



## **PLANNING & DEVELOPMENT COMMITTEE**

**16 AUGUST 2018**

### **REPORT OF THE SERVICE DIRECTOR, PLANNING**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 17/0771/15  
(CHJ)  
**APPLICANT:** **Lightsource SPV 58 Ltd**  
**DEVELOPMENT:** Variation of condition 11 (Approved Drawings) of previously approved planning application 13/0901/10 (Installation and operation of a solar farm and associated infrastructure)  
**LOCATION:** **PENRHIW CRADOC FARM, LLANWONNO ROAD, MOUNTAIN ASH, CF45 3UX**  
**DATE REGISTERED:** 05/10/2017  
**ELECTORAL DIVISION:** Mountain Ash West

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#### **REASONS FOR REACHING THE DECISION:**

The solar farm is already operational and has been for some time. The changes proposed were incorporated at the time of construction and no objections or comments were received as a result of the unauthorised works from the date of their completion to the date of the submission of this application.

These works are relatively minor in nature and represent only a small and ancillary part of the solar farm operation. There are no additional impacts of these works above and beyond those approved as part of the original application.

The scheme itself represents a useful contribution to the country's renewable energy needs and will help, through other renewable technologies, to secure a wider and more sustainable range of energy provision.

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#### **APPLICATION DETAILS**

This is a Section 73 application. This type of application seeks to modify a condition(s) attached to the original consent. In this case it relates to the modification of Condition 11 relating to the schedule of approved plans.

The application was submitted with an Addendum to the Environmental Statement submitted with the original application. The purpose of this was to bridge any gaps between the original ES and those conditions (sic) that have changed in the intervening years.

While the overall development is largely in keeping with the approved plans, the built infrastructure differs slightly. The broad changes are:

- The incorporation of 4 CCTV security cameras in and around the site;
- A revised access gate
- A revised satellite / weather pole and MV kiosk;
- The removal (from the scheme) of an approved GRP Cabinet, toilet, site auxiliary transformer and communication sub-station;
- Minor differences in the overall dimensions of the approved infrastructure
- The incorporation of 3 motion sensor lights;
- Increase in height of an aerial.
- A reduction in the overall height of the solar panels

For the sake of brevity, the previous application (13/0901) has been included as **APPENDIX 1**. This relates to the development of the solar farm itself (the parent consent). This application only seeks (retrospective) approval for the specified changes and Committee is advised that it is not an opportunity to consider the development of the solar farm, *per se*.

## **SITE APPRAISAL**

Committee is advised that the SITE APPRAISAL remains the same as the previous application (see APPENDIX 1).

## **PLANNING HISTORY**

Committee is advised that there is no relevant planning history on this site other than the parent consent (13/0901) attached as **APPENDIX 1**..

## **PUBLICITY**

Committee is advised that the same publicity exercise was undertaken for this application as the previous one. It was advertised by means of a notice in the press, direct neighbour notification and site notices placed in areas peripheral to the site.

As a result of this exercise one letter was received. A copy of this letter is included for Committee's consideration as **APPENDIX 2**. The objections raised are largely concerned with the applicant not carrying out the access and drainage requirements of the original

consent and failing to reconstruct the stone wall field boundaries. The objections don't specifically refer to any of the changes that are proposed as part of this submission. The applicant's response in relation to the points raised has been included as **APPENDIX 3**. The issues raised have been assessed and considered as part of the **PLANNING CONSIDERATIONS** section of this report.

## **CONSULTATIONS**

The same consultations have been carried out as part of this application as were carried out with the previous application. A précis of the responses have been included for Committee's consideration:

**Countryside, Landscape, Ecology** – no objection to the proposed changes.

**Cadw** – no objection following revisions to the original scheme. No response to the proposed changes

**Glamorgan Gwent Archaeological Trust** – no objection.

**SWALEC** – advise on location of apparatus.

**Dwr Cymru/Welsh Water** – no objection.

**Natural Resources Wales** – no objection.

**Public Health & Protection** – no objection.

**Drainage Section** – no objection.

**Transportation Section** – no objection.

## **POLICY CONTEXT**

Other than an update to Planning Policy Wales (PPW) the policy context for this application remains largely the same as those raised in the previous report. The update to PPW (Edition 9 – November 2016) does not offer any more specific advice on this type of development than the previous edition, for which there was a positive stance towards the provision of renewable energy (read in association with TAN 15 – Planning for Renewable Energy).

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

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

In determining this application Committee is advised / reminded that the principal considerations in the consideration of the parent application (13/0901) were the impact of the proposal on the character and visual amenity of the area, the

residential amenity of those living closest to the site, highway safety, ecological implications and any implications of any historic, architectural or cultural features.

The changes proposed are relatively minor in nature when considered against the development as a whole. The works / changes largely comprise:

- The **CCTV cameras** were previously approved at a height of 2.4 metres above ground. This application seeks to approve (retrospectively) two at 2.4 metres, 1 at 3 metres and one located on the Satellite / Weather pole.
- The **substation** was approved to be 6.06 (l) metres by 2.5 metres (w) by 2.6 metres (h). The “as built” dimensions are 7.5m (l) x 2.4m (w) x 3m (h)..
- The **storage building** was approved at 3m (l) x 2.5m (w) x 2.6m (h) but comes in marginally smaller at 2.991 metres wide and 2.5 metres high.
- Three **inverters** were previously approved at 4.42m (l) by 1.52m (w) by 2.92m (h). The 3 installed inverters are two at 2.598m (l) x 1.011m (w) x 2.313 (h) and one at 3.174 m (l) x 3.027m (w) by 2.891m (h).
- Two **transformers** were approved at 6m (l) x 2.5m (w) x 3.1m (h). Two transformers have been built on site measuring 1.95m (l) x 3.05m (w) by 3.301m (h) and 1.78m (l) x 2.54m (w) x 2.54m (h).
- **Solar Panel** elevations were approved with four panels in “landscape” at an upper height of 2.384 metres and a lower height of 0.8 metres. The “as built” layout has 2 panels in “portrait” with a top height of 1.965 metres with the same lower height of 0.8 metres. They include a previously un-shown combiner box located behind the panels
- A **gate** was annotated on the previously approved plans but no elevations were shown. The gate seeking approval is 5m (w) by 2m (h).
- No **satellite / weather station** was shown on the approved plans. A 4.5 metre high pole has been erected incorporating a satellite dish and a CCTV camera (referred to earlier).
- No **MV kiosk** was shown on the approved plans. A kiosk measuring 1.5m (l) x 2m (w) x 2.7m (h) has been built on site.
- A **site auxiliary transformer, a communications building** and a **toilet** were shown on the approved plans but have not been constructed (and will not be).

The applicant has advised that *reference* was made to some of these features in the original application although no details were submitted with the application to enable them to be considered so are including the within this application to cover such omissions.

In addition, the District Network Operator has installed a building slightly larger than approved. The aerial associated with this building has also been built at a greater height of approximately 10 metres. Three motion sensor lights have been installed for security purposes and are only activated when the substation is approached.

Committee is advised that there are no significant additional environmental impacts identified in the ES Addendum. Similarly it is considered that, while the list of changes to the approved plans is long, the nature of these changes both individually and collectively is considered to be minimal and will not impact upon the residential amenity of any of the isolated residential properties in the area or on the qualities of the Special Landscape Area that the solar farm is located. As such the changes are considered acceptable.

Committee will see from the one objection received (**APPENDIX 2**) that none of the issues raised therein relate to the specific changes proposed by this application and therefore it is difficult to allocate much weight to it in the consideration of this application. The applicant has provided a response to these concerns which has been included as **APPENDIX 3**.

In respect of the works to the highway, the Council's Transportation Section was consulted in respect of this application. They have advised that there is no highway objection in respect of the proposed changes and further advise that they are satisfied that Condition 10 of the original consent (13/0901) which related to the need to carry out a pre-construction survey of the highway network and make good / compensate for any damage caused during the construction period. It has been confirmed that the works were carried out by the Council's own Depot at Abercynon (works paid for by the developer). The Transportation Section have also confirmed that none of the works to which the objector refers constitute any part of the publicly maintainable highway.

The Council's Drainage Section has also advised that this application do "not propose any modifications to the surface water arrangements previously agreed for this site". While the concerns of the objector are noted and the concerns have been passed onto the relevant Section, there would appear to be no reason why the changes proposed by this application cannot be approved. Committee is advised that a site visit is proposed prior to the application being considered to ensure that the drainage works have been carried out in accordance with the approved plans.

The Council's Ecologist has advised that there are no material variations between the original and proposed schemes therefore offer no objections. Similarly NRW have not offered any objections. The Council's Public Health & Protection Division of the Environment Team also offer no objection.

In respect of any impact on the archaeology of the area, the Glamorgan Gwent Archaeological Trust advise that the proposed changes constitute a "positive variation" and offer no objection to the application.

Committee is advised that a Section 73 application effectively results in a new planning consent being issued. Accordingly more or fewer conditions can be added accordingly (provided that they meet the six tests). As this development is now

complete as the application is seeking changes in retrospect there is no longer any need to add any pre-commencement conditions nor is it necessary to add any conditions relating to the construction process.

### Community Benefit

While Committee is reminded that Community Benefit is not a material planning consideration in the assessment of the proposal, the “package” has been reported to Committee in the interests of openness and transparency. It involves a payment of £2,239 per year for a period of 20 years. No beneficiary has been identified at this stage and the applicants are still to advise on the mechanism to secure these payments.

### 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).

In light of the above comments the following recommendation is made:

### **RECOMMENDATION: Approval subject to a S106 Agreement (Deed of Variation)**

Heads of Terms are as follows:

Full details of the Habitat Management Plan (HHMP) and species mitigation measures for the life of the solar farm (if longer than 25 years). These measures should include;

- a) A plan showing the location of the Management Area and areas of species mitigation and monitoring
- b) Details of habitat management, restoration, and monitoring programme
- c) Details of ecological or hydrological assessment work to advise the HMP
- d) Details of Site management, habitat restoration and access infrastructure
- e) Establishment of a HMP Committee (to include invitations to RCT and NRW (or its successor body)
- f) Details of the process and procedure of reviewing and up-dating the Management Plan during the 25 year management period
- g) Details of habitat monitoring provision
- h) Public access and safety provisions,
- i) Litter and rubbish treatment

- j) Stock proof fencing and field gate provision and maintenance,
- k) Preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually),
- l) Personnel responsible for implementation of the plan and the details and confirmation of provision of the Environmental Liaison Officer position and post,
- n) Remedial measures triggered by monitoring (including annual monitoring and update reports to Management Committee),
- n) Details of any species licensing requirements from the Welsh Government.

The works shall be implemented in accordance with the approved details and timing of works, unless otherwise approved in writing by the local planning authority.

Committee is advised that the S106 agreement containing the above has already been agreed as part of the previous application and merely needs to be modified so as to make it apply to this application too.

1. The permission hereby granted shall endure for a period of 30 years from the 14 February 2017, being the date when electricity was first exported from the development hereby approved to the electricity grid network ('First Export Date').

Reason: In the interest of visual amenity and to define the scope of the permission. In accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

2. Within 30 years and six months of the First Export Date, or within six months of the cessation of electricity generation by the solar photovoltaic facility, whichever is the sooner, the solar photovoltaic panels, frames, foundations, and all associated structures and fencing hereby approved shall have been dismantled and removed from the site. The developer shall notify the Local Planning Authority, in writing, no later than five working days following cessation of power production. The site shall subsequently be restored in accordance with the scheme required by Condition 13.

Reason: In the interests of visual amenity. In accordance with policies AW5 and AW6 of the Rhondda Cynon Taff Local Development Plan.

3. No later than 12 months before the expiry of this permission, a Decommissioning Environment Management Plan (CEMP) detailing all necessary pollution prevention measures and incident response details for the decommissioning phase of the development shall be submitted to and approved in writing by the Local Planning Authority.

The Method Statement should identify as a minimum:

- storage facilities for all fuels, oils and chemicals
- construction compounds, car parks etc
- details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off during construction
- a scheme to treat and remove suspended solids from surface water run-off during site preparation and construction works
- details of measures to ensure no polluting discharge from haul roads/disturbed areas
- details of the nature, type and quantity of any materials to be imported on to the site
- measures for dealing with any material (e.g. excavated waste) to be removed off-site
- identification of any buried services, such as foul sewers, so that they are protected
- details of all responsible persons responsible during the construction period (including telephone numbers)

The CEMP should be efficiently communicated to all contractors and sub-contractors and any deficiencies rectified immediately. The CEMP shall be implemented as approved in accordance with an agreed timeframe of works.

Reason: Prevention of pollution of controlled waters. In accordance with policies AW5 and AW10 of the Rhondda Cynon Taff Local Development Plan.

4. The areas of field boundary stone wall restoration undertaken in accordance with the approved Stone Wall Schedule of Condition (dated October 2016) shall be retained.

Reason: In the interests of visual amenity. In accordance with policies AW5 and AW6 of the Rhondda Cynon Taff Local Development Plan.

5. No decommissioning work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours: Monday to Friday 0800 – 1800; Saturday 0800 – 1300; unless such work:

- is associated with an emergency (relating to health and 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 AW6 of the Rhondda Cynon Taff Local Development Plan.

6. No later than 12 months before the expiry of this permission a Wildlife and Habitat Protection Plan for Decommissioning shall be submitted and approved in writing by the local planning authority. The plan shall include:

- An appropriate scale plan showing 'Wildlife and Habitat Protection Zones' where decommissioning 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 decommissioning to adjacent habitat and other areas of ecological value;
- A timetable to show phasing of decommissioning activities to avoid periods of the year when sensitive wildlife could be harmed
- Details of specific species and habitat mitigation, monitoring and enhancement measures for key species and habitat restoration
- Details of tree/hedgerow/wall protection measures
- Details of invasive plant avoidance and /or treatment
- Site lighting details
- 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 decommissioning;
- Implementation of sensitive working practices during decommissioning
- Regular inspection and maintenance of physical protection measures and monitoring of working practices during decommissioning;
- Specific species and Habitat Mitigation measures
- Provision of training and information about the importance of the 'Wildlife and Habitat Protection Zones' to all decommissioning personnel on site.

All decommissioning activities shall be implemented 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.

7. No later than 12 months before the expiry of this permission a Traffic Management Plan (TMP) for the decommissioning of the development shall be submitted to, and approved in writing by, the local planning authority. The TMP shall include:

- Confirmation of the exact transfer location;
- Swept Path Analysis for all HGV (showing full route and mitigation measures)
- All Traffic Management to include protection of the Public Right of Way
- Highway works (including all temporary works to the public highway passing bays widened to 5.5 metres to facilitate access and reinstatement work timescales)
- Any delivery/removal time restrictions (especially in relation to peak school hours)
- The amount of material to be transported to and from the site including aggregates for the access track.
- Wheel wash facilities

The decommissioning of the development shall be carried out in strict accordance with any approval.

Reason: To ensure safe and satisfactory delivery of all components, in the interest of highway safety. In accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. Prior to the decommissioning of the development, a report indicating a methodology for undertaking a conditions survey of the local highway network from its junction with Hawthorne Terrace to the Penrhiw Caradoc Farm access gate shall be submitted to, and approved in writing by, the local planning authority. The report should include the timescales for undertaking the surveys and the method of reporting the findings to the local planning authority, comprehensive photographs, and potential compensation arrangements.

Reason: To ensure that the extraordinary traffic use arising from the decommissioning period does not have an adverse impact on highway safety. In accordance with Policy AW5 of the Rhondda Cynon Taf Local

## Development Plan.

9. The development shall be carried out in accordance with the following approved plans and letter dated 7th August 2015 (submitted under planning reference 13/0901/10) which details (amongst other things) the buffer zone around the Scheduled and unscheduled cairns:-

- Pen Rhiw General Layout (drawing UK-PNR 085-11, dated 03/07/2017)
- Pen Rhiw CCTV Layout (drawing UK-PNR 085-11, dated 06/04/2017)
- Pen Rhiw CCTV-Sat-Weather Station Pole & Foundations Camera 1 (drawing UK-PNR 85-41-5, dated 11/07/2017)
- Pen Rhiw CCTV Pole & Foundation Cameras 2,3 (drawing UK-PNR 85-41-5, dated 11/07/2017)
- Pen Rhiw CCTV Pole & Foundation Camera 4 (drawing UK-PNR 85-41-5, dated 11/07/2017)
- Pen Rhiw Client Substation (drawing UK-PNR 085-31-3, dated 30/06/2017)
- Pen Rhiw Production Substation 1 (drawing UK-PNR 085-30-4, dated 06/04/2017)
- Pen Rhiw Production Substation 2 (drawing UK-PNR 085-30-4, dated 06/04/2017)
- Pen Rhiw PV Structure Details (drawing UK-PNR 85-45-1, dated 25/03/2017)
- Pen Rhiw Storage Container Views (drawing UK-PNR 85-30-3, dated 06/04/2017)
- Pen Rhiw Wooden Deer Fence & Gate Details (drawing UK-PNR 85-42-2, dated 06/04/2017)
- Pen Rhiw PV Farm (DNO Substation) (drawing R2256-01)

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

10. The drainage measures shown on Pen Rhiw Drainage Plan Layout drawing UK-PNR 085-11 (dated 04/07/2017) shall be retained for the duration of this permission, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure adequate disposal of surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. No later than 12 months prior to the expiry of this permission, a Decommissioning and Site Restoration Scheme shall be submitted to, and approved in writing by the local planning authority. The scheme shall include the methods, measures and timetable to secure the removal of all elements of the development and related restoration measures. The scheme shall be implemented as approved.

Reason: To safeguard the amenities of local residents. In accordance with policies AW5 and AW6 of the Rhondda Cynon Taff Local Development Plan and to afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

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**APPLICATION NO:** 13/0901/10 (CHJ)  
**APPLICANT:** 58 Ltd  
**DEVELOPMENT:** Installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras, for the life of the solar farm (Amended plans/details received 17th February 2015)

**LOCATION:** FARMHOUSE, PENRHIW CRADOC FARM,  
LLANWONNO ROAD, MOUNTAIN ASH, CF45 3UX

**DATE REGISTERED:** 17/02/2015  
**ELECTORAL DIVISION:** Penrhiwceiber

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**RECOMMENDATION: GRANT**

**REASONS FOR REACHING THE DECISION:**

The scheme represents a useful contribution to the country's renewable energy needs and will help, through other renewable technologies, to secure a wider and more sustainable range of energy provision.

The final choice of site is, on balance, considered acceptable having little significant impact on either agricultural or ecological value (see comments for the Council's Ecologist) and it is sited so as to have limited adverse affects on nearby settlements and when viewed from the Brecon Beacons National Park.

While there are, undoubtedly, visual impacts from the development, especially in relation to the isolated residential properties in relatively close proximity, they are capable of mitigation and the construction / removal of solar panel apparatus is unlikely to have any significant implication, albeit they will remain in-site for a considerable period of time.

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**APPLICATION DETAILS**

The applicant proposes to install and operate an array of photovoltaic (PV) solar panels on the site to convert daylight to electricity. The PV panels will have an energy generation capacity of approximately 5MW and will output electricity equivalent to the power requirements of 1400 typical households per year. The energy generated will be fed directly into the local power grid network for use by the nearest points of demand.

The solar farm will be a temporary, medium term, use of the site. At the end of its operational life (approximately 30 years), all equipment associated with the solar farm will be removed from the site, and the land restored to its former condition.

The solar farm will be comprised of the following components:-

#### Solar Panels

These will measure approximately 1.995m x 0.995m x 0.05m. They will have a maximum height above ground level of 2.5 metres with the lower edge being 0.8 metres above the ground. The glass panels are coated to maximise daylight absorption (therefore minimising the potential for glare).

#### Mounting Frames

Four panels will be arranged in a landscape configuration at an angle of 20 degrees to optimise daylight capture. The panels are fixed and will not move to track the sun. The frames will be galvanised in a matt finish. The frames are pile driven 1.5 metres into the ground. No concrete foundations are used and at the end of their life they can be pulled from the ground with minimum disturbance.

#### Inverters

The panels generate Direct Current (DC) electricity which must be converted into Alternating Current (AC) before being fed into the local grid network. These inverters are housed in a cabin like structure approximately 2.92 metres high x 4.42 metres long x 1.52 metres wide. They will be painted green. A total of 3 inverters are required.

#### Transformers

The transformer transforms electrical energy from one circuit to another and allows the generated electricity to be fed into the local grid. These will be stored in 2 structures similar to the Inverters.

#### Switchgear Substations

Substations are the onsite point of connection from where the electricity flows into the grid network via the connection cable. The substations house the switchgear which acts as a safety mechanism to protect the solar farm from any fault in the system (much like a household fuse box). Two sets of switchgear are required – one to shut the grid off from the solar farm and one to shut the solar farm off from the grid.

#### Perimeter Fencing

A 2 metre high timber and wire fence will be installed around the solar farm. This is to protect unauthorised access.

#### Security Cameras

These are required in order to detect any unauthorised access. They are motion sensed CCTV cameras. They are directed onto the solar farm thereby avoiding impinging on the privacy of neighbouring properties.

#### Communications Building

This is required to enable 24 hour remote monitoring of performance and security. The monitoring equipment rapidly identifies any faults as well as relaying camera footage. The proposed building will measure approximately 3.6 metres in length, 3

metres in width and 2.5 metres in height. An aerial or satellite dish may be required if reception issues necessitate.

### Composting Toilet

A toilet is required for visitors to the site. The toilet will use a dehydration process resulting in odour free compost which is collected annually for further processing off site.

The rows of the panel arrays will form a regular pattern and the grass growing beneath and between the rows will help (partially) to green the appearance of the site.

The total area of the development will be 10.95 hectares with the area of ground covered by the rows of solar panels and associated infrastructure totalling 31% of the site; the remainder of the site being grassed land constituting the gaps between the rows of solar panels, and between the fence and the solar farm.

Access to the site will be obtained via two points. The northern access will be the main access and will be formalised using an impermeable surface for the life of the solar farm. The southern-most access will have no formalised access track past the construction period. Details of the likely traffic generation associated with this development are detailed later in the report.

## **SITE APPRAISAL**

The application site is currently used for grazing stock. The site has the following characteristics:

- It is located on an elevated plateau, sloping in a general north-south direction. It is effectively split into two portions. The middle of the site has been avoided as it is either in a valley or is north facing;
- The site is within Agricultural Land Classification Grade 4.
- The site contains relatively little vegetation, with individual trees dotted throughout the site and along the site boundary, in particular the eastern boundary. Traditional stone walls form the site boundary and run throughout the site.
- A pond is located in the middle of the site – otherwise there are no natural features in the immediate vicinity.
- The site is located within an agricultural setting.
- The nearest road is a local lane providing access to several properties (including the proposed site) – this is referred to by the applicant as Pleasant Lane. This intersects with the Perthcelyn to Ynysybwl Road approximately 50 metres to the south of the site.
- There is a footpath running along the northern boundary, with other footpaths and bridleways criss-crossing the slope north of the site.
- The site is surrounded by agricultural land, however to the east, the landform drops significantly to the settlement of Mountain Ash.
- There are no national (Wales or UK) designations across the site or in the immediate vicinity.
- The site is located within the Cwm Clydach Special Landscape Area (a local designation).

- The site (97% of it) is located within a sandstone resource area.
- 12% of the site (the southern end of each field) is within a SINC (a local designation)
- There is a Scheduled Ancient Monument (SAM) located approximately 200 metres north of the site.
- The closest Listed Building is a Grade II designation approximately 760 metres east of the site.
- The closest residential property to the site is on the north-eastern boundary (in the same ownership as the applicant). There are other dwellings located approximately 200 metres south-east, 250 metres east and 250 metres to the south.

## **PLANNING HISTORY**

There is no relevant planning history on this site pertinent to the consideration of this application.

## **PUBLICITY**

The application was advertised by means of a notice in the press, direct neighbour notification and site notices placed in areas peripheral to the site.

As a result of this exercise 19 letters were received of which 9 are in support of the application and 9 in objection to it.

### Support

The letters of support comprise 4 pro-forma letters and 5 individual letters. The salient points can be summarised as follows:

- The energy produced will power 1400 households
- The site is well selected in a remote location and well screened from most places.
- It has been designed to allow livestock grazing to continue
- It includes biodiversity enhancements.
- The burning of fossil fuels pollutes the planet. This is clean energy.
- The construction would only take a short while so would not put off walking in this area for very long.
- Solar energy is non-polluting, silent and passive.
- The development will add to the diversity of the landscape.
- There are several solar farms in Caerphilly which has not affected that area.

### Objection

- Of the 10 letters of objection, 5 are the same letter but submitted by separate individuals (presumably members of the same family). The other 5 are individual letters. The salient points contained in these can be summarised as follows:
  - The number of solar panels is considered excessive for this location

- It will have a detrimental impact on the landscape
- There will be a loss of good quality agricultural land.
- There will be a glare from panels that will distract drivers / walkers / horse riders that will impact upon highway safety.
- The screening will not hide the development from the community.
- The land (as it exists) makes a contribution to the character and quality of the surrounding area.
- The application is one of a number of solar farms that will have long term consequences for the surrounding area.
- The development would result in the severance of a Right of Way
- Government Ministers have indicated their desire to resist large scale solar farms.
- The development is outside of the development limits and partly within a Special Landscape Area.
- The panels will result in ground compaction / soil erosion and the shading will degrade the growth and prevent fertilisation.
- The development will cause drainage problems with run off.
- The development will result in a loss of telephone and internet signal.
- There is no water supply to the site for cleaning the panels.
- There is no provision for grass fire possibility.
- The development puts short term benefits ahead of the long term preservation of farmland.
- Will the ecological mitigation outweigh the losses caused by the development?
- The local people will have to endure a “blot on the landscape” for a generation.
- There is no carbon calculation in respect of the associated aspects of the development compared to what they will produce.
- The transportation route is not suitable for HGVs.
- Will the Council be left with the cost of decommissioning the site?
- There is no consideration of the ancient monuments on the site.
- The viewpoints (contained in the application) are misrepresented to the applicant's advantage.
- The company carried out poor consultation and there was a time lapse between it and the submission of the application.
- There has been poor consultation by the Council as part of this application
- The use of CCTV cameras may infringe our human rights and civil liberties.
- The site will be highly visible from a number of nearby settlements such as Mountain Ash, Perthcelyn, Cefnpennar, Cwmpennar and further afield in the Cynon Valley.
- There will be no employment from such a large development.
- There is no strategic plan for renewable energy in the area.
- The profit will go to private hands with no apparent gain for the local community.
- The site will lead to vandalism.
- No account has been taken of the cost of recycling solar panels at the end of their life.

- The applicant's EIA study has flaws / shortcomings and does not conform to the impact methodology recommended by the Building Research Establishment.
- The access road lacks passing places and will hamper accessibility by existing residents of the area.

## **CONSULTATIONS**

**Rights of Way Officer** – no objection but a PROW crosses the site.

**Countryside, Landscape, Ecology** – express concern / objection that the ecological survey submitted with the application identified features of interest within the application site however the landowner subsequently carried out work to this field which may have adversely affected its ecological quality.

**Cadw** – no objection following revisions to the scheme.

**Glamorgan Gwent Archaeological Trust** – no objection following revisions to the scheme.

**SWALEC** – advise on location of apparatus.

**Dwr Cymru/Welsh Water** – no objection.

**Natural Resources Wales** – no objection. Do not consider that the proposal will have any direct impact on the adjacent Waun Goch Penrhiw Caradog SSSI (subject to conditions). An Ecological Management Plan is recommended. No objection is raised in relation to the landscape and visual impact of this proposal. NRW do not consider that the proposals will give rise to a significant impact upon a nationally designated landscape.

**Public Health & Protection** – no objection.

**Drainage Section** – no objection.

**Transportation Section** – no objection subject to conditions.

## **POLICY CONTEXT**

This section deals with the principal policies to be taken into account when considering this application. There is a significant overlapping of policies in a plethora of documents ranging from both primary and secondary legislation to Governmental and the Council's own publications. It is not practical to reproduce or summarise all of the information contained within them and therefore an assessment of the most relevant policy context and information has been included.

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.

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.

The development plan in force is the Rhondda Cynon Taf Local Development Plan, adopted in March 2011.

The site is covered by the following planning designations:

*Policy AW8 – Protection and Enhancement of the Natural Environment*

This policy seeks to ensure that the area's distinctive natural heritage will be preserved and enhanced by protecting it from inappropriate development. The area is designated as a Site of Importance for Nature Conservation (SINC) and therefore developments must be directly necessary for the positive management of the site; or not unacceptably impact on the features of the site for which it has been designated; or not reasonably be located elsewhere and the benefits of the proposed development clearly outweigh the nature conservation value of the site.

*Policy AW14 – Safeguarding of Minerals;*

This policy seeks to protect mineral resources from development which would unnecessarily sterilise them or hinder their extraction.

*Policy NSA25 – Special Landscape Areas*

The site is within Cwm Clydach Special Landscape Area where will be expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.

Other area wide policies are relevant to the determination of the scheme:

*Policy CS10 – Minerals*

In this policy the Council seeks to protect resources and to contribute to the local, regional and national demand for a continuous supply of minerals, without compromising environmental and social issues. It requires a 10 year land bank of permitted rock aggregate reserves and permits the safeguarding of key areas of reserves for future extraction.

*Policy AW4 – Community Infrastructure & Planning Obligations*

The policy notes that planning obligations may be sought where development proposals impact on local services, facilities, infrastructure and related works, to make the proposal acceptable in land use planning terms.

*Policy AW5*

This policy lists amenity and accessibility criteria that will be supported in new development proposals. These include appropriate scale, form and design of development to ensure it would have no unacceptable effect on the character and appearance of the site and the surrounding area; retention of valuable features of the built and natural environment, no significant impact upon the amenities of neighbouring occupiers and being compatible with other uses in the locality.

### Policy AW6

The policy outlines design and place-making criteria that will be supported in new development proposals. These include high quality design, schemes to be appropriate to the local context in terms of siting, appearance, scale, height, massing, elevational treatment, materials and detailing, protection and enhancement of the landscape and biodiversity and promotion of energy efficiency and the use of renewable energy.

### Policy AW8

This policy seeks to protect and enhance the natural environment and heritage from inappropriate development.

### Policy AW10 – Environmental Protection and Public Health

This policy restricts development where it would cause environmental harm or nuisance because of:-

- Air pollution;
- Noise pollution;
- Light pollution;
- Contamination;
- Landfill gas;
- Land instability;
- Water pollution;
- Flooding;
- Or any other identified risk to the environment, local amenity and public health or safety.

### Policy AW12

The policy sets out the development plan's parameters for renewable energy proposals. It supports the development of such schemes where there is no unacceptable effect upon the interests of soil conservation, agriculture, nature conservation, wildlife, natural and cultural heritage, landscape importance, public health and residential amenity.

### 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 (Edition 7 Jul 2014) Chapter 4 (Planning for Sustainability), and Chapter 12 (Infrastructure and Services), which explicitly refers to renewable energy, set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

- **PPW Technical Advice Note 5** – Nature Conservation and Planning
- **PPW Technical Advice Note 6: Planning for Sustainable Rural Communities** (2010)
- **PPW Technical Advice Note 8: Planning for Renewable Energy** (2005).
- **Planning Policy Wales** (Edition 7, July 2014)
- **Environment Strategy for Wales** (2006)
- **A Low Carbon Revolution: The Welsh Assembly Government Energy Policy Statement** - March 2010
- **Energy Wales: A Low Carbon Transition** (March 2012)
- **Wales Spatial Plan** (2008 Update)
- **One Wales: One Planet** (The Sustainable Development Scheme of the Welsh Assembly Government) (May 2009)
- **Climate Change Strategy for Wales**

Committee is advised that TAN 8: Planning for Renewable Energy sees wind farming as the principal mechanism for providing the country's renewable energy needs (or at least meeting the targets). As such the TAN offers very little information in respect of solar farms other than advising that there is a general presumption in favour of delivering all types of renewable energy. Committee is advised that the Strategic Search Areas (SSAs) that are referred to when considering all wind farm applications are not relevant to the development of any other type of renewable energy scheme nor is the requirement to "accept landscape change" a principal consideration.

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations dictate otherwise.

This section of the report identifies the relevant development plan policies for the purposes of S38 (6) and discusses the other policy and material considerations (including letters of support and objection) which apply to this development. It then provides an assessment of the proposal against the Development Plan policies and material considerations drawing on the findings of all supporting documentation.

In determining this application Committee is advised that the principal considerations are the impact of the proposal on the character and visual amenity of the area, the residential amenity of those living closest to the site, highway safety, ecological implications and any implications of any historic, architectural or cultural features.

Committee is advised that large or complex schemes will rarely satisfy all of the criteria set out in the variety of policy and advice guidance that surrounds a particular type of development and therefore a weighing up of all material considerations will be required in order to reach a decision.

Climate change and renewable energy

The importance of renewable energy schemes in Wales, and the need for consistency in dealing with applications for such developments, is indicated by the Welsh Government Practice Guidance – “Planning Implications of Renewable and Low Carbon Energy” (February 2011).

The Local Development Plan (LDP) sets out a permissive stance towards renewable energy generation within the open countryside (Policy AW12). 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 “renewable” than Wales consumes as a nation by 2019), in the Climate Change Strategy (a 3% reduction in green house gas emissions from 2011 levels).

It is recognised that no single scheme will meet the Welsh Government’s commitments however each scheme for renewable energy contributes to the reduction of greenhouse gas emissions and this scheme would represent a useful contribution towards the implied 1GW WG target set for other technologies including solar PV

While one letter of objection states that “government ministers” have expressed their concern in respect of large scale solar farms, no evidence has been cited and there are many Welsh and UK policy documents which support renewable energy where appropriate measures are taken to protect the environment.

Another letter of objection suggests a lack of a strategic approach to this type of development in the area, however Committee is advised that the renewable energy framework is set by the Welsh Government (through TAN 8) and policies within the LDP and that the Council has no control over the applications which are submitted to it and subsequently considered / determined by it.

#### Impact on Landscape and Visual Amenity

Committee is advised that such a large application could, potentially, have significant medium term impacts in terms of its effect on the landscape within which it sits as well as the towns and villages that are adjacent to it. Such concerns, understandably, form a large basis of the objections received

The application site is within the Cwm Clydach Special Landscape Area (SLA) where will be expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area. Committee is advised that an SLA is a local designation (it is not a national or international designation such as an AONB or SAC)

The applicant points out that the character of the SLA is one within which renewable energy developments will become a defining feature – although Committee is advised that the TAN 8 requirement for LPA’s to “accept landscape change” within these Strategic Search Areas **only specifically relates to the construction of wind farms and not to other forms of renewable energy schemes.**

The proposed development is located on the lower coalfield plateau tops adjacent to the Cynon Valley, south west of Mountain Ash. The proposed layout comprises two parcels of land. To the north, three fields are proposed to be developed. This reduces the extent of the previous layout which had included three further fields to the south west. These were adjacent to Public Rights of Way and to open access land. To the south east, two further fields are proposed to be developed.

The topography is undulating with the southern parcel located on a localised high point. However the site is set slightly back from the very steep slopes of the Cynon Valley. The fields are pastoral and irregular in shape and are enclosed by stone walls which are in a varied state of repair. There are two small cairns located near the high point in the field in the southern parcel and a number of small trees located in the fields to the north.

The proposed layout shows arrays with irregular edges in order to cope with the irregular shape of the field boundaries and vegetation. The spacing of the arrays also varies to address changes in slope and aspect. The (revised layout) arrays also appear to be proposed running in close proximity to the (unscheduled) cairns. The arrays are set back from the field boundaries and the layout overall appears to minimise the level of damage to the walls and vegetation.

The ZTV (Zone of Theoretical Visibility) appears to show that there is visibility of the arrays within the Cynon Valley as well as the plateau to the south west and north east of the Valley. As the arrays are sited back from the edge of the top of the valley sides it is not clear how many would be visible. It is assumed that visibility of the bulk of the solar farm is limited in the valleys due to the arrangement of the layout and intervening vegetation and field boundaries.

The site is located in LANDMAP aspect areas with the following values: high value for geological landscape, historic landscape and cultural landscape aspects; moderate value for visual and sensory and landscape habitat aspects.

The combined values and qualities of the landscape have resulted in the designation of the area as the Cwm Clydach Special Landscape Area. Its qualities include that it is unspoilt and secluded from busy valleys.

The irregular field boundaries, sizes of fields and undulating topography do not lend themselves ideally to solar panels. However, the field boundaries are retained mostly intact and the scale of the development in two blocks does not appear to overpower the pattern or grain of the landscape. There is some visibility particularly to the south on higher ground which does lead to some adverse effects.

The LVIA states that the sensitivity of the landscape is “high/medium”. The effect on the landscape character is stated as “medium” up to 1 km with a resulting significant adverse effect. This appears to be a reasonable evaluation. Beyond 1 km, the LVIA considers that the effect is “not significant”.

The effects on visual receptors appear to have been reduced by the reduction in the size of the solar farm. The LVIA states that Pen Rhiw Caradog (the land owner’s property) and Perthgelyn, 270m east of the site would be significantly adversely

affected. However, it states that the property just off Pleasant View, 180m to the south, and the property west of the reservoir, 300m east of the site, would no longer undergo significant effects.

With regard to visual impacts from Public Rights of Way, the LVIA states that the footpath running along the northern boundary adjacent to the site would experience significant adverse effects. This is agreed, however, it states that the footpaths and bridleways in the open access land to the north west of the site, which run 170 m at their closest point, would not undergo significant effects. As the views are open and the arrays would be visible sideways on above the boundary walls, this does not appear to be the case. It would be expected that there would be "significant adverse" effects on users of these Public Rights of Way and open land, although reduced from level of effects likely from the previous (originally proposed) layout.

The level of effect on views of the arrays from Llanwono churchyard and car park are likely to be low and not significant due to the reduction in the extent of the arrays to the north although Committee is advised that the photomontage from this location does not appear show any arrays - which seem unlikely.

Should the proposal be approved, mitigation should include the repair of boundary walls and reinstatement. The arrays should also avoid running across and disturbing the cairns with appropriate protection measures in accordance with good practice implemented.

It is clear that the development of such a large solar farm in a rural location would have some potentially significant impacts on visual amenity. It is a matter of judgement whether such impacts (which can only partially be mitigated by landscaping and the repair of boundary walls) is acceptable. Committee is advised that NRW have not objected to the proposal. They do not offer any concerns in relation to the landscape and visual impact of this proposal and do not consider that the proposals will give rise to a significant impact upon a nationally designated landscape.

#### Landscape and Visual Amenity Conclusions

NRW advise that there will not be any significant impacts on the landscape arising from this development. This would seem to align itself with the applicant's own assessment.

A number of objections have been received which express concerns over the visual appearance of the development. Committee is advised that the impact from the solar farm is considered to be the greatest (most adverse) from those properties in relatively close proximity that live in a predominantly rural area and are, understandably, concerned that the development would not be in keeping with the predominant agricultural uses in the area. Wider views would be more affected by the sheer scale of this type of development although such views would be set against a larger backdrop.

It is clear that such an expanse of apparatus will significantly change the local character of the landscape however, the nature of solar farm development is such that it is not reasonably practical to carry out a development of the scale required in

anywhere else other than a rural setting and its very scale is such that it will be visible from a wide range of areas.

A point has been raised by an objector stating that there is no strategic plan in respect of renewable energy projects and that without such a strategy any number of proposals could be submitted within RCT with the potential for significant impacts. In respect of TAN 8 (Planning for Renewable Energy) it is fair to say that this document was principally designed to deal with wind farm development (which was seen as the only realistic way of the Welsh Government meeting its renewable energy targets) and is less directional its framing of other types of renewable energy projects.

While TAN 8 states that landscape change should be accepted, this principle does not apply, per se, to solar farm development (or any renewable projects other than wind farms) however, it is implicit in a range of policy documents at both a Welsh Government and UK Government level that there is a general presumption in favour of renewable energy projects (subject, of course, to proper assessment of any impacts).

While the comments of the objectors are pertinent, TAN 8 remains the relevant document (along with the others referred to in the POLICY CONTEXT section of this report) for the consideration of this application.

While the solar farms will be visible from a wide variety of locations, its impact is principally considered to be at a “local” level and that at this “local” level the impacts, while being significantly different to the current views of an agricultural field(s), are considered not so harmful as to warrant a recommendation of refusal

Members will be aware that the interpretation of “harm” or “unacceptable impact” involves a rigorous assessment but any conclusions are, essentially, a matter of judgement. The situation is not helped by the fact that TAN 8 offers very little by way of assistance to the decision maker in the way that it does in respect of wind farm development. Given the seemingly inevitable contradictory assessments in terms of landscape and visual impact, Committee is advised that the general presumption in favour of renewable energy schemes and the consultation response from NRW (who are the Welsh Government’s advisors on the Welsh landscape) which offers no objection in respect of the proposal, it is considered that, on balance, the proposal would not have any significant impacts such as to warrant a refusal and that the scheme can be considered to comply with the relevant policies within the Local Development Plan.

It is accepted that landscape and visual issues is one factor in the decision making process. There are benefits from renewable energy. These factors, combined with other issues, need to be put into the balance to arrive at a planning decision on the overall acceptability of the proposed development. The land management works carried out by the land owner have invalidated the assessment process half way through the planning application.

Access, Public Rights of Way and Highway Safety

The developer has indicated that the large HGV vehicles will deliver components to a transfer station yet to be confirmed (such as Pontcynon Industrial Estate) whereby loads will then be transferred to 7.5t vehicles to access Penrhiw Cradoc Farm.

Although this will increase vehicle movements along the access route due to some tight constraints and on-street car parking, the proposal to construct the solar farm in this way is acceptable.

As part of the submission, the developer has provided some "swept path" analysis along the route which indicates that access can be achieved by the 7.5t vehicles proposed.

The adopted access road leading to Penrhiw Cradoc farm is sub-standard in terms of both its width (2.9m) and vision at its access with Llanwonno Road. In order to overcome this, the developer will be required to mitigate the impact of the proposal by providing passing bays - widened to 5.5m - to allow two large vehicles to pass one-another.

The vision splay (in accordance with TAN 18) for a road with a 60mph speed limit should be 2.4m x 215m. The achievable vision splays, due to the road geometry, is 2.4m x 80m left and 2.4m x 65m right onto Llanwonno Road which is of concern to the Transportation Section. Given the limited time period for construction (3 months) the developer will be required to mitigate the impact by providing traffic management warnings of slow turning vehicles and temporary construction traffic.

A Traffic Management Plan will be required before any works commencing on site which must include exact routes, swept path, type of vehicles, constraints, temporary traffic management, the amount of material to be transported and any mitigation measures required. Therefore a condition has been suggested accordingly.

In addition, a condition survey of the local highway network from its junction of Hawthorne Terrace to the access with Penrhiw Cradoc Farm will be required prior to works commencing on site and after commissioning with any compensation arrangement agreed and therefore a condition has been suggested accordingly.

An objection relates to the impact of the development on an existing Public Right of Way (PROW). A PROW footpath (Ycc8) and bridleway (MOV/ 18) run along the site boundary with access gained off Llanwonno Road which will require a scheme for mitigation of any impacts in accordance with details that have been agreed with the Council's PROW Officer – and which will form part of the Traffic Management Plan.

In addition to the above, the developer has also provided the following information as part of the application. Such details can be secured through the imposition of a condition:-

- The construction period is expected to be completed within 3 months. a construction compound will be constructed for storage of materials, staff parking and deliveries.
- Construction hours will be between 08:00 – 18:00 Monday-Friday and 08:00-13:00 on Saturdays.

- HGV vehicles will be restricted between the hours of 08:00-09:15 and 14:45-15:45 weekdays to coincide with peak school hours.
- A construction Traffic Management plan will be provided with detailed signage, HGV routes, mitigation measures and any restriction on delivery times.
- Over the 3 month period there is likely to be a maximum of 160 HGV vehicular trips equating to 8 HGV deliveries per day. These deliveries will be taken to a transfer station such as Pontcynon Industrial Estate whereby loads will be transferred to smaller HGV Vehicles.
- After transfer it is estimated that it will take between 180-270 smaller HGV vehicles to transfer the solar panels and frames to Penrhiw Caradoc Farm.
- When adding the construction traffic for the access track and compound the maximum HGV movement to the site is in the region of 250-340 vehicles.
- It is estimated that the workforce would arrive in a maximum of 10 light vehicles during the construction period.
- Vehicle trips for maintenance thereafter are estimated at 12-20 per year.
- A stone construction path will be provided along the farm access 3.5m – 4.0m wide for ease of access to the site location.
- No abnormal loads will be required as part of the set up operation or decommissioning.

In light of the above comments, no objections have been raised by the Transportation Section. A number of the objections refer to the highway safety concerns, specifically resulting from the construction period. It is clear that the lanes in and around the site will be the subject of a level of traffic that is out of the ordinary to that normally encountered however, it is only for a limited period of time and will be the subject of the details agreed by a Traffic Management Plan, therefore the impact is considered to be inconvenient rather than unacceptable. The maintenance period (following construction) is not associated with any significant levels of traffic therefore are not considered to be a problem.

Members may be aware that a similar development in Rhigos gave rise to some issues during the construction period, much to the annoyance of some local residents. While a similar condition to the one proposed was included as part of that submission, the complaints received (by the Enforcement Section) came relatively late in the construction period therefore the period for compliance with any Notice would only have become active *after* the construction period was completed – rendering any direct action abortive.

### Ecology Issues

An Environmental Statement (ES) was submitted with the application and has identified that the habitats on site.

Initially, the Council's Ecologist and NRW offered some concerns over the level of detail submitted. As a result the applicant carried out the appropriate surveys and resubmitted the ES in February of this year, in particular identifying the impact of the development on the SINC.

The Council's Ecologist is somewhat disappointed that during this period the landowner carried out works to these fields such as to undermine any ecological

value that they may have had and rendering any evaluation of the application as somewhat pointless.

Notwithstanding these concerns it would seem that any ecological value would have been of a local SINC interest rather than contain nationally or internationally protected species. It may be argued that in undertaking this work the land owner may have contravened the Environmental Impact Assessment Regulations for Semi Improved and Uncultivated Land. The matter has been reported to the Welsh Government however there would seem to be some debate as to who would be responsible for administering these Regulations and, therefore, if necessary taking enforcement action. It would seem as though (regardless of who has the responsibility for assessment or enforcement) that this process can take place independently of the consideration of the planning application.

In terms of the potential for assessment, the Council's Ecologist has advised of the following:

- a) The pastures affected by the solar farm were known to be of some ecological value (and potentially high grassland value) and confirmation was being sought of that value in order to understand the impacts of the scheme and, if appropriate, the scale of mitigation that would be required to off-set the impacts of development.
- b) The land management works carried out by the land owner have invalidated
- c) Experience has shown that land improvement works (of the nature undertaken) are not always permanent or indeed very long lasting. Depending on the extent and degree of land improvement habitat recovery can occur.
- d) Given (c) the works undertaken mean that it is not possible, at this time, to assess the real ecological value of those fields, whether that ecological value will recover in the next few years and therefore the ecological impacts of the scheme cannot be assessed.
- e) Based on the above, there might be grounds for an ecological objection based on the interference of the assessment process during a live planning application, and that time is required in order to allow a better assessment of the true ecological value of the affected fields. The works undertaken leave no option but to take a precautionary approach and assume that the grassland ecology was high, that it may (at least in part) recover, and that it is whatever recovery will happen will have occurred before the solar farm application can be properly assessed. The improvement works have not resolved the issue, instead they have had the opposite effect and significantly clouded the assessment process.

Members can see the difficulty there is in assessing the ecological value of the site in order to give an overall weighting of the value against all of the other material planning considerations.

In the absence of any meaningful assessment the Council's Ecologist has advised that the only alternative might be if the applicant offered significant habitat mitigation, which would need to be much more extensive than the gaps left in the field corners around the edge of an operation solar farm.

While any ecological impacts may have only been at a local level, Committee is advised that such an assessment forms a vital part of the consideration of any planning application and the actions of the land owner have made this process very difficult. However, as the issues are likely to be only at a local level it may be that a scheme that offered significant enhanced habitat mitigation would outweigh the potential losses such that, on balance, the scheme would provide greater benefits than the potential impacts.

In light of the fact that NRW have not offered any objections to the scheme in respect of its impact on the adjacent Waun Goch Penrhiw Caradog Site of Special Scientific Interest (SSSI) it is confirmed that there is nothing other than a local designation affected by the proposal. Furthermore, NRW also advise that the works carried out to the fields have “significantly reduced the biodiversity value of the site during the planning process” however also advise that there may be opportunities within the development to seek biodiversity enhancements wherever possible. In doing so NRW advocate that a condition is included requiring the submission of an “Ecological Management Plan” setting out the long term management and enhancement of the habitats on site. They also recommend that this should include a commitment to halt any further applications of fertiliser to the site to encourage the natural reversion of the grassland habitat to a more species rich sward.

Committee is advised that such advice is not dissimilar to that given by the Council's Ecologist when addressing the dilemma of how to proceed in the consideration of this application. Should Committee be minded to approve the application then it is normal practice to accompany any decision with a S106 agreement to ensure the long term management of the site (for the life of the solar farm through to its decommissioning).

### Land Drainage

The Council's Drainage Section has advised that the applicant has submitted a Flood Consequence Assessment (FCA) with the application. The FCA concludes that there will be little impact to the watercourse as a result of the development. The advice from the Council's Drainage Section is that the introduction of solar panels will significantly change the flow patterns of the fields, limiting flow routes to the channels between the solar arrays. This, in turn, will have an effect on the receiving watercourse (in terms of velocity, times of concentration, etc.) the precise details of which should form part of a Hydrological Impact Assessment. Committee is advised that should the application be approved, a condition is proposed to this effect, the details of which are to be submitted prior to the commencement of any development. As noted in an earlier section of this report, there may be opportunities for biodiversity improvements, the details of which should also form part of the applicant's considerations / submission.

With the inclusion of this condition, the Council's Drainage Section has no objection to the scheme.

Similarly Dwr Cymru / Welsh Water have offered no objections in respect of the scheme.

### Mineral Extraction

The application site is identified in the Local Plan as a sandstone resource.

The site is located within a mineral safeguarding area for sandstone. The proposed development consists of lightweight structures which will be above ground and therefore would not substantially sterilise or hinder future extraction of the mineral, which is located beneath the site. The development has a lifespan of 25 years at which point it can be decommissioned and, if require, the mineral extracted.

Policy CS10 requires the Council to maintain a minimum 10 year land bank of permitted rock aggregate reserves throughout the plan period (to 2021) and beyond this to safeguard an extended land bank in the form of a Preferred Area of Known Mineral Resource. It is this latter category that this application falls. The solar farm is a temporary development which will be dismantled and the land reinstated. The effects on the landform are very limited and sandstone resource would not be permanently harmed as a result of this development.

### Agriculture

The layout of the proposed solar farm has been chosen to minimise impacts upon soils, requiring limited excavation to facilitate the installation of the panels.

Agricultural activities (grazing) can still continue around the panels. No existing landscape elements will be lost as a result of the development with existing walls and buildings retained.

The minimal effects on agricultural uses mean that the scheme is in accordance with the requirement of Local Plan Policy AW12 with regard to ensuring there is no unacceptable effect on the interests of agriculture.

The applicant has stated that the Agricultural Land Classification of the site is Grade 4. Applications which cover areas of more than 20 acres of Grade 1, Grade 2 or Grade 3a land must be referred to the Welsh Government (by way of consultation with the appropriate Department) however, as the land is Grade 4 this does not apply and the (partial) loss of this quality of agricultural land is not considered to be unacceptable (i.e. it is not the best quality of agricultural land for which a rigorous assessment of the desirability to preserve it would be necessary).

### Economic Benefits

Committee is advised that, outside of the construction period there is unlikely to be any employment associated with the development of a solar farm (other than, perhaps, in the maintenance service). Committee is advised that in terms of being a material consideration it is neither positive or negative and, as such, should not be afforded much weight either way in the decision making process. A number of objectors have made reference that the development will not benefit the local community.

There is "community benefit" being offered as part of this development (if approved). It is understood that the applicant has offered £1,000 per MW built per annum

indexed for the life of the project (i.e. £5k a year inflated) which, over a 25 / 30 year period may offer some £125,000 / £150,000 for the local community. Committee is advised that this is being reported **for information only**.

All community benefits (i.e. those payments not directly associated with mitigating the impacts of the development) should be provided outside of the planning system. Accordingly, Committee is advised not to give any weight to this aspect of the scheme when making a decision.

The operational life of the solar farm will not give rise to the provision of any meaningful employment opportunities. There may be some limited opportunities during the construction period however these are likely to be short term. It is the nature of this type of development that there would be limited employment opportunities and, accordingly, very little additional weight can be given to the application in this respect.

### 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).

### Conclusion

This application for a 5MW solar photovoltaic farm is designed to produce energy from a renewable source. This therefore seeks to contribute to the Welsh Government's intention to produce more electricity from renewables than Wales consumes as a nation by 2019.

Given the detailed landscape and visual assessment there is still some concern over the suitability of the site to accommodate this development. However, taking into account the specific consultation response from NRW and the other consultation responses, it is considered that, on balance, the scheme has minimised the potential effects on landscape, ecology (through mitigation to be secured as part of a S106 agreement) and flood risk and thus is in accordance with Local Plan Policies AW8, NSA25, AW5, AW6, AW10 and AW12.

It is also in accordance with national policies on ecological; protection and enhancement, landscape character and flood risk set out in Planning Policy Wales and the Wales Spatial Plan.

The temporary use of the site protects the identified sandstone resources and thus ensure the scheme is in accordance with Local Plan Policies AW 14, CS 10.

**Recommendation:** Approval subject to a S106 Agreement

Heads of Terms are as follows:

Full details of the Habitat Management Plan (HHMP) and species mitigation measures for the life of the solar farm (if longer than 25 years). These measures should include;

- a) A plan showing the location of the Management Area and areas of species mitigation and monitoring
- b) Details of habitat management, restoration, and monitoring programme
- c) Details of ecological or hydrological assessment work to advise the HMP
- d) Details of Site management, habitat restoration and access infrastructure
- e) Establishment of a HMP Committee (to include invitations to RCT and NRW (or its successor body)
- f) Details of the process and procedure of reviewing and up-dating the Management Plan during the 25 year management period
- g) Details of habitat monitoring provision
- h) Public access and safety provisions,
- i) Litter and rubbish treatment
- j) Stock proof fencing and field gate provision and maintenance,
- k) Preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually),
- l) Personnel responsible for implementation of the plan and the details and confirmation of provision of the Environmental Liaison Officer position and post,
- m) Remedial measures triggered by monitoring (including annual monitoring and update reports to Management Committee),
- n) Details of any species licensing requirements from the Welsh Government.

The works shall be implemented in accordance with the approved details and timing of works, unless otherwise approved in writing by the local planning authority.

**RECOMMENDATION: Grant**

1. The development hereby 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 permission hereby granted shall endure for a period of 30 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 and to define the scope of the permission. In accordance with policies AW5 and AW6 of the Rhondda Cynon Taff Local Development Plan.

3. Within 30 years and six months following completion of construction of the

development, or within six months of the cessation of electricity generation by the solar photovoltaic facility, or within six months following a permanent cessation of construction works prior to the solar photovoltaic facility coming into operational use, whichever is the sooner, the solar photovoltaic panels, frames, foundations, and all associated structures and fencing hereby approved shall have been dismantled and removed from the site. The developer shall notify the Local Planning Authority, in writing, no later than five working days following cessation of power production. The site shall subsequently be restored (in accordance with the scheme required by Condition 18) no later than three months following the cessation of power production or within 30 years of the completion of construction, whichever is the sooner.

Reason: In the interests of visual amenity. In accordance with policies AW5 and AW6 of the Rhondda Cynon Taff Local Development Plan.

4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with "Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006)". This document shall be submitted to, and agreed in writing by, the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to, and agreed in writing with, the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors. In accordance with policies AW10 of the Rhondda Cynon Taff Local Development Plan.

5. No development approved by this permission shall be commenced until a Construction Environment Management Plan (CEMP) detailing all necessary pollution prevention measures and incident response details for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority.

The Method Statement should identify as a minimum;

- storage facilities for all fuels, oils and chemicals
- construction compounds, car parks etc
- details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off during construction
- a scheme to treat and remove suspended solids from surface water run-off during site preparation and construction works

- details of measures to ensure no polluting discharge from haul roads/disturbed areas
- details of the nature, type and quantity of any materials to be imported on to the site
- measures for dealing with any material (e.g. excavated waste) to be removed off-site
- identification of any buried services, such as foul sewers, so that they are protected
- details of all responsible persons responsible during the construction period (including telephone numbers)

The CEMP should be efficiently communicated to all contractors and sub-contractors and any deficiencies rectified immediately. The CEMP shall be implemented as approved in accordance with an agreed timeframe of works.

Reason: Prevention of pollution of controlled waters. In accordance with policies AW5 and AW10 of the Rhondda Cynon Taff Local Development Plan.

6. Prior to the commencement of development details showing the repairation / restoration of all field boundaries shall be submitted to, and approved in writing by, the local planning authority. All works approved as part of these details shall be completed in accordance with any approval prior to the first beneficial export of electricity from the site.

Reason: In the interests of visual amenity. In accordance with policies AW5 and AW6 of the Rhondda Cynon Taff Local Development Plan.

7. No construction work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours: Monday to Friday 0800 – 1800; Saturday 0800 – 1300; unless such work:

- is associated with an emergency (relating to health and 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 AW6 of the Rhondda Cynon Taff Local Development Plan.

8. No development shall take place until a Wildlife and Habitat Protection Plan for Construction has been submitted and approved in writing by the local planning authority. The plan shall include:

- An appropriate scale plan showing 'Wildlife and Habitat 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 to adjacent habitat and other areas of ecological value;
- A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed
- Details of specific species and habitat mitigation, monitoring and enhancement measures for key species and habitat restoration
- Details of tree/hedgerow/wall protection measures
- Details of invasive plant avoidance and /or treatment
- Site lighting details
- 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;
  - Implementation of sensitive working practices during construction
  - Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
  - Specific species and Habitat Mitigation measures
  - Provision of training and information about the importance of the 'Wildlife and Habitat Protection Zones' to all construction personnel on site.

All construction activities shall be implemented 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.

9. No development shall take place until a Traffic Management plan (TMP) has been submitted to, and approved in writing by, the local planning authority. The TMP shall include:
- Confirmation of the exact transfer location;
  - Swept Path Analysis for all HGV (showing full route and mitigation measures)
  - All Traffic Management to include protection of the Public Right of Way
  - Highway works (including all temporary works to the public highway passing bays widened to 5.5 metres to facilitate access and

reinstatement work timescales)

- Any delivery time restrictions (especially in relation to peak school hours)
- The amount of material to be transported to the site including aggregates for the access track.
- Wheel wash facilities

The development shall be carried out in strict accordance with any approval.

Reason: To ensure safe and satisfactory delivery of all components, in the interest of highway safety. In accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to commencement of the development, a report indicating a methodology for undertaking a conditions survey of the local highway network from its junction with Hawthorne Terrace to the Penrhiw Caradoc Farm access gate shall be submitted to, and approved in writing by, the local planning authority. The report should include the timescales for undertaking the surveys and the method of reporting the findings to the local planning authority, comprehensive photographs, and potential compensation arrangements.

The development shall not be brought into use until the final survey (on completion of the development) and any compensation has been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the extraordinary traffic use arising from the construction period does not have an adverse impact on highway safety. In accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. The development shall be carried out in accordance with the plans and letter dated 7<sup>th</sup> August 2015 which details (amongst other things) the buffer zone around the Scheduled and unscheduled cairns and the following plans:-

- Layout – Pen Rhiw Farm\_Proposed\_Layout\_Rev3; PRW\_01\_Rev3; dated 17.11.14.
- Field Transformer – Transformer Details; TD\_01; dated 27.11.13.
- Inverter Station – Inverter Details; ID\_01; dated 29.11.13.
- DNO Substation – DNO Building Details; DNO\_01; dated 06.12.13.
- Clientside Substation – Client Side Substation Details; CSR\_01; dated 06.12.13.
- Communications Building – Communications Building Details; CB\_01; dated 19.12.13.

- Site Transformer (Aux) – Side/Aux Transformer; AT\_01; dated 09.01.15.
- Storage Shed elevation – Storage Building Details; SB\_01; dated 18.12.13.
- CCTV details – CCTV Pole Details; CCTV\_01; dated 10.12.13.
- Standard Deer Fencing Details – Deer fence (undated).
- Toilet Cabinet – TC\_01; dated 12.01.15.

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

12. Prior to any building work taking place, samples of all materials (along with a full written schedule) proposed to be used on any building or structure that forms part of this approval shall be submitted to, and approved in writing by, the local planning authority.

The above details shall be accompanied by a written justification as to why the proposed materials are considered appropriate to their setting.

The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

13. No development shall take place until drainage arrangements have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure adequate disposal of surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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Miss M Williams



Planning Services  
Sardis House  
Sardis Road  
Pontypridd CF37 1DU

04 January 2018

17/0771/15 | Variation of condition 11 (Approved Drawings) of previously approved planning application 13/0901/10 (Installation and operation of a solar farm and associated infrastructure) | PENRHIW CRADOC FARM, LLANWONNO ROAD, MOUNTAIN ASH, CF45 3UX

Dear Sir/Madam

I wish to make objections on the above.

I understand that some conditions have been approved however some of these conditions have not been complied with.

There are failings within the construction and planning.

1) Site Access Road has not been laid or constructed as set out in planning application. The road is not put back to the same level as before construction.

The road has been constructed by cutting into the grass verge against the stone walls this is causing structural weakness to the adjoining stone walls effectively they have been under mined.

No drainage alongside of the road

Road washing away because of no drainage

Road built to high not as planning this has created ponds of 600 mm deep causing an environmental and health hazard i.e. child could walk into water and drown.

The increased height in the road has caused in areas the adjoining stone wall to become less than 800 mm high this is a hazard as people can fall 5ft into adjoining field

2) Stone walls have not been not completed before first export of electricity they are still unfinished

3) Internal roads within the solar park are not correct as per 106 agreement.

4) Top soil removed from large areas within the 106 agreement area.

There are areas on land within the solar park where the cable routes have been excavated the soil was not removed in correct manner i.e. subsoil one side and topsoil separately they have been excavated as one and just backfilled any surplus soil including topsoil losing habitat and seed bank was removed from site.

The land levels have been altered given that the soil has not been correctly put back this has had the effect in some areas of undermining internal field boundaries

I note that they wanted to do roughing up there is only subsoil to rough up this has caused compaction given that there are areas of no topsoil to allow water to seep naturally this is causing water run off to adjoining fields causing erosion.

5) The swales are not functioning correctly the water is gathering at the lowest points. Maps are flat, fields are not the direction of the swales run up hill. How are these to work they cannot the large collection pond are higher than the swales the water collects in these then runs back into the swales.

The effect of this is causing water runoff into adjoining fields the high volume of water runoff is causing soil erosion to the fields below and causing environmental damage to neighbouring land and washing away stone walls. This applies to plot A and B.

6) Roadway connection plot A and B is not in the same place as agreed in planning. This new road linking both sites has been constructed without drainage the road is washing away in addition the adjoining stone walls are collapsing. This road is 1.2 metres above the base of the stone walls where excavation took place for the cabling route at the depth of 1.2 metres.

Therefore if a HGV was driven on a weakened back filled trench due to the lack of drainage the adjoining stone wall could collapse, with the potential to cause injury or even death.

7) The internal roads within the solar park are not constructed to planning are unstable and washing away.

I await your responses to my objections.

Yours sincerely



Rhondda Cynon Taf County Borough Council  
Planning Services  
Sardis House  
Sardis Road  
Pontypridd CF37 1DU

22 February 2018

Dear Sir/Madam

**Response to objections raised for application 17/0771/15 | PENRHIW CRADOC FARM, LLANWONNO ROAD, MOUNTAIN ASH, CF45 3UX**

We note the objections raised during the determination of planning application 17/0771/15, which relate to the solar farm at Pehrihw Cradoc Farm and would like to take this opportunity to respond.

**1. Access Road**

Lightsource are aware that there are minor variations from the approved plans in the as-built designs, and this includes the access road. As such, the s73 application has been submitted to obtain planning approval for the constructed site, including the access road.

However, the variations relating to the access road are very minor, and it is considered that the constructed access roads, both internal and external, follow a near identical path to that shown on the approved layout (PRW\_01\_Rev8). The access track is marginally closer to the existing stonewall, however, it was clear from the approved plans that the access track was always intended to be built alongside the stone wall. As such, we believe any concern should have been raised against the original planning application - it is very difficult to address retrospectively. Our contractors have rejected the assertion that the constructed access road is undermining the adjacent stonewall. A photo of the constructed access track is provided in the Appendix (*Figure 1*).

With regards to the issues relating to the depth and height of the access road, we note that no access elevation/cross-section was submitted or approved and the access track was constructed to our contractors' standard specification. As such, we consider that we are not contravening planning approval. Our access roads need to be level with the height of the surrounding land, and our contractors have confirmed that the original access track had worn down below the level of the fields, so the access track as upgraded is marginally higher than it was previously. However, as illustrated in *Figure 2* the access track is level with the adjacent fields.

Regarding the drainage arrangements for the access roads, attention is drawn to the submitted as-built drainage layout (UK-PNR 085-11) which illustrates the swales that have been installed adjacent to the access track, to assist with drainage, in accordance with the approved access plan (DRG No. PE10326-001 Rev E). In addition, as the access roads consist of layers of crushed stone (see *Figure 3* in the Appendix), they are intended to be permeable, as highlighted in the approved Flood Consequences Assessment submitted with the original application.

We would like to draw attention to the updated Flood Consequence Assessment that was submitted as part of this application (17/0771/15), which concludes that the site, as constructed, does not negatively impact the onsite drainage arrangements. Furthermore, attention is drawn to the consultation response received from

#### **6. Access between fields A and B**

As shown on the original Site Location Plan, our red line boundary only includes the temporary access required during construction. This is also illustrated on the approved layout plan (PRW\_01\_Rev8). The access shown is clearly labelled as 'Temporary Access Road' and it was always intended this would be removed, which it has been.

Our contractors reinstated and upgraded the existing access farm track which is located to the north of the temporary construction access road. However, this access track is outside of the planning application's red line boundary, and so is not considered to be a material planning issue for the determination of this application.

#### **Conclusion**

Lightsource has taken every reasonable measure to ensure the construction of the solar farm is compliant with the approved plans, and where this was not possible, we have brought the changes to the Council's attention ourselves through this s73 application and attempted to rectify any issues.

A number of the issues raised do not appear to be material planning considerations, and as such should not impact the determination of this application. Please do not hesitate to get in touch if there any issues that are not considered to have been sufficiently addressed.

I look forward to receiving the Council's decision on application 17/0771/15.

Kind regards

**Tiffany Gullan**  
Planner  
DD: 020 36677924



*Figure 3: Close up of access track to illustrate permeability*



*Figure 3: Stonewalls under construction at Pen Rhiw*