the bird nesting period, or a nesting bird survey to be undertaken if this is not possible. It also recommends a bund during the construction phase no closer than 5m surrounding the existing pond and keeping artificial lighting to a minimum to minimise effects on amphibians and a method statement in order to limit impacts on any birds and bats, amphibians and reptiles.

Overall the ecological appraisal considers that the effects are considered to be low and with appropriate mitigation and sensitive design measures, it is considered that the potential for adverse effects on protected and notable species would be minimal or avoided.

The Landscape Management Plan identifies the location for new hedgerow and tree planting and their management. The tree constraints plan shows that the proposed solar panels would be located outside the root protection area of any retained trees. Some minor tree work may be necessary to provide adequate clearance for fencing. Where works are located within the root protection area a number of mitigation measures would be utilised. In order to erect the security fencing use would be made of hand machinery and in order to construct the new site access use would be made of no-dig construction techniques. The applicant's agent has confirmed that the site layout takes account of the existing trees and their potential for shading of the solar panels and that no tree works to any retained trees would be required to facilitate the construction of the proposed development.

The Council's Countryside Section has considered the submitted proposals, and mitigation measures. No objections are raised subject to a S106 Agreement to secure long term management of the existing and proposed trees and hedgerows and a habitat management plan. Conditions are also recommended in order to secure: fuller details of the identified mitigation measures, some amendments to the planting measures in the interests of balancing ecology and landscape features, a method statement for construction of the solar panels within the peaty areas of the site and ecological management of the buffer and wetter areas. It is considered that the site layout plan should be amended in order to show clearly that the proposed 3m buffer areas can be accommodated. All these detailed matters would have been pursued further with the applicant if the scheme was otherwise considered acceptable.

NRW have raised no objections but request re-consultation should any trees suitable for use by roosting bats are to be affected by the proposed development.

It is therefore considered that there would be no ecological or landscape constraint to the proposed development subject to some amendments to the detailed mitigation

and management measures which could be secured by appropriate conditions and the imposition of a S106 Agreement to cover the matters raised above.

Impact on residential amenity and privacy

There are several residential properties which are scattered to the north, west and south and the nearest residential properties to the application site are located within 0.5km of the application site.

The LVIA submitted to accompany the application shows that the solar farm would not significantly affect the visual amenity of neighbouring occupiers or land uses. There would be likely to be limited visibility of the site from these locations as the proposed development would be largely obscured by the topography of the ground and screening of the intervening topography. For the few residential properties which are on elevated ground to the east of the site the effects on the view is assessed as a minor scale. The overall scale of the visual effect on residential properties is considered to be negligible. The effect on the residential visual amenity of the properties to the east of the site is considered to be of a moderate nature, as they lie on elevated ground overlooking the site. However, this is not considered to be significant enough to warrant an objection on these grounds.

The construction phase of the development also has the potential to have an impact on the amenities of local residents. However, the construction activities are of short term duration and during the operational phase the solar panels would not produce any mechanical or electrical noise and maintenance would generate limited traffic movements.

The Council's Public Health and Protection Division has raised no objection to the proposed development. However, it is suggested that in respect of construction activities, conditions are recommended to restrict the hours of operation and HGV movements and external lighting. It is considered that, subject to the imposition of appropriate conditions, the proposed solar farm is not likely to cause undue noise and disturbance to the nearest residential properties.

Therefore, it is considered that the development would be unlikely to unacceptably affect either the visual or residential amenity of nearby residents and comply with Policy AW10 of the LDP.

Access and highway safety matters

In support of the application the developer has submitted a Design and Access Statement, a Construction Traffic Management Statement and a desk top study for the swept path of heavy goods vehicles along the access route via Maendy Road.

The Design and Access Statement indicates that construction works would take between 3 to 4 months with deliveries co-ordinated to ensure that delivery vehicles would not need to pass each other on the access roads leading to the site. Two routes to the site are identified. A Northern Route from the A470, A4058, Sardis Road, Factory Lane, Llantrisant Road and Maendy Road and a Southern Route from the A470, Tonteg Road, A473, Tonteg Road, Church Road and Maendy Road. The Northern access route would be suitable for cars and light goods vehicles only and therefore all Heavy Goods Vehicle deliveries would be via the Southern Route.

The busiest period for HGV deliveries to the site would be weeks 8-11 with a total of 12 deliveries occurring each week which would average 2 deliveries or 4 vehicle trips per day during the peak construction period. The total number of deliveries to the site would be a total number of 60 (which represents 120 two-way vehicle movements). A large proportion of deliveries to convey construction materials such as aggregate and concrete would be by means of rigid chassis vehicles 10.7m in length.

The Design and Access Statement indicates that during the construction phase up to 25 staff are expected to be present on site and due to the site location car sharing will be high and on this basis no more than 12 staff vehicles would be expected. Once operational the site will require 3-4 visits per year for maintenance and inspection utilising light goods vehicles.

Swept path analysis has been provided from the junction of Church Road to the proposed site access which shows the passage of HGV's to the site and identifies locations of formal and informal passing places.

The Construction Traffic Management Statement identifies a number of measures to be undertaken in respect of traffic management, dust minimisation and notifying local residents and a methodology to undertake a road condition survey.

Accident data between 2009 and 2013 obtained from the Council's database indicates a total of five accidents with three accidents being frontal collisions between opposing traffic, one resulting in injury to a pedestrian due to the vehicle travelling too close whilst passing and one accident due to driver impairment. In response to the accident data the developer has proposed to provide signage indicating that the route is a single track road with passing places, signage warning of construction traffic, clearly signing suitable passing places and cutting back areas of overgrown hedgerow to improve forward visibility.

The Transportation Section has considered the proposals in terms of highway safety matters. It is recognised that Maendy Road is a rural lane which links Llantrisant Road, Penycoedcae with Church Road at Upper Church Village and is characterised by having sufficient width to accommodate only single file traffic with a number of formal and informal passing spaces and therefore use of the route by articulated vehicles in connection with the construction of the proposed solar farm gives cause for concern. However, taking account of the temporary use of Maendy Road by rigid chassis and articulated Heavy Goods Vehicles over a period of 3-4 months with typical articulated vehicle movements of 4 per day and the mitigation measures proposed by the applicant, the proposal is considered acceptable on balance, subject to the imposition of a number of conditions. In addition, the Transportation Section has confirmed that in principle the use of traffic signals and / or a banks man to control the site access for construction traffic would be an acceptable alternative to the original proposals to provide the 2.4 x 70m vision splay. The recommended conditions require HGV's to use the southern route, during restricted hours weekdays only, to provide a detailed assessment of the haulage route, full details of the improvements to the site access, signage and passing bays, a condition survey of the access route along Maendy Road, no surface water run-off to discharge onto the public highway and a construction traffic management plan.

Given the temporary nature of the construction phase the low numbers of maintenance vehicles and the mitigation measures proposed and subject to the imposition of the recommended conditions, it is considered that the development would be in keeping with the provisions of Policies AW5 and AW12 of the LDP and would not have an adverse impact on highway safety.

Land Drainage

The Flood Consequences Assessment identifies that according to NRW's records the site lies within Flood Zone A which is in a very low or no risk of flooding based on the DAM flood zone maps of TAN 15, there are no records of historical flooding, it is of low risk of surface water flooding with small areas along the south west boundary to be at high risk due to the presence of a small stream and pond. The site is within an area of high risk of flooding from groundwater sources.

The assessment has concluded that any groundwater flooding would remain shallow, that the solar panels would not interfere with flood flows and the increase in impermeable surface area by 0.001% would have a negligible effect on surface water run-off. Due to the potential shallow surface water or ground flooding that may occur a number of mitigation measures are recommended to include constructing the finished floor levels of all the substation units a minimum of 150mm above existing ground levels and to allow the buffer zone to vegetate to reduce the probability of the site becoming saturated.

In view of the above considerations it is expected that the proposed development would preserve the site's natural green field drainage regime and has addressed residual flood risks. It is therefore concluded that the development would have a negligible impact upon the existing site drainage and surface water drainage regimes.

The Council's Drainage Section has raised no objections to the proposed development subject to conditions to secure the details of the proposed drainage measures. In view of the waterlogged nature of some parts of the site and the presence of a small stream and pond it is considered that some precautionary measures should be put in place during the construction phase to reduce soil compaction and erosion and these could also be secured by condition. It is therefore considered that the scheme is acceptable in terms of drainage and be in keeping with the provisions of Policy AW10 of the LDP.

Agriculture

The submitted detailed Agricultural Land Classification Report of the site has identified that all three fields within the site are Grade 5 of moderate to poor grazing land which is seasonally waterlogged.

The site forms part of an agricultural holding and would represent approximately 10% (12.3ha of 123ha) of the owners land at Berthllwyd Farm. The land owner still intends to use the site broadly as exists now and sheep graze the site but agricultural production would no longer be the predominant use but ancillary to the use as a solar park. The land owner would also receive an income from the solar farm.

The proposal would form a farm diversification scheme for the existing farming business of the land owner. The land would not affect the “*best and most versatile agricultural land*” of Grades 1,2 and 3a in respect of which national policy advises at Paragraph 4.10.1 of PPW “*should be conserved as a finite resource.*” The proposals relate to the non-agricultural development of the agricultural land but does not involve the irreversible loss of the land. The proposed solar farm would involve relatively unobtrusive construction methods, with only the frames of the panels being pile driven into the ground with the small level of infrastructure buildings, access tracks and fencing removed following decommissioning.

It is considered that the proposal would be a form of farm diversification, would not affect “best and most versatile agricultural land, would have a minor impact on the existing farming operations, and would not involve a long term impact as the solar farm represents a temporary use of the land. It would therefore comply with national policy and Policy AW12 of the LDP which requires renewable energy proposals not to have unacceptable effects upon the interests of soil conservation and agriculture.

Glint and Glare

Glare and glint are possible concerns regarding solar panels. National guidance advises that despite their non-reflective design, it is possible that intense direct reflections of the sun (‘glint’/‘specular reflection’) or more diffuse reflections of the bright sky around the sun (‘glare’) by solar PV panels (and their supporting frames) may cause viewer distraction and increase the visual impact of a development in the landscape. National guidance advises that particular consideration should be given to properties that are higher up a slope than the proposed solar development as these are most likely to experience any glint/ glare effects created.

The Glint and Glare Assessment has concluded that there would be no significant effects due to glare as the source of brightness would be so diffuse and weak. In respect of glint, i.e. momentary flashes of light, this can only occur where a receptor is directly in view of the reflected light.. The assessment has undertaken a 3 dimensional modelling to identify whether glint effects maybe experienced for sensitive receptors within 5km of the site. It has concluded that due to the existing topography, and screening effects of the surrounding vegetation, and buildings located between the proposed solar farm and receptors it is not expected that there would be significant glint and glare effects as a result of the proposed development.

Solar panels can potentially impact on air traffic safety. This is particularly important if “tracking” panels are proposed as these may cause differential diurnal and/or seasonal impacts. However as the proposal involves a non tracking system and use of a non-reflective surface there are not considered to be any likely impacts to air traffic safety.

It is therefore concluded that the proposed solar farm is unlikely to cause any detrimental impact in relation to glint and glare effects.

Minerals/ Mining Consultation /Ground conditions

The site is identified in the Local Plan within a mineral safeguarding area for sandstone. The proposed development consists of mainly lightweight structures which would be above ground and would not substantially sterilise or hinder future extraction of the mineral, which is located beneath the site. The solar farm is a temporary development with a lifespan of 25 years after which it would be decommissioned, dismantled and the land reinstated. The effects on the landform are very limited and the sandstone resource would not be permanently harmed as a result of this development.

The site is in an area of low risk such that a Coal Mining Risk Assessment is not required to accompany the application.

The Preliminary Risk Assessment has identified that the site has only been used for agricultural purposes and that although there are two historical land filling sites which immediately border the site there is no documented evidence that any land filling has occurred on the site such that the potential risk to the proposed site users and construction workers is assessed to be very low. The only risk identified is from the lateral migration of landfill gas which could be appropriately mitigated by siting any structures away from the former landfill areas and by adequate passive gas protection measures. These measures could be secured by condition.

It is therefore considered that the scheme is acceptable in terms of risk to public health and the environment and does not unnecessarily sterilise or hinder the extraction of the sandstone resource and is in keeping with the provisions of Policies AW10 and AW14 of the LDP.

Community Infrastructure Levy (CIL)

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014. The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Economic and Community Benefits

The applicant's agent has advised that whilst the development would not involve any permanent staff it would require a significant number of construction jobs, utilising local contractors where possible, in addition to local landscape and maintenance contractors.

TAN 8 Renewable Energy (2005) considers "Community Involvement and Benefits" and recognises the opportunities that large developments can provide in making contributions that benefit the community, and experience has shown that there are opportunities to achieve community benefits through major renewable energy developments including solar. These include where developers offer benefits not directly related to the planning process. However such contributions should not impact on the decision making process, and should not enable permission to be given to a proposal that otherwise would be unacceptable in planning terms.

The applicant, Elgin Energy has advised that should permission be granted then it would provide a community benefit fund to the local community council, but the amount of benefit has not been provided at this stage.

It should be noted however, that any community benefit is not put forward as mitigation and should not be a material consideration in the determination of this planning application.

Conclusions

The development represents a medium scale solar farm development that would contribute to the Welsh Government's commitment to optimising the generation and use of energy from renewable and low carbon sources as set out in Section 12 of PPW as well as providing for renewable energy sources in accordance with Welsh Government visions as presented through its other policy publications, which include the Wales Spatial Plan; One Wales; One Planet; and Energy Wales.

The public benefits of the proposal would include the production, without carbon or other polluting emissions, of electricity sufficient to serve approximately 1500 homes; a contribution to the security of national energy supply; the enhancement of biodiversity and of the historic fieldscape by the reinforcement of hedgerows, protect the adjoining ecological resource and a contribution to farm diversification. Whilst some additional details of these measures are required these could be secured by conditions if the development were otherwise considered acceptable.

The proposal would also be contained, has limited visibility, is temporary and there are no unacceptable effects on the interests of soil conservation, agriculture, nature conservation, wildlife, public health and residential amenity. In addition to this, no objections have been raised by statutory consultees with respect to the potential impacts upon either the amenity of nearby residential properties, highway safety or ecology.

However, it is considered that the proposed development does not sensitively respect the scheduled monument and would be likely to have a significantly detrimental effect on the setting of the nationally important scheduled monument of Pen Y Coedcae Roman Camp. The adverse effects on the designated schedule ancient monument needs to be balanced against the wider environmental benefits associated with the generation of renewable and low carbon energy. In this case, it is considered that the wider environmental benefits associated with the increased generation of renewable energy do not outweigh the specific impacts the development could have on the archaeological resource and in this respect the proposal does not comply with the provisions of Policies AW7 and AW12 of the LDP.

Therefore, having regard to all the matters raised above, it is considered that the scheme should be refused for the reason provided below.

RECOMMENDATION

That the application be REFUSED for the following reason:

RECOMMENDATION: Refuse

1. It is considered that the proposed development would not be in keeping with the provisions of national policy as set out in Para 3.15 of TAN 8 and

the provisions of Policies AW7 and AW12 of the LDP as in terms of cultural heritage it does not sensitively respect the scheduled monument of Pen Y Coedcae Roman Camp and would be likely to have a significantly detrimental effect on the setting of the nationally important scheduled monument.

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Development Control Committee Agenda - 21 January 2016

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**MUNICIPAL YEAR 2015-2016****DEVELOPMENT CONTROL
COMMITTEE****21 JANUARY 2016****REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES****Agenda Item No.5(2)**

**SITE MEETING
APPLICATION NO. 15/0777 – SOLAR
PHOTOVOLTAIC PARK, ANCILLARY
DEVELOPMENT ECONOLGICAL
ENHANCEMENTS – BERTHLLWYD
FARM, MAENDY ROAD, PENYCOEDCAE,
PONTYPRIDD**

Author: Mrs.Z.Maisey, Principal Officer, Committee Services**1. PURPOSE OF THE REPORT**

To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Service Director, Planning, attached at Appendix 1.

2. RECOMMENDATION

To refuse the application in accordance with the recommendation of the Service Director, Planning.

3. BACKGROUND

- 3.1 In accordance with Minute No.118 (Development Control Committee, 3 December 2015), a site inspection was undertaken on Tuesday, 12 January 2016 to consider the concerns raised by Cadw regarding the proposed development.
- 3.2 The meeting was attended by the Chair and Vice-Chair of the Development Control Committee (County Borough Councillors G.Stacey and M.Griffiths) and Committee Members - County Borough Councillors (Mrs) S.J.Jones, R.Lewis, P.Wasley and E.Webster. Non-Committee/Local Member: County Borough Councillor (Mrs) J.Cass was also in attendance.

- 3.3 Apologies for absence were received from Committee Members - County Borough Councillors L.M.Adams, J.Bonetto, P.Jarman, C.J.Middle and (Mrs) J.S.Ward.
- 3.4 Members met at Maendy Road from which access would be gained to the application site and were informed by the Development Control Officer that full planning permission was being sought for the construction of a solar farm with a maximum capacity of 5MW. The operational life sought was 25 years with 12 weeks to construct and a similar period to decommission the site.
- 3.5 The proposed development would primarily consist of 20,000 solar panels which would be located over three fields and included inverters and a substation, antenna, CCTV and security fencing.
- 3.6 All vehicles associated with the proposed development would access the site from Maendy Road and in order to facilitate the proposed site access arrangements, temporary traffic signals with appropriate advanced warning signs and banks man would be used at the site access junction to allow vehicles to travel in and out of the site in a safe and efficient manner.
- 3.7 The Transportation Officer confirmed no objection to the proposal subject to conditions relating to the hours and route restriction of all construction HGV traffic, an assessment of the haulage route, full engineering of the improvements and signage to the site compound access, field accesses and passing bays on Maendy Road, a condition survey along Maendy Road, no surface water to discharge on to the public highway and a construction method statement.
- 3.8 Members noted that the Scheduled Ancient Monument of Pen Y Coedcae Roman Camp adjoined the application site and they considered the objection of Cadw that the proposed development would have a significantly adverse impact on the setting of a nationally important Monument. The Monument was recognised to be of national importance as the third largest marching camp recorded in Wales for its potential to enhance knowledge of Roman military organisation. The Scheduled Monument included the remains (combination of surviving earthworks, a bank 4.6m wide and up to 0.9m high with a shallow outer ditch and modern hedge lines which run along the lines of the original Roman defences) and areas around them within which related evidence may be expected to survive. Cadw considered that the adverse impact would be very high as the eastern defences of the Roman Camp were the best preserved section of the Camp's fortifications, where views especially from the east remain largely open with only a little screening and due to the close proximity of the vertical elements of the development to the boundary of the scheduled monument. Cadw also considered that the

height of the proposed structures, in particular the security fencing would not only block views to and from the Monument but would be a significant physically dominating presence. Cadw had confirmed that it was the impact on the setting of the visible remains that triggered their concern rather than any direct physical impact on the Monument itself.

- 3.9 Non-Committee/Local Member – County Borough Councillor (Mrs) J. Cass spoke on the application highlighting the fact that as far as she was aware the presence of an Ancient Roman Camp was not well known within the community and pointed out that no objection to the proposed development had been received from local residents.
- 3.10 Members were also advised of a further response received from the Applicant's archaeological advisors in respect of the objection raised by Cadw. Cadw advised that it would be responding to the issues raised as it did not agree with its contents. The Development Control Officer advised that the contents of both letters would be reported verbally to the next Development Control Committee.

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

3 MARCH 2016

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION N0: 15/0777 -
SOLAR PHOTOVOLTAIC PARK,
ANCILLARY DEVELOPMENT AND
ECOLOGICAL ENHANCEMENTS
BERTHLLWYD FARM, MAENDY
ROAD, PEN-Y-COEDCAE,
PONTYPRIDD**

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See Relevant Application File