



# Planning Design and Access Statement

Installation of a 25MWp solar farm and  
associated infrastructure

Pen Caer Lan Farm, Seven Sisters,  
Neath, SA10 9EP

Greentech Invest UK (8) Limited

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## 1.0 Executive Summary

- 1.1.1 This Planning Statement has been prepared on behalf of Greentech Invest UK (8) Limited in support of a planning application for solar farm development on land Pen Caer Lan Farm, Seven Sisters, Neath, SA10 9EP.
- 1.1.2 The site area measures 29 hectares. It lies predominantly within agricultural fields separated by a watercourse and hedgerows to the south west of Seven Sisters, Neath.
- 1.1.3 The application proposes a renewable energy generating station comprising ground mounted solar panels with an installed generating capacity of up to 25MWp, including permanent grid connection hub, mounting framework, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net benefit and environmental enhancements for a temporary period of 40 years.
- 1.1.4 The UK's last coal fired power station ceased generation in September 2024, highlighting the urgent need for additional power generation to replace the lost supply. This need is amplified by the projected doubling of electricity consumption by 2050 due to electrification of cars and heating systems. Consequently, there is an urgent need to transition to clean, renewable energy to meet this need and achieve national net zero targets. Solar farms are a proven source of safe, locally produced and cost-effective energy that are relatively quick to deploy and are therefore ideally placed to help address the huge and growing demand for electricity, replace closing power stations, tackle climate change and deliver home-grown secure energy which isn't subject to volatile foreign market fluctuations.
- 1.1.5 The proposals would have the capacity to generate approximately 25MWp of electricity which would offset around 11,000 tonnes of CO<sub>2</sub> per annum and 440,000 tonnes over the lifetime of the scheme. This equates to enough electricity to serve the total power needs of around 7,500 average UK households per annum. The economic benefits of the scheme include economic output of £500,000 GVA over 14 months, £80,000 business rates generated per annum to the Council, and significant spin off benefits for the supply chain with gross value added (GVA) far in excess of £1million.
- 1.1.6 The proposed scheme would provide a significant contribution towards decentralised electricity production in the area and support the transition to electric vehicles and heating. It would also help to



reduce Wales's reliance on imported fossil fuels and help gain more control over its energy provision and energy security.

1.1.7 The scheme has been sited and designed to avoid harmful impacts on the character and appearance of the area. Key to this is the siting of the development which has been strategically positioned to avoid the Coal Development High Risk Areas and is sufficiently distanced from the Seven Sisters village. The proposals are supplemented by a well-designed landscaping scheme which provides extensive species rich planting and tree planting which provides structural landscaping and delivers a net gain in biodiversity.

1.1.8 The site falls within Neath Porth Talbot County Borough Council (CBC) area. As such, Policies contained within Neath Port Talbot County Borough Council Local Development Plan 2011-2026 (January 2016) are of relevance to the proposal.

1.1.9 Section 38(6) of the Planning and Compulsory Purchase Act 2004 Act confirms that the application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Under Section 38(4) of the Act the Development Plan in Wales comprises the following:

- The National Development Framework for Wales;
- The Strategic Development Plan (SDP) for any strategic planning area that includes all or part of that area; and
- The Local Development Plan (LDP) for that area.

1.1.10 In this context, Future Wales: The National Plan 2040 represents the National Development Framework for Wales and should be read alongside Planning Policy Wales: Edition 12.

1.1.11 There is currently no Strategic Development Plan covering the site area.

1.1.12 The proposals have been assessed against the relevant policies and it is concluded that the proposed development is compliant with the Development Plan when taken as a whole. The public benefits of the proposal should weigh substantially in favour of granting permission. The economic and biodiversity benefits should also attract weight in favour of granting planning permission. In conclusion, the planning balance tilts overwhelmingly in favour of granting planning permission.

## 2.0 The Site and Designations

### 2.1 Site Location

- 2.1.1 The site is located approximately 1.1km to south west of the centre of Seven Sisters, Neath Port Talbot. The aerial plan below shows the context of the site in relation to features of the surrounding landscape.



Figure 1 Aerial image of site with approximate site area overlaid

### 2.2 Site Description

- 2.2.1 The site measures 29ha (excl. access track), is irregular in shape and comprises a watercourse which flows from north west to south east and fields used for grazing sheep. The application site and surrounding areas are rural in nature, characterised by villages and towns in the valleys, typically wooded valley sides above which is grazing land. Farm buildings are dispersed throughout the landscape.

2.2.2 To the north and west of the site are agricultural fields, with the general topography sloping from north west to south east. To the south and east is the Seven Sisters Village, which is located 1.1km to the north-east of the application site at its centre.



*Figure 2 View of site facing south-westwards*



*Figure 3 View of site facing north-westwards and showing Seven Sisters in the foreground*



*Figure 4 View of site facing north-westwards*

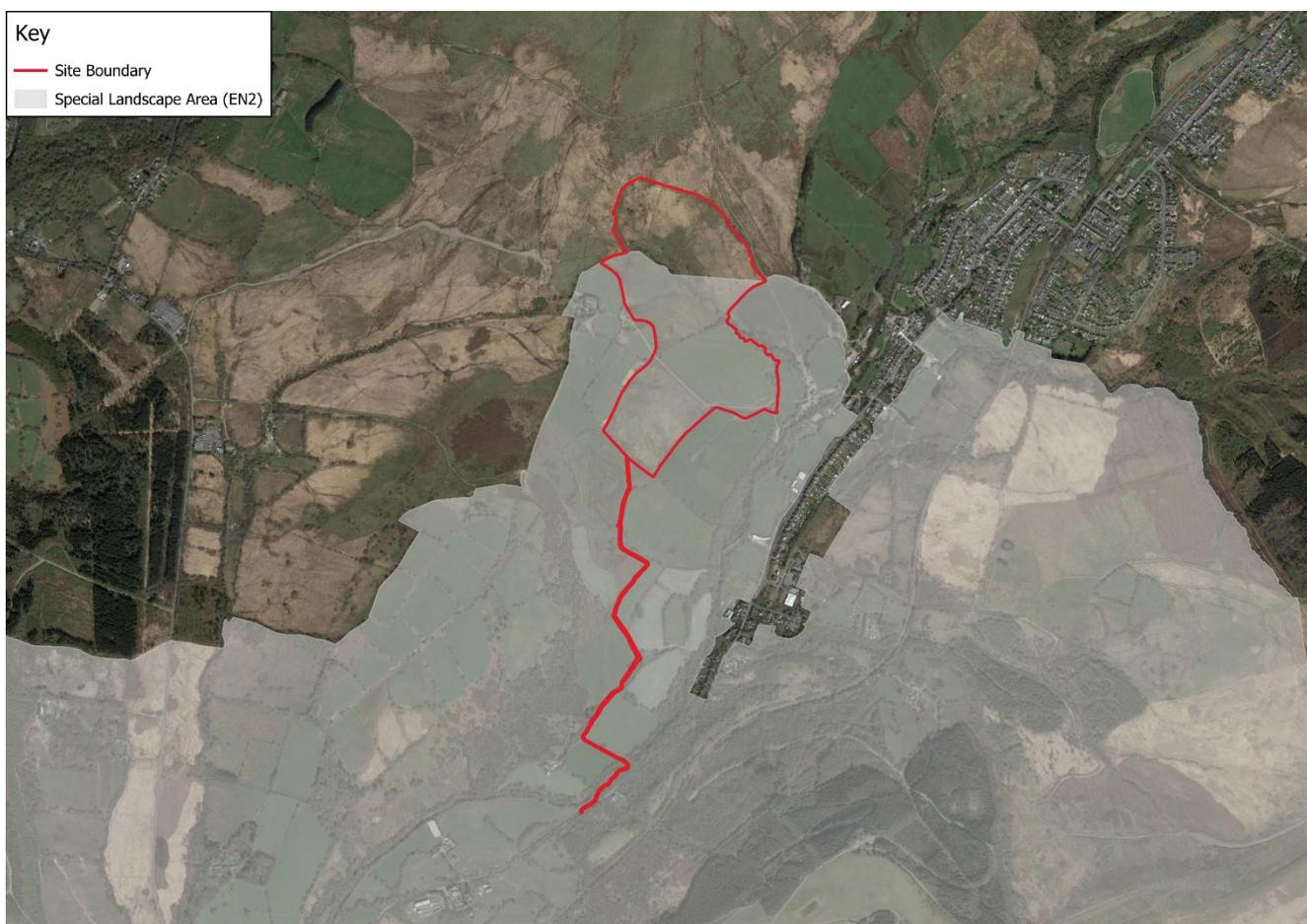
2.2.3 The site is well enclosed by the surrounding topography and to a large extent by dense hedgerows which form the field boundaries. These provide a good level of visual screening of the site from public vantage points.

2.2.4 The site has a predominantly rural character but this character is disrupted by the presence of the overhead power lines beyond the northern border of the site.

### **2.3 Planning Policy Designations**

2.3.1 The site is not subject to any significant planning designations which include National Landscapes (formerly Area of Outstanding Natural Beauty), National Park, Site of Special Scientific Interest (SSSI) Special Area of Conservation (SAC) or Special Protection Area (SPA). It is also located on the southward slope of the valley meaning that it cannot be viewed from the Brecon Beacons National Park.

2.3.2 Most of the site falls within the Dulais Valley Special Landscape Area which is shown below:



*Figure 5 Plan illustrating special landscape area with approximate site location overlaid*

## 2.4 Public Rights of Way

- 2.4.1 A Public Right of Way (PROW) runs across the application site. The access route leading to the site is defined as Public Right of Way (PROW) footpath named Route 20.DHi/2 which can be accessed off the A4109 to the south west of the application site.
- 2.4.2 This footpath splits into two footpaths named Route 23.D.Hi/1 and 23.D.Hi/2, which run throughout the application site and separate to various footpaths extending further across the site. The footpaths however are not well established and do not appear to be well used.



Figure 6 Neath Port Talbot PROW with approximate site location overlaid

## 2.5 Heritage and Archaeological Assets

2.5.1 There are no designated or non-designated heritage assets within or adjoining the site. The nearest designated asset is located 518 metres to the north-east of the site at its nearest point. This is a grade II listed circular pigsty at Blaendulais Farm.

## 2.6 Coal Mining Risk

2.6.1 A small portion of the site falls within the coal mining development high risk area owing to the presence of disused mine entries. However, the accompanying Coal Mining Risk Assessment confirms that there is no significant recognised risk to the proposed development resulting from the solid geology of the area.



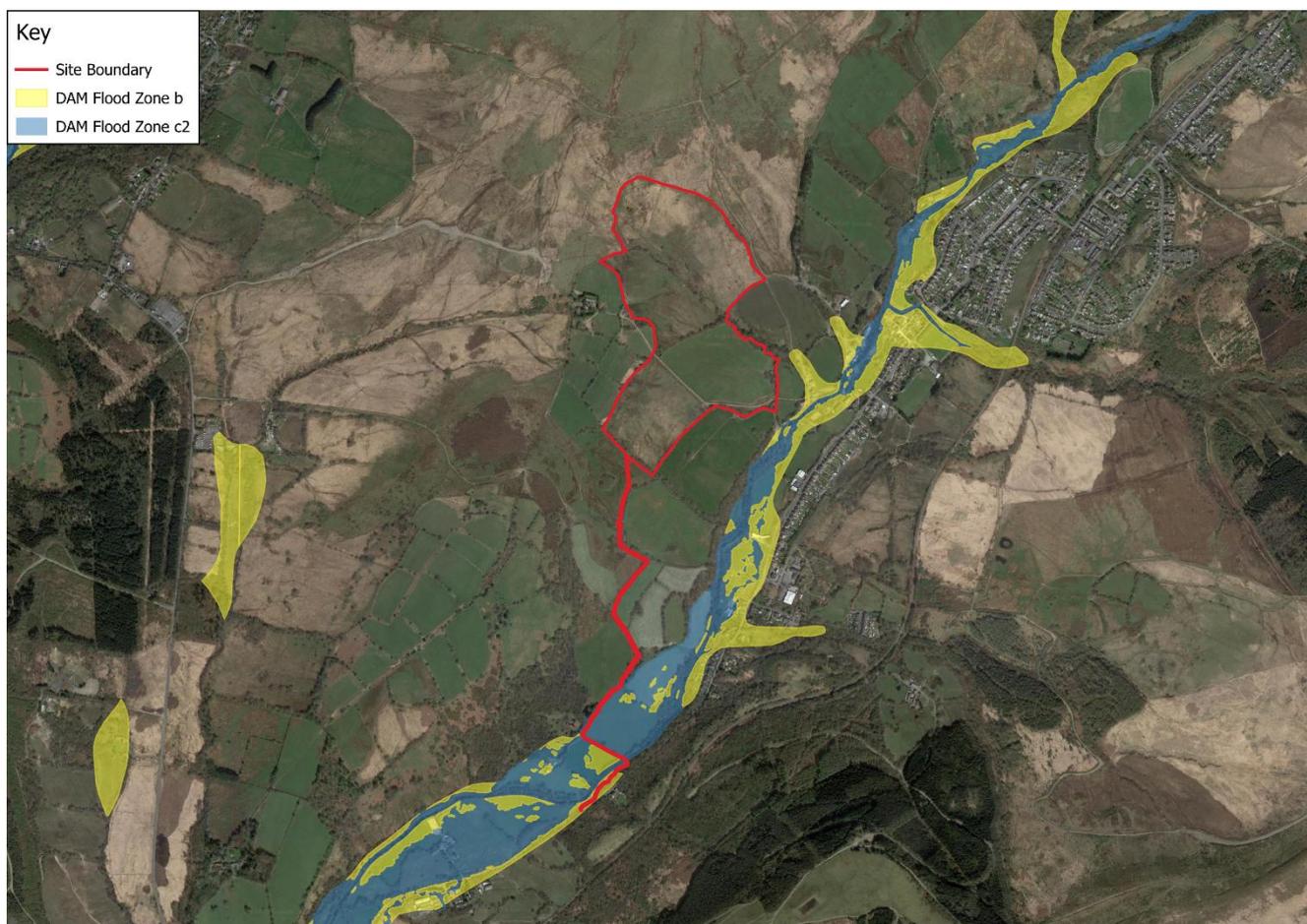


Figure 8 Development Advice Map (DAM) illustrating flood zones with site location overlaid

- 2.7.2 Whilst the Flood Map for Planning has no official status until the Welsh Government implements the revised TAN15, it represents the best available information on flood risk and Natural Resources Wales continue to use this to inform their planning advice.
- 2.7.3 The development site is shown to be outside of the Flood Zone. However, as per the Development Advice Map, the access does extend into Flood Zones 2 and 3 of Rivers and Sea Flood Zones as shown on the image below:

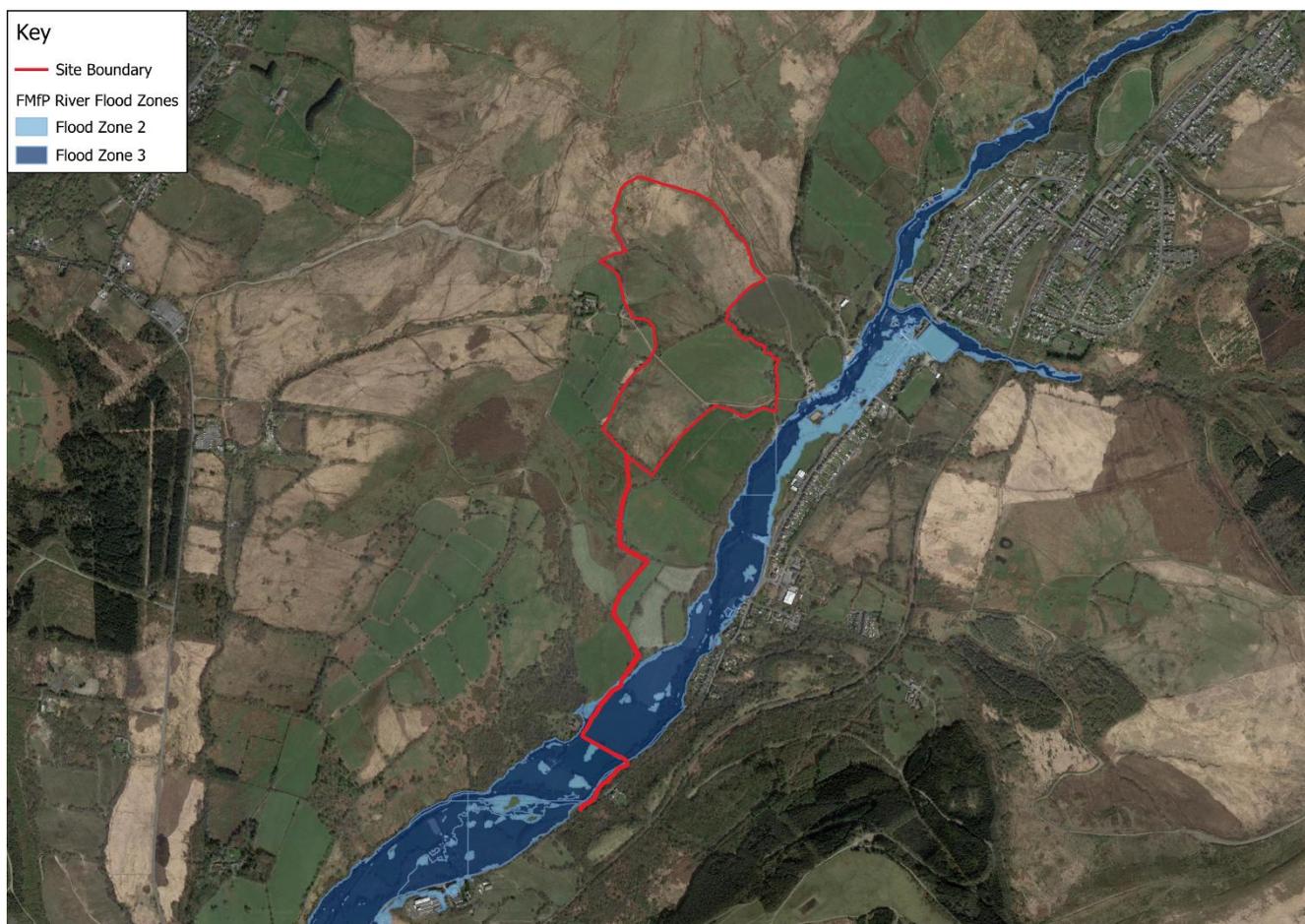


Figure 9 Flood map for planning illustrating flood zones with approximate site location overlaid

2.7.4 The proposed development has been fully assessed through a Flood Consequences Assessment (FCA) which concludes that the development can be constructed and operated safely and without exacerbating any risk of flooding elsewhere.

2.7.5 Notably, the solar arrays would maintain a small gap between each panel so as to fragment the combined runoff during rainfall, therefore preventing sheet runoff. Access would be created by permeable Type 1 stone tracks which also prevent surface water runoff. As such, the development would effectively maintain a greenfield response.

## 2.8 Agricultural Land Classification

2.8.1 The available climatic, soil and fieldwork information indicates that the site is likely to be no better than ALC Sub-grade 4.

2.8.2 This confirms that the site does not comprise Best and Most Versatile (BMV) land, and that the



proposals are therefore in accordance with Planning Policy set out in the NDF.

## **2.9 Administrative Context**

2.9.1 The site sits wholly within the Neath Port Talbot CBC administrative area.

2.9.2 The main solar farm element of site is located within the Seven Sisters Community Council while the access is located within the Crynant Community Council area.



## 3.0 Site Selection

### 3.1 Overview

- 3.1.1 The proposal requires a large site area to accommodate the quantum of solar arrays necessary to make full use of the agreed grid capacity and to make the grid connection financially viable at a time when subsidies are no longer available for solar farms.
- 3.1.2 The proposal must be located close to an agreed point of connection; as distance from the point of connection increases the scheme will experience increasing thermal losses and incur increasing costs for trenching and cable runs, eroding the financial viability.
- 3.1.3 The process of site selection is therefore a very challenging exercise which is first driven by the identification of an available grid connection(s), and then a subsequent assessment of the potentially suitable sites within viable proximity.

### 3.2 Macro Scale Site Search

- 3.2.1 The proposal represents 'major development' and as such should be located outside of important environmental designations such as National Parks, AONBs and other, locally significant landscape designations.
- 3.2.2 The image below shows the sheer extent of the key area-based planning designations which are avoided from the outset of the site selection process. The site falls outside of these designations and lies within viable proximity to an agreed point of connection to the local electricity network.

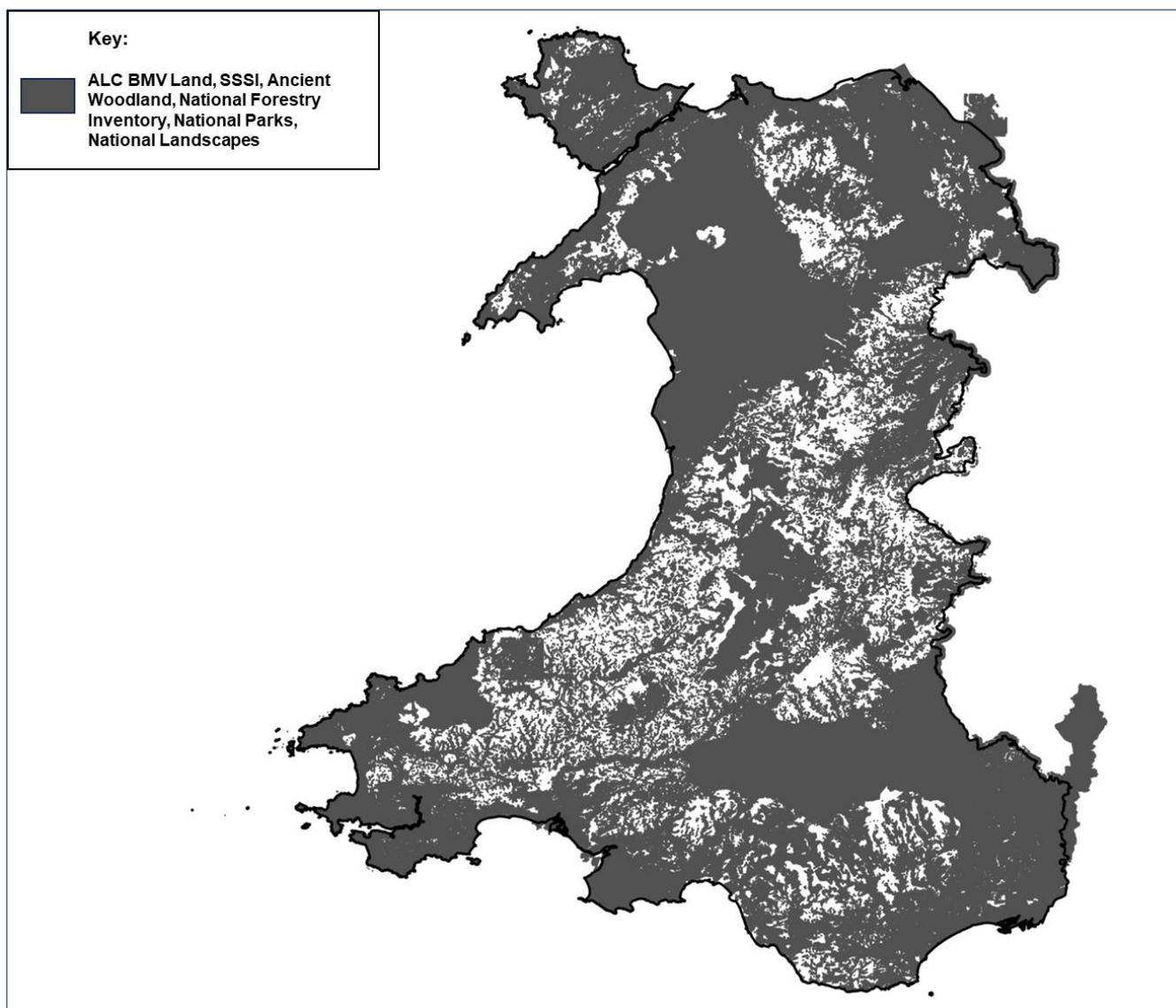


Figure 10 Macro (National) Scale Planning Constraints Map

### 3.3 Optimised Site Selection

3.3.1 Once an available Grid Connection opportunity is identified, the site selection process is then refined to identify the most suitable site within viable proximity to the agreed point of connection. This exercise takes account of various factors such as grid connection costs, anticipated scheme yield, and landowner agreements. The search covered an area of approximately 3km from the point of connection, which is considered to be the maximum distance from the grid connection point within which the scheme can remain commercially viable.

3.3.2 This exercise considers development management and operational needs. Accordingly, the purpose



of the site search at this stage is to assess potential sites throughout the search area against the following criteria:-

- A location with a relatively high level of solar irradiation
- Compatible neighbouring uses
- Previously developed land;
- Landscape and visual considerations;
- Site specific allocation;
- Agricultural Land Classification;
- Site orientation and size (capability of accommodating 25MWp of solar panels);
- Deliverability and accessibility of the site
- Viability

3.3.3 These are explained through the table below with reference to the proposed site location:

*Table 1 Site Selection Criteria within the defined search area*

Siting Consideration	Amplification
<b>A location with a relatively high level of solar irradiation</b>	At the wider scale, areas in South Wales generally benefit from higher levels of solar irradiation. Within the search area the search is then directed towards sites which avoid north-facing topography and locations where there is significant overshadowing from vertical infrastructure, buildings or trees which cannot be avoided. For this reason, larger fields are generally favoured so that appropriate distances can be observed from any such features.
<b>Compatible neighbouring uses</b>	Sites near residential development can be problematic and usually retain a buffer. Similarly, there are usually buffers from other types of development such as airports to avoid potential impacts like glint and glare. The application site is located away from residential dwellings and is wholly compatible with



neighbouring land uses.

<b>Previously developed land</b>	Re-using previously developed land for new development can make a major contribution to sustainable development by reducing the amount of countryside (agricultural land) and undeveloped greenfield land that needs to be used. It should be noted that whilst brownfield land might be ideal in some specific cases, the solar industry finds it hard to compete on land rental values compared to other forms of development such as residential or commercial. Furthermore, identifying a brownfield site of an adequate scale can also prove to be very challenging. In this instance there are no brownfield sites within the search area which are large enough to accommodate the proposed scheme.
<b>Landscape and visual considerations</b>	Due to the scale of development a location where it can be accommodated without unacceptable impacts on the landscape.  The identification of sensitive receptors and other features within the landscape is also highly important. For this reason, the search takes account of the relative proximity of National Landscapes and National Parks as well as key features of the Historic Environment including listed buildings and registered parks and gardens in order to minimise prospective impacts brought about by a change in the character of the landscape.
<b>A site of suitable size, and orientation that can accommodate the proposed development</b>	The site must be of a certain scale to accommodate the installed capacity of the project.  Importantly where potential sites contain physical obstructions that cannot be removed (such as buildings woodland, rivers, streams, highways etc.) the site area requirements can be significantly increased. Additionally, a site positioned on a north-facing slope would require a greater development footprint.



<b>A suitable site that is available for the duration of the solar development's operational life</b>	The site must be available for the duration of the proposed operational period. This gives certainty that the scheme can be delivered. Site availability is determined by the willingness of the landowner to enter into an option agreement and in this instance the proposal is for an operational period of 40 years.
<b>Site specific allocation</b>	Consideration should be given to any related allocations presented through the adopted Local Development Plan. In this instance, no specific site has been allocated for renewable energy developments by the Local Planning Authority.
<b>Avoiding 'Best and Most Versatile' agricultural land</b>	Planning Policy Wales requires that the proposed use of any agricultural land must be shown to be necessary and that poorer quality land has been used in preference to higher quality land. It also encourages the continued agricultural use of the site and biodiversity improvements around the arrays. The intention of this policy is to ensure limit any reductions in agricultural output resulting from new development. In this instance the site avoids BMV land entirely.
<b>Viability</b>	The development must be viable having regard to the cost of land rent, grid connection and construction costs.

### **3.4 Avoiding Best and Most Versatile Agricultural Land**

- 3.4.1 Through careful site selection and configuration, the applicant has avoided the use of Best and Most Versatile (BMV) land.
- 3.4.2 The available climatic, soil and fieldwork information indicates that the site is likely to be no better than ALC Sub-grade 4 with most of it comprising Grade 5.
- 3.4.3 This confirms that the site does not comprise Best and Most Versatile (BMV) land, in accordance with Planning Policy.

### **3.5 Review of Previously Developed (Brownfield) Sites**

#### Grid Connection

- 3.5.1 A primary challenge to Solar farm development lies in achieving a viable Grid Connection. As the distance from the grid increases there are increased costs associated with cabling and potential third-



party land agreements.

#### Availability of Previously Developed Land

3.5.2 Unlike Local Authorities in England, Local Authorities in Wales are not required to maintain and publish brownfield registers.

3.5.3 Notwithstanding, a search has been made for a previously developed site that meets the basic criteria of the requirements of a solar farm, which are:

- Available for long term lease (40 years) in the range of £500 to £1200 per acre with no remediation required
- Land area of 29 hectares or more
- Located within 3km of the grid connection point

3.5.4 There are no sites within 3km of the grid connection point, which are available for long-term lease and are large enough to accommodate such a scheme.

3.5.5 Additionally, previously developed land is almost always unviable for solar farm use, particularly where it has alternative development potential. As solar farm will usually generate a ground rent of between £500 and £1,200 per acre for the landowner, while residential land typically generates between £350,000 per acre for low value areas and £1,000,000 per acre for higher value areas. Employment development will usually generate between £125,000 for low value office or industrial space, £175,000 per acre for average industrial land and up to £1,500,000 per acre for retail. A table setting out benchmark figures used for the preparation of Community Infrastructure Levies (prepared by GVA) is contained in Appendix A. Where there is alternative development potential that could offer a landowner a higher return, the landowner is highly unlikely to make the land available for a solar farm when it will offer a fraction of the return from alternative uses that are usually feasible on previously developed sites.

3.5.6 In addition, previously developed land is often allocated for alternative development such as residential or employment use; as such a renewable energy scheme would be contrary to planning policy on the site.

3.5.7 In this case, no such sites that come close to the size required have been identified. Furthermore, the Council does not allocate land for renewable energy.

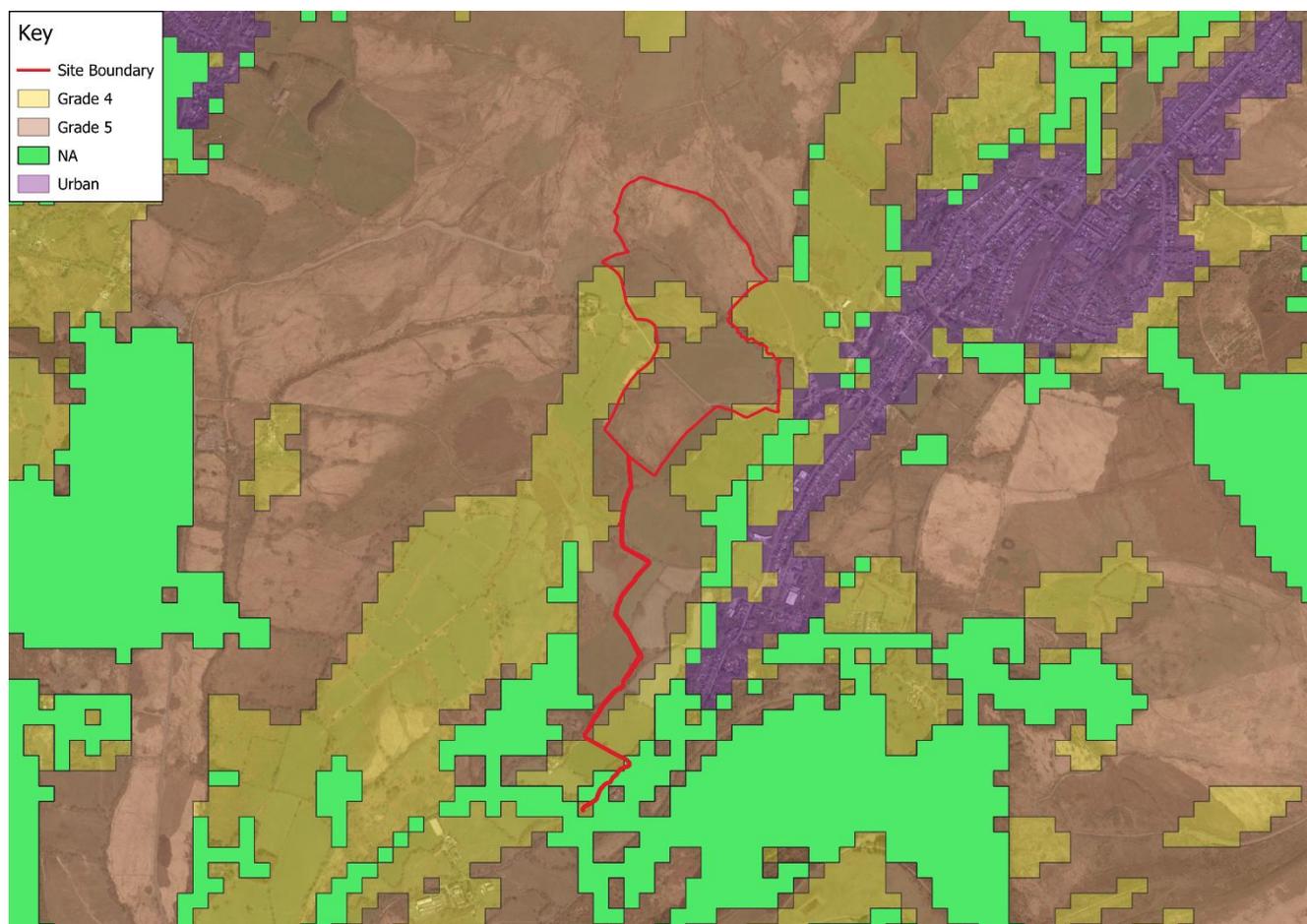


Figure 11 Verified site specific agricultural land classification survey

### 3.6 Summary

3.6.1 Taking account of the various planning and operational constraints, it is considered that the site location has been well thought-out and is considered to be justified with regards to the key factors driving the site selection process. In particular, it is noted that the proposed site;

1. Lies within viable proximity to the point of an agreed grid connection.
2. Sits outside of any key planning designations.
3. Is of an adequate scale and is physically suitable to accommodate the development, being relatively flat and unshaded by nearby topography of vertical features.



4. Is available for the planned 40-year duration of the scheme.
5. Avoids 'Best and Most Versatile Agricultural' (BMV) Land and the proposals can preserve an agricultural function through grazing.
6. Is well distanced from nearby Historic Environment features.
7. Is situated away from nearby residential properties or other potentially incompatible neighbouring land uses.
8. Sits outside of Flood Zones 2 & 3 (besides the site access)
9. Benefits from relatively high levels of solar irradiation, being located in the south of the UK and not overshadowed.
10. Utilises existing grid infrastructure.



## 4.0 Summary of Pre-Application Engagement

### 4.1 EIA Screening

4.1.1 This development was submitted to the Planning and Environment Decisions Wales (PEDW) for a Screening Opinion under the Environmental Impact Assessment (EIA) (Wales) Regulations 2017 under reference DNS 3272424 on the 21<sup>st</sup> of September 2021. PEDW responded to the request (full response included at Appendix B) and confirmed that the proposed development does not require EIA. This process confirms that the development is not considered likely to give rise to significant environmental effects.

### 4.2 Non-Statutory Engagement

4.2.1 A range of non-statutory engagement has taken place before statutory consultation. These are covered in full detail within the submitted Consultation Report prepared by Thirty47 and are summarised below:

- Engagement with the Community Council
- Presentation with the Community Council
- Briefing notes sent to Elected Members of the Local Council

### 4.3 Statutory Consultation

4.3.1 Prior to submitting a full DNS application, the developer must publicise and consult on the proposed application for at least 6 weeks.

4.3.2 A summary of the activities to be undertaken are as follows:

- Application and supporting documents published on a website (minimum 42 days)
- Write to relevant specialist and community consultees
- Written notification to owners / occupiers of land adjacent to site
- Notice published in local newspaper
- Site notice displayed on or near site (minimum 42 days)



4.3.3 Feedback received during this consultation period will be consolidated within a Pre-Application Consultation (PAC) Report, which will accompany the DNS submission.

## 5.0 The Proposed Development

### 5.1 Summary of the Proposed Development

5.1.1 The applications seeks consent for the installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 25MWp, including permanent grid connection hub, mounting framework, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net benefit and environmental enhancements for a temporary period of 40 years.

5.1.2 The development requires a site of around 29 hectares and is formed from a contiguous block of land.

5.1.3 The proposal is temporary and fully reversible. Once the planning permission has expired the proposals would be removed from the site and it would be returned to its current condition, with a legacy of environmental enhancements.

5.1.4 The proposed site layout plan is shown below:

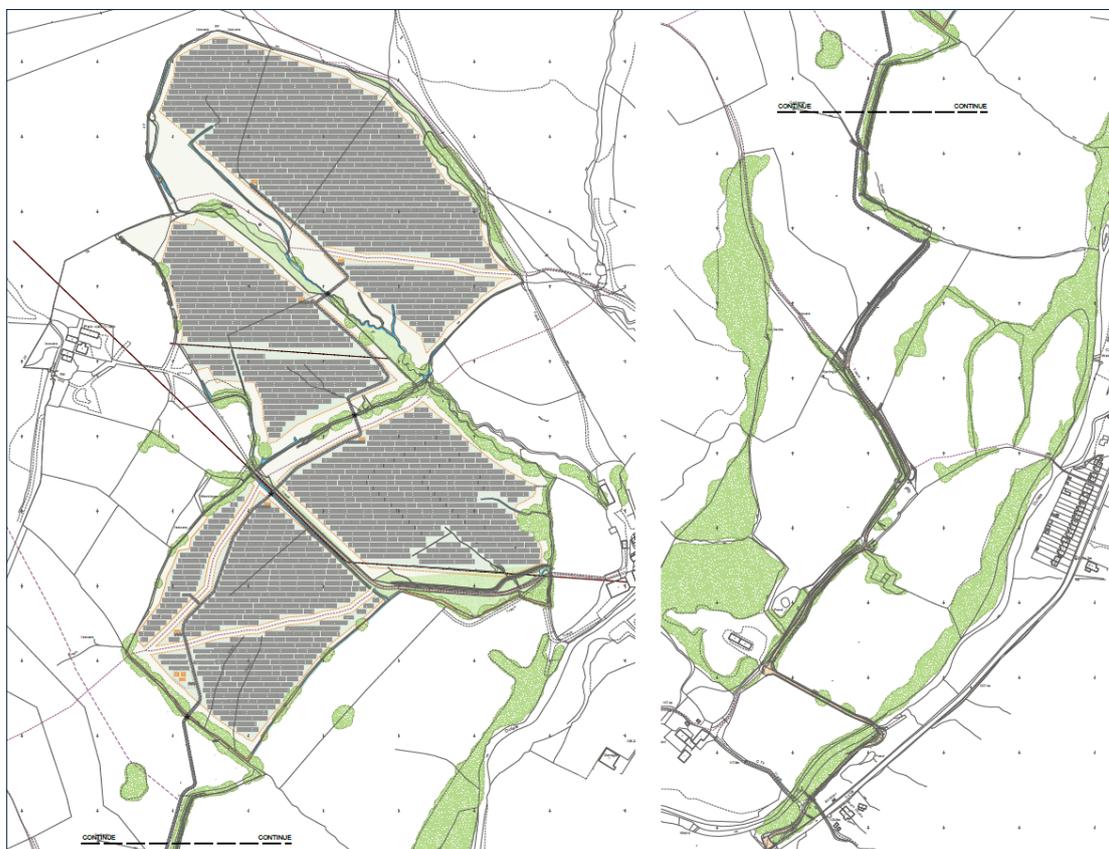


Figure 12 Proposed Site Layout Plan

## 5.2 Solar Arrays

5.2.1 The solar arrays would be set out in rows and mounted on a framework system which is either screwed or driven into the ground. The solar panels are entirely inert and once established on site, there would be minimal disturbance. The panels will be static (non-rotating) and the ground could also be grazed by sheep, thus preserving an agricultural function and generating an additional agricultural yield. The solar panels will be spaced to avoid shadow and elevated on an angled frame supported by stakes. The arrays will be positioned along an east-west axis with the panels facing south to achieve optimum exposure for solar energy absorption.



*Figure 13 Photograph of an example ground mounted solar array in South Wales*

5.2.2 The arrays are fixed to a framework system which is pushed into the ground (there are no concrete foundations).



Figure 14 Photograph showing the arrays with standard gaps between panels to allow rainwater to flow through and disperse the runoff.



Figure 15 Photograph showing the framework system prior to bolting on the panels.

### 5.3 Associated Infrastructure

5.3.1 The scheme would also incorporate the following ancillary elements:

- Stock-proof fencing – agricultural in nature, screened by existing trees and hedges and additional planting and will allow for the passage of small mammals.
- CCTV around the perimeter of the site.
- A stone track running through the site.
- Underground cables.
- Inverter Units.
- A customer sub-station and associated small scale plant.
- A range of ecological enhancement measures.



*Figure 16 Photograph showing the typical specification of a stock proof security fence and security cameras*

5.3.2 The security cameras are operated remotely and activated by motion. They would be located at intervals around the perimeter of the site and directed to the interior of the site. There would be no security lights.

5.3.3 Stone tracks would be used to enable small maintenance vans to move through the site. These tracks are easily reversible and fully permeable.

- 5.3.4 Cabling is run through a conduit at the back of the panels and a cable from the inverter would be feed to underground to the transformer within the site.
- 5.3.5 Inverter units would convert the variable direct current (DC) output of a photovoltaic (PV) solar panel into a utility frequency alternating current (AC) that can be fed into a commercial electrical grid or used by a local, off-grid electrical network. They are sited underneath the panels at the end of the row.



*Figure 17 Photograph of inverters at the end of the 'string' of panels*

- 5.3.6 It is also proposed to include a small permanent DNO substation in the south west area of the site. The proposed elevations are shown below:

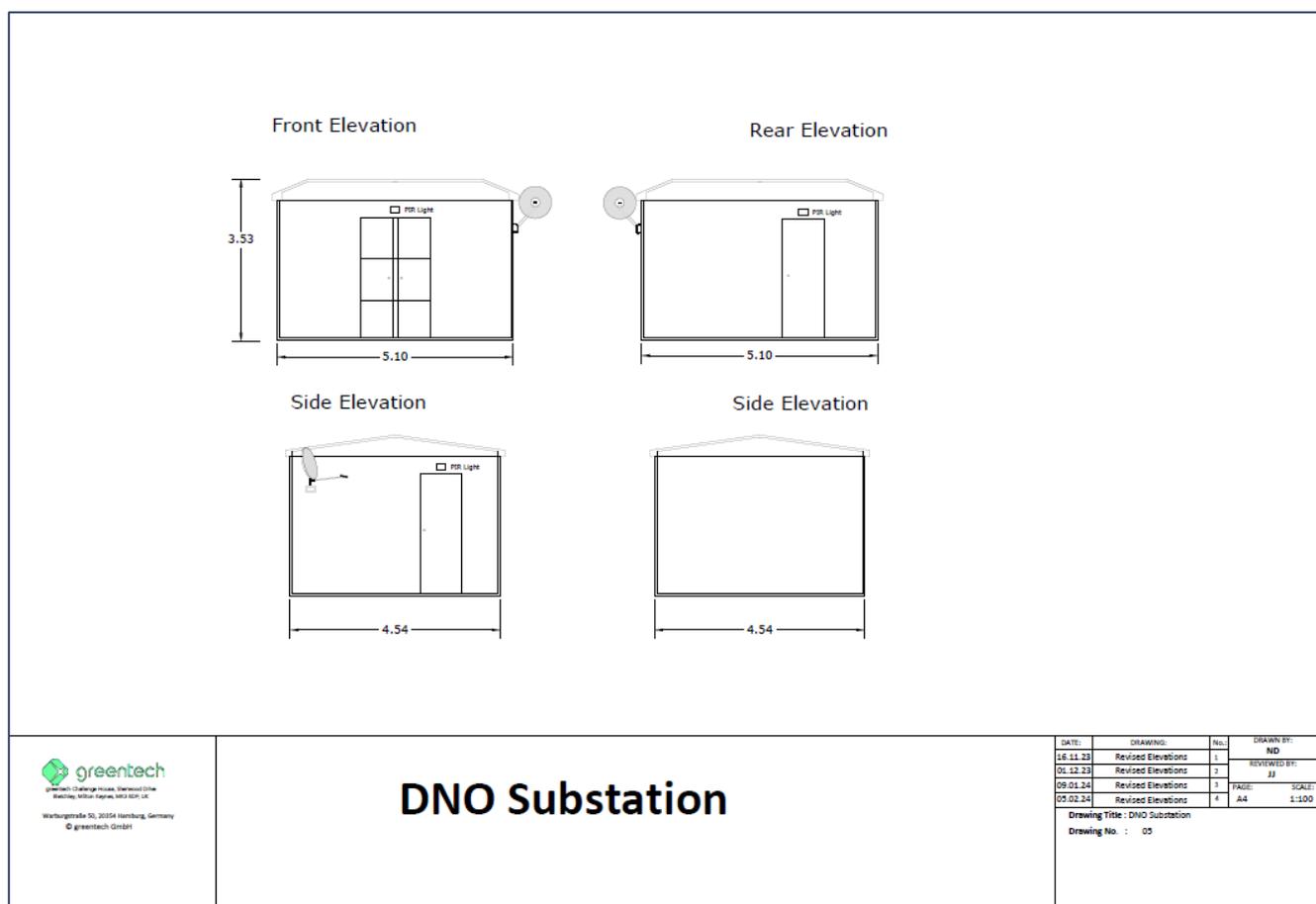


Figure 18 Proposed elevations of DNO substation

## 5.4 Environmental Enhancements

5.4.1 The proposals have been carefully sited and designed to work with the existing landscape to deliver key benefits in reducing the visual impacts of the proposals and providing ecological benefits above baseline condition and thus providing a biodiversity net benefit.

5.4.2 It is proposed to enhance/create the following habitats:

- Native tree, hedgerow and shrub planting;
- Bird boxes;
- Bat boxes;
- Hibernacula;



- Otter holt;

## **5.5 Site Access**

5.5.1 Site access is proposed via an existing point of access from Dulais Road (A4019).

5.5.2 A Transport Assessment has been undertaken as well as a Construction Traffic Management Plan (CTMP). This report explains the proposed vehicular access arrangements for the scheme and outlines the proposed approach to mitigating any impacts caused through the construction stage.

5.5.3 The report includes a tracking assessment which confirms that all delivery vehicles can access the site and complete the crossing over the bridge, safely.

5.5.4 It also includes the number of vehicle movements and confirms there will be no significant impacts on the highway network.

## **5.6 Period of Generation**

5.6.1 The proposal will be temporary for 40 years. Full decommissioning of the development would be secured via a planning condition with details to be agreed prior to the cessation of energy generation. The nature of the construction means the scheme can be easily reversed and would leave a positive legacy of biodiversity and landscape improvements for the site.

5.6.2 Full details of decommissioning would be agreed in writing with the Local Planning Authority prior to any works taking place to remove the components and infrastructure.



## 6.0 Relevant Planning History

### 6.1 The Site

6.1.1 A review of the planning history of the site showed that the site had been subject to the following planning applications in connection with Pen Caer Lan Farmhouse:

Table 2 Planning history

Planning Reference	Location	Application Description	Decision
P2017/0906	Pen Caer Lan Farm Lane from Dulais Road to Pen Caer Lan Farm, Seven Sisters, Neath, SA10 9EP	Retention and completion of two storey rear extension	Granted 25/09/2017
AGRI/2014/0091	Pen Caer Lan Farm Lane from Dulais Road to Pen Caer Lan Farm, Seven Sisters, Neath, SA10 9EP	Agri: Creation of a new road over old access track	Granted 03/10/2014
P2014/0684	Pen Caer Lan Farm Lane from Dulais Road to Pen Caer Lan Farm, Seven Sisters, Neath, SA10 9EP	Single storey rear extension.	Granted 11/07/2014

### 6.2 The Surrounding Area

6.2.1 A review of the planning history of the surrounding area showed that similar proposals for solar developments had been consented or are under consideration. Of relevance are the planning applications below:



Table 3 Relevant planning history of surrounding area

Planning Reference	Location	Application Description	Decision
DNS CAS-02084-T4Z8W4 - Hirfynydd Renewable Energy Park	Land to the East of Crynant, Neath Port Talbot	Renewable energy park comprising wind generating capacity, solar photovoltaic generating capacity, and battery storage	Under consideration



## 7.0 The Need for the Development

### 7.1 Transition to Net Zero

7.1.1 The Climate Change Act commits the UK (including Wales) government by law to reducing greenhouse gas emissions by at least 100% of 1990 levels (net zero) by 2050.

7.1.2 The Welsh Government has set its own legally binding targets under the Environment (Wales) Act 2016, which includes achieving net zero by 2050.

7.1.3 The former Climate Change Minister Julie James published the 'Summary of Response to the Consultation on Wales' Renewable Energy Targets' and provided a Written Statement on 14<sup>th</sup> July 2023. Within that Statement, the Minister highlighted that the "*climate crisis and recent energy price surge has brought into sharp focus the need for a further step change in the Welsh Government's ambitions*". The Minister in their Statement adopted the target for Wales to meet the equivalent of **100% of its annual electricity consumption from renewable sources by 2035**.

7.1.4 The environmental impact of climate change is also linked to significant damage to the UK economy. However, combined, the net-zero transition (estimated to cost a maximum of 2% of UK GDP) is expected to have a net benefit of around 4% of GDP (LSE 2022). Addressing climate change will protect and benefit the UK economy as well.

7.1.5 HM Government's Net Zero Strategy: Build back greener (2021) confirms:

*"By 2035 the UK will be powered entirely by clean electricity, subject to security of supply."*

*"A low-cost, net zero consistent electricity system is most likely to be composed predominantly of wind and solar generation"*

*"The net zero economy will be underpinned by cheap clean electricity, made in Britain. A clean, reliable power system is the foundation of a productive net zero economy as we electrify other sectors – so we will fully decarbonise our power system by 2035"*

## 7.2 Increase in Electricity Demand

- 7.2.1 The UK's electricity demand is predicted to double to double by 2050<sup>1</sup> due to demographic change and increased electrification including widespread use of heat pumps and electric cars.
- 7.2.2 Solar farms play a crucial role in meeting the National Grid's renewable energy needs, providing green electricity and reducing reliance on fossil fuels. Solar technology is a safe, locally produced, and sustainable source, without the need for tax subsidies.



*Figure 19 Electric car charger and heat pump driving electricity demand which is set to double by 2050*

## 7.3 Decline of centralised fossil fuel power stations and decarbonise the grid

- 7.3.1 Seven nuclear power stations have been decommissioned in recent years, and all 14 UK coal-fired power stations closed as of September 2024. The urgent need for clean renewable generators to reduce carbon emissions is a pressing issue with the escalating climate and ecological crisis, there is an unprecedented need for electricity to be provided urgently through clean renewable generators that don't emit carbon and can support biodiversity.
- 7.3.2 Examples of mass decommissioning of fossil fuel power stations are Eggborough and West Burton A. Eggborough, a 2-gigawatt coal-fired generating plant in North Yorkshire, stopped generating in March 2018. West Burton A in Nottinghamshire closed in March 2023. The last coal-fired power station to be operational was Ratcliff on Soar, which closed on 30<sup>th</sup> September 2024. The urgent need is not only to

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<sup>1</sup> National Grid Briefing: <https://www.nationalgrid.com/stories/energy-explained/how-will-our-electricity-supply-change-future>



replace these generators but also to double electricity generation due to demand.

#### **7.4 Energy Security Strategy**

7.4.1 HM Government's Powering Up Britain: Energy Security Plan (March 2023) sets out the steps the Government is taking to ensure the UK is more energy independent, secure and resilient. It states that "*Energy security necessarily entails the smooth transition to abundant, low-carbon energy. If we do not decarbonise, we will be less energy secure.*" The Plan builds upon the ambitions set out in the British Energy Security Strategy and the Net Zero Strategy.

7.4.2 Having regard to Solar, the Plan states "*The UK has huge deployment potential for solar power and we are aiming for 70 gigawatts of ground and rooftop capacity together by 2035.*" This amounts to a fivefold increase on current installed capacity. The Plan proceeds to state "*We need to maximise deployment of both types of solar to achieve our overall target*". The plan recognises that ground-mounted solar is "*one of the cheapest forms of electricity generation and is readily deployable at scale*".

#### **7.5 Clean Power 2030 Action Plan: A new era of clean electricity (December 2024)**

7.5.1 Clean Power 2030 was released in December 2024. It aims to tackle three major challenges: the need for a secure and affordable energy supply, the creation of essential new energy industries supported by skilled workers and the need to reduce greenhouse gas emissions and limit the damaging effects of climate change.

7.5.2 The Plan requires rapid deployment of new clean energy capacity across the whole of the UK and reflects the shared renewable ambitions of the UK, Scottish and Welsh Governments.

7.5.3 The Plan sets ambitious targets, which include 45-47 GW for solar.

7.5.4 Delivering Clean Power 2030 paves the way to decarbonising the wider economy by 2050 through the pursuit of electrification of heat in buildings, transport and industry. As a result of this electrification, electricity demand is likely to at least double.

#### **7.6 Declaration of Climate Emergency**

7.6.1 Neath Port Talbot CBC declared a climate emergency on September 28<sup>th</sup> 2022, making a commitment to reduce their carbon reduction by 37% in 2025 and net zero by 2050.



7.6.2 Consequently, the council have agreed towards a DARE (Decarbonisation and Renewable Energy) strategy which outlines its commitment to the climate emergency and how it intends to transform to become a net zero organisation. The plan was formally adopted by the council in May 2020.

## 7.7 National Policy

7.7.1 Future Wales 2040 is the National Development Framework (NDF) for Wales. It states at Policy 17 (*Renewable and Low Carbon Energy and Associated Infrastructure*) “in determining planning applications for renewable and low carbon energy development, decision-makers must give **significant weight to the need** to meet Wales’ international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency” (own emphasis).

## 7.8 Conclusions on Need

7.8.1 The Climate Change Act commits the UK government to reaching net zero by 2050. HM Government’s Net Zero Strategy confirms that by 2035, the UK will be powered entirely by clean electricity, composed predominantly of wind and solar generation.

7.8.2 Electricity demand is set to double by 2050 and the biggest benefit to solar farms is their role in meeting the National Grid’s renewable energy needs, providing green electricity and reducing the reliance on fossil fuels.

7.8.3 As a result of the decommissioning of nuclear power and coal fired power stations by 2025 there is an urgent need not just to replace these generators but to double electricity generation.

7.8.4 HM Government’s Powering Up Britain: Energy Security Plan aims to make the UK more energy independent, secure and resilient. The Plan builds on the British Energy Security Strategy and Net Zero Strategy, focusing on transitioning to abundant, low-carbon energy. The Plan aims for 70 gigawatts of ground and rooftop solar capacity together by 2035, a fivefold increase on current installed capacity. The Plan recognises ground-mounted solar as a cost-effective and easily deployable form of electricity generation.

7.8.5 Clear Power 2030 aims to tackle three major challenges: the need for a secure and affordable energy supply, the creation of essential new energy industries supported by skilled workers and the need to reduce greenhouse gas emissions and limit the damaging effects of climate change. The Plan requires



rapid deployment of new clean energy capacity across the whole of the UK and reflects the shared renewable ambitions of the UK, Scottish and Welsh Governments. The Plan sets ambitious targets, which include 45-47 GW for solar.

- 7.8.6 Neath Port Talbot CBC declared a climate emergency on September 28<sup>th</sup> 2022, making a commitment to reduce their carbon reduction by 37% in 2025 and net zero by 2050. Consequently, the council have agreed towards a DARE (Decarbonisation and Renewable Energy) strategy which outlines its commitment to the climate emergency and how it intends to transform to become a net zero organisation. The plan was formally adopted by the council in May 2020.
- 7.8.7 Considering all of the above, it is clear that there is a demonstrable need for solar development and the proposed development will contribute to this need. Significant weight ought to be given to the benefits of generating renewable energy in the context of this unprecedented need.



## 8.0 Implications for Food Production

### 8.1 Impact of Climate Change on Agriculture

8.1.1 The London School of Economics (LSE) has released data indicating severe climate change impacts on the UK, including agriculture, livestock, fisheries, drought, flooding, and coastal impacts.<sup>2</sup>

8.1.2 It confirms that *“Agriculture is one of the UK sectors expected to be most impacted by climate change. The reduction of arable land as regions become drier is projected to halve its total contribution to UK GDP by 2100.”*

8.1.3 Renewable energy generation, even on farmland, can help reduce the adverse impact on agriculture. Failure to deliver renewable energy will result in a 50% reduction in agricultural yield.

8.1.4 Setting aside a small area of UK land for decentralised renewable energy will help safeguard agriculture by warding off the worst effects of climate change that could damage farming in the future if left unaddressed.

### 8.2 Planning Policy

8.2.1 In the first instance, Planning Policy dictates that previously developed land, brownfield, contaminated land, industrial land or Agricultural Land Classification (ALC) Grades 3b, 4 or 5 should be used. This will ensure the avoidance of the best and most versatile (BMV) agricultural land (Grades 1, 2 and 3a) as per the requirements of the Planning Policy Wales.

8.2.2 Planning Policy Wales states that BMV land should be conserved as a *“finite resource for the future”* and *“considerable weight should be given to protecting such land from development because of its special importance”*. It states that land in Grades 1, 2 and 3a should only be developed if there is an overriding need for the development and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation, which outweighs the agricultural considerations.

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<sup>2</sup> <https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2022/05/What-will-climate-change-cost-the-UK-risks-impacts-mitigation-1.pdf>



### 8.3 Land Use in the UK

8.3.1 The UK needs to balance land use between food production and energy production. Solar farms currently take up 0.06% of land, compared to 1.41% for golf courses and parks. Should government plan to increase solar land use to be in line with net-zero targets, this would still just account for 0.3% of land area. This is equivalent to around 0.5% of the land currently used for farming and roughly half of the space taken up by golf courses. In comparison, according to National Food Strategy, agricultural land covers 70% of the UK, with 70,000km<sup>2</sup> used for grazing and 67,000km<sup>2</sup> for cereals and legumes.

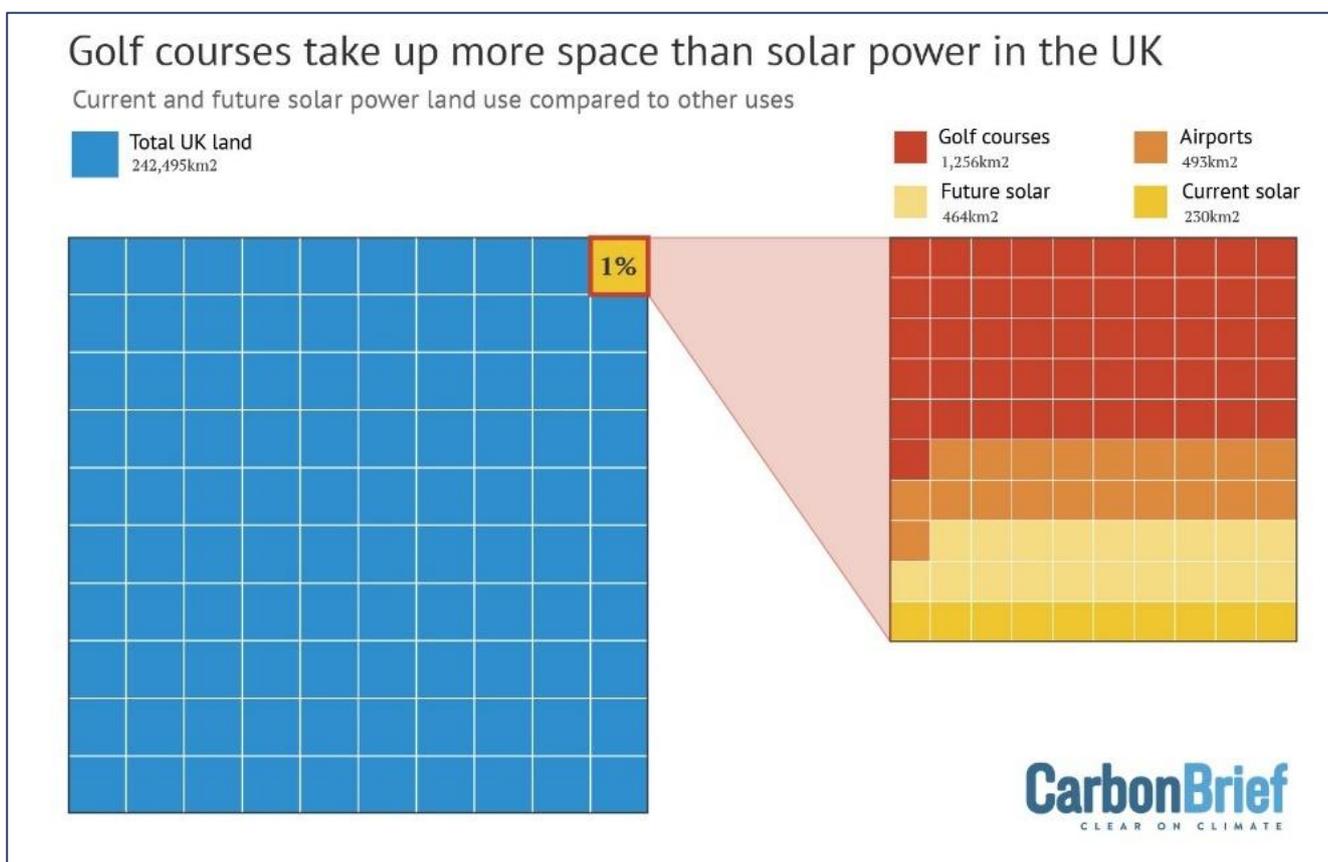


Figure 20 Image illustrating the amount of space solar power takes up in the UK.

### 8.4 Roof top solar

8.4.1 Commercial scale roof top solar arrays are encouraged by planning policy, but they are not a realistic alternative to solar farms due to the lack of ownership control over the roof, inadequate design to accommodate the weight of the solar arrays, and the need for a viable grid connection to export the energy and matching a suitable building with a nearby grid connection with capacity is likely to be challenging.



8.4.2 The UK government has introduced wider permitted development rights for commercial rooftops in an effort to encourage more of it, but achieving planning permission is not the barrier to their forthcomingness. Therefore, the initiative is likely to be ineffective.

8.4.3 The key point is that large scale ground mounted schemes are required to feed into the grid along with rooftop solar, rooftop solar is therefore not an alternative.

8.4.4 Furthermore, there are no viable, suitable, and available sites within a viable distance of the proposed point of connection that could accommodate the proposal, demonstrating that rooftop solar is not an alternative to ground mounted solar.

## **8.5 Agricultural Land Quality**

8.5.1 PPW sets out that poorer agricultural land should be prioritised for development over higher grades. 'Higher Grades' (Grades 1, 2 and 3a) are classified as Best and Most Versatile (BMV) Agricultural Land.

8.5.2 Section 3.4 of this Statement addresses the avoidance of Best and Most Versatile land in more detail. The applicant has made significant efforts in avoiding BMV land through locating the proposed development on agricultural land quality no greater than Grade 4.

## **8.6 Co-Location of Agriculture**

8.6.1 Solar farms can continue to support agricultural output, ensuring energy and food production can co-existence. They can accommodate grazing sheep, providing cost-free grass-keep and maintenance for the operator and an additional income source for the landowner. Solar farm sites offer a perfect environment for sheep grazing since they include additional shading.



*Figure 21 Sheep grazing under solar arrays*

8.6.2 The potential for co-existence of agriculture is a clear benefit of the scheme.

## **8.7 Conclusions on Implications on Food Production**

8.7.1 Previously developed land, brownfield, contaminated land, industrial land or ALC Grades 3b, 4 or 5 should be used to avoid best and most versatile (BMV) agricultural land. Should BMV agricultural land be used for a proposed development, it would need to be justified by the most compelling evidence.

8.7.2 It has been demonstrated that we must balance the use of land between food production and energy production, where solar farms take up just 0.3% of the UK land area.

8.7.3 A review of previously developed (brownfield) sites has been undertaken within 3km of the application site. It is concluded that there are no suitable, alternative sites within or over 3km of the grid connection point.

8.7.4 PPW sets out that poorer agricultural quality land should be prioritised for development over higher grade land. The accompanying ALC report concludes the site is limited to subgrade 3b and as such avoids BMV land. The location of the development is therefore comprehensively justified.



## 9.0 Benefits of the Proposed Development

### 9.1 Environmental Benefits

9.1.1 Solar PV panels silently convert sunlight to electrical energy. They generate direct current (DC) that is converted by the inverter hardware to alternating current (AC) that can be used by the electricity grid. PV systems are rated for capacity in watts (or kW or MW) with the designation 'peak' (e.g. kWp, MWp). The peak capacity of individual panels is established by measuring their performance under internationally recognised standard conditions that include temperature and wavelength of sunlight. The actual output of a system will be determined by latitude, local weather and site conditions.

9.1.2 The proposals would have the capacity to generate approximately 25MWp of electricity. This equates to enough electricity to serve the total power needs of around 7,500 average UK households per annum. In accordance with guidance outlined by the Solar Trade Association (now Solar Energy UK) this would offset around 11,000 tonnes of CO<sub>2</sub> per annum, and 440,000 tonnes over the life of the scheme.

9.1.3 The proposals will deliver a net benefit to biodiversity. As recommended in the Preliminary Ecological Appraisal (PEA), the proposal includes several ecological enhancements and mitigation measures which are specified within the accompanying Landscape and Environmental Management Plan (LEMP). These can be summarised as:

- Retention and buffering of tree lines, ditches, watercourses and 'complex habitat mosaic'
- Partial retention of M23b, M25b and M25c habitats
- Method statement to protect reptiles and amphibians during vegetation clearance
- Natural regeneration of tussocky purple moor grass/rush pasture following construction will mitigate impacts on reptiles and breeding birds
- Sensitive methodology to protect commuting and foraging bats from light spill during construction
- Precautionary measures for badger, breeding birds, hedgehog and otter



- Basking opportunities for reptiles and singing/territory forming opportunity for breeding birds
- 15 no. tree-mounted bird boxes within existing tree lines
- 15 no. tree-mounted bat boxes within existing tree lines
- 6 no. hibernacular/habitat piles within undisturbed boundary vegetation and riparian corridor
- 1 no. otter hold within riparian corridor

## 9.2 Economic Benefits

9.2.1 The scheme offers significant economic benefits, which are estimated to include:

- Economic output of £522,000 GVA over 14 months
- £80,000 business rates generated per annum (£3.2m total) to Neath Port Talbot CBC
- Significant spin off benefits for the supply chain

9.2.2 The table below sets out a real-world example of the range of economic benefits which were derived through the construction phase of another solar farm of a similar scale built in Wales during 2019/2020. These direct economic benefits exceed £1M and therefore represent a significant and immediate benefit of the scheme.



Solar Farm Construction Phase Case Study - Local Economic Benefits					
Direct employment of agency workers	Peak 30 persons sourced from local labour market via agency staff				
Plant and tool hire from local firms	Contractor using main supplier accounts with local hire depots				
Purchasing of local materials	Contractor used main supplier accounts with local hire depots				
Accommodation and restaurant bookings	PM Team staying locally renting apartment circa £1300/ month				
	Local hotels for 4 x site support staff averaging £1,250 per month each				
	July	Aug	Sept	Oct	Nov
The number of local agency workers involved (or an approximate value of expenditure on agency contracts)	£ 17,223.00	£ 32,656.00	£ 36,220.00	£ 53,736.00	£ 54,363.00
An estimate of the amount spent on local plant and tool hire etc.	£ 3,000.00	£ 3,500.00	£ 5,500.00	£ 6,000.00	£ 6,000.00
An estimate of the amount spent on local materials	£ 2,088.00	£ 4,694.00	£ 5,555.00	£ 7,986.00	£ 8,017.00
Subcontractors staying in the local area; using hotels and restaurants etc	Currently two specialist contractors teams staying locally, approximately 100 person at peak renting local apartments in surrounding areas				
Specialist contractors appointed locally	Civil contractor - contracted works circa £550,000				
	Archaeological Advisor - contracted works circa £45,000				
	Electrical Engineering Contractor undertaking the HV electrical works - contracted works value circa £180,000				

Table 4 Table showing real world costs of solar farm construction in south Wales

9.2.3 Wider economic spin-off benefits would also been realised via the following means:

- Plant and equipment hire
- Benefits to the hospitality sector through hotel and restaurant bookings
- The use of locally sourced construction materials for ancillary components of the development
- The use of local haulage companies

9.2.4 In addition to these construction phase benefits, there will also be contracts issued in relation to the ongoing operation and maintenance of the solar farm, covering a wide range of activities including;

- Remote performance monitoring of the scheme
- Landscaping contracts relating to the maintenance of hedgerows and wildflower areas
- Periodic cleaning and maintenance of all panels and componentry
- Site security contracts

9.2.5 A transition to secure UK-produced energy could mitigate impacts of unexpected energy crises,



resulting in reduced energy bills and supply security. In this respect, economic benefits of the project would be realised through reduced energy bills and security of supply which will reduce the UK's exposure to the volatility of the wholesale energy markets (particularly the natural gas market). This is crucial for addressing fuel poverty, which disproportionately affects low-income households and contributes to economic inequality.

9.2.6 The proposed scheme would be delivered without any government subsidy support and use existing grid infrastructure, avoiding costly upgrades to the network. As such, there is no burden placed on the tax payer to fund the development and the scheme would be liable for payment of business rates, providing a reliable tax revenue for its duration.

9.2.7 Furthermore, as we transition to electric vehicles and electric heating there is an unprecedented and growing demand on our electricity supply. The proposal will provide a significant amount of decentralized electricity to the area and support this transition whilst avoiding the economic fluctuations that are currently being experienced by motorists and householders.

### 9.3 Social Benefits

9.3.1 The proposal aims to decrease Wales's reliance on imported fossil fuels thereby enhancing energy security and control over future prices. It will contribute to stable, cost-efficient, local energy production, benefiting all households in the Wales in the short and long term.

9.3.2 The UK Energy Security Strategy (7th April 2022) states in the former Prime Minister's foreword:

*“Global energy costs have been rising for some time as demand soars and factories roar back into life after COVID-19; Putin's invasion of Ukraine pushed them still higher and, ultimately, it is the consumer who ends up paying the price. This government is already stepping in to help, with over £9 billion of help for families struggling with their bills. But if we're going to get prices down and keep them there for the long term, we need a flow of energy that is affordable, clean and above all secure. We need a power supply that's made in Britain, for Britain – and that's what this plan is all about. We're not going to try and turn back the clock to the days when we choked our streets and our atmosphere with filthy fumes and ever-rising levels of climate-imperilling carbon dioxide. Instead, we're going to take advantage of Britain's inexhaustible resources of wind and – yes – sunshine.”*

9.3.3 The applicant has discussed a community benefit fund with community councils and has invited them



to submit details of local community projects that would benefit from funding and preparing an agreement for capital funding. It has been stressed that the fund is separate from the planning process and will not affect the rights of people or groups involved in making representations about the proposals to the Local Planning Authority.

#### **9.4 Weight to be Given to the Benefits in the Planning Balance**

9.4.1 The weight to be given to the benefits of this proposal is a judgement for the decision maker. However, it is appropriate to review the degree of weight given to such benefits by reviewing the Government's decisions on other similar solar farm proposals, where the benefits are broadly similar.

9.4.2 A recent decision made on 11<sup>th</sup> of October 2024 (DNS ref: DNS/3279521) was approved and provides a highly relevant steer on the degree of weight to be given to the benefits of renewable energy. The Inspector's Report (full report attached in Appendix C) identifies that Future Wales Policy 17 requires decision makers to give significant weight to the need to meet Wales' international commitments and the Government's target to generate 70% of consumed electricity by renewable means by 2030. They therefore afford the "whole-life" impact of the proposed development to have a "significant beneficial effect". The Inspector concludes by saying:

*"Renewable and low carbon energy development has an important role to play in meeting the Government's renewable energy targets. The need to meet the 70% target set out in FW policy 17 is of considerable importance and the 100% target by 2030 announced in July 2023. This proposal aligns with this development plan policy and is afforded considerable weight".*

9.4.3 Whilst this proposal does not have the same constraints as the above case study and conforms with both local and national planning policy, this case study clearly demonstrates the benefits to the environment of utility scale production of renewable energy and should carry exceptional and significant weight.



## 10.0 Summary of Community Consultation

### 10.1 TBC following conclusion of pre-app engagement



## 11.0 Planning Policy Context

### 11.1 Legislative Context

11.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 Act confirms that the application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Under Section 38(4) of the Act the Development Plan in Wales comprises the following:

- The National Development Framework for Wales;
- The Strategic Development Plan (SDP) for any strategic planning area that includes all or part of that area; and
- The Local Development Plan (LDP) for that area.

11.1.2 In this context, Future Wales: The National Plan 2040 represents the National Development Framework for Wales and should be read alongside Planning Policy Wales: Edition 12.

11.1.3 There is currently no Strategic Development Plan covering the site area.

11.1.4 The Neath Port Talbot County Borough Council Local Development Plan (2011-2026) was adopted in January 2016.

### 11.2 National Development Framework – Future Wales 2040

11.2.1 Future Wales sets the direction of development to 2040 and is the country's highest tier of development plan, setting out strategic policies at a national scale. Its publication follows the Welsh Government's declaration of a climate emergency in April 2019, and tackling climate change is a central theme running throughout the document. Indeed, the document explains that it is a:

*“development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.”*

11.2.2 The NDF does not contain statements on all land use planning issues set out in Planning Policy Wales but presents policies of national priority issues or matters which are distinctly spatial and require



national leadership. In this regard, the document states that:

*“deciding where to locate renewable energy generation technology is a spatial issue of such significance that national ambitions are unlikely to be achieved without national planning policies.”*

11.2.3 With regards to Renewable Energy, the NDF states that:

*“Wales is abundant in opportunities to generate renewable energy and the Welsh Government is committed to maximising this potential. Generating renewable energy is a key part of our commitment to decarbonisation and tackling the climate emergency. We have set the following ambitious targets for the generation of renewable energy:*

- For 70% of electricity consumption to be generated from renewable energy by 2030.*
- For one gigawatt of renewable energy capacity to be locally owned by 2030.*
- For new renewable energy projects to have at least an element of local ownership by 2020.”*

11.2.4 Future Wales sets out 11 ‘outcomes’ which are described as “*overarching ambitions based on the national planning principles and national sustainable placemaking outcomes*”. Number 11 of these outcomes is centred on decarbonisation and climate-resilience, stating that “*the challenges of the climate emergency demand urgent action on carbon emissions and the planning system must help Wales lead the way in promoting and delivering a competitive, sustainable decarbonised society.*”

11.2.5 Policy 17 states that:

*“the Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. In determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales’ international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.”*

11.2.6 It goes onto state that “*proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities.*”

11.2.7 As this is a Development of National Significance, Policy 18 (*Renewable and Low Carbon Energy*



*Developments of National Significance*) is of relevance to the proposed development. The Policy is criteria based and states that proposals for renewable and low carbon energy projects qualifying as *Developments of National Significance* will be permitted subject to Policy 17 (above) and the following criteria:

1. *Outside of the Pre-Assessed Areas for wind developments and everywhere for all other technologies, the proposal does not have an unacceptable adverse impact on the surrounding landscape (particularly on the setting of National Parks and Areas of Outstanding Natural Beauty);*
2. *The proposal is designed to minimise its visual impact on nearby communities and individual dwellings, and the cumulative impact of the proposal, with other existing or proposed development, is acceptable;*
3. *There are no adverse impacts on international and national statutory designated sites for nature conservation (and the features for which they have been designated), protected habitats and species;*
4. *The proposal includes biodiversity enhancement measures to provide a net benefit for biodiversity;*
5. *There are no unacceptable adverse impacts on statutorily protected built heritage assets;*
6. *There are no unacceptable adverse impacts by way of shadow flicker, noise, reflected light, air quality or electromagnetic disturbance;*
7. *There are no unacceptable impacts on the operations of defence facilities and operations (including aviation and radar) or the Mid Wales Low Flying Tactical Training Area (TTA-7T);*
8. *There are no unacceptable adverse impacts on the transport network through the transportation of components or source fuels during its construction and/or ongoing operation;*
9. *The proposal includes consideration of the materials needed or generated by the development to ensure the sustainable use and management of resources;*
10. *There are acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration.*



### 11.3 Planning Policy Wales (Edition 12, 2024)

11.3.1 Planning Policy Wales (Edition 12, July 2024) sets out the national tier of land use planning policies for Wales and is supplemented by a series of Technical Advice Notes (TANs). The document makes numerous references to promoting sustainable development and the need to tackle climate change.

11.3.2 The document references the seven goals of the well-being and future generations act, stating:

*“Above all, a Globally Responsible Wales is promoted by reducing our carbon footprint through integrated public transportation infrastructure, encouraging globally responsible business and the promotion of renewable energy over carbon-emitting sources and resource choices through which multiple benefits can be realised.”*

#### Support for Renewable and Low Carbon Energy

11.3.3 Paragraph 5.7.7 explains that *“the benefits of renewable and low carbon energy, as part of the overall commitment to tackle the climate emergency and increase energy security, is of paramount importance. The continued extraction of fossil fuels will hinder progress towards achieving overall commitments to tackling climate change.”*

11.3.4 Paragraph 5.9.1 demonstrates PPW's support for renewable energy, stating that: *“Local authorities should facilitate all forms of renewable and low carbon energy development and should seek crossdepartment co-operation to achieve this. In doing so, planning authorities should seek to ensure their area's full potential for renewable and low carbon energy generation is maximised and renewable energy targets are achieved”.*

11.3.5 Paragraph 5.9.15 states that *“Outside identified areas, planning applications for renewable and low carbon energy developments should be determined based on the merits of the individual proposal. The local need for a particular scheme is not a material consideration, as energy generation is of national significance and there is recognised need to optimise renewable and low carbon energy generation.”*

11.3.6 Paragraph 5.9.19 outlines what planning authorities should take into account when determining applications for renewable and low carbon energy technologies. It states they should take into account:

- *“The contribution a proposal will make to meeting identified Welsh, UK and European targets;*



- *The contribution to cutting greenhouse gas emissions; and*
- *The wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development”.*

11.3.7 It also states at Paragraph 5.9.20 that *“planning authorities should also identify and require suitable ways to avoid, mitigate or compensate adverse impacts of renewable and low carbon energy development”* during construction, operation, decommissioning, remediation and aftercare by taking into account impacts on local communities such as noise and air pollution, impact on the natural and historic environment, cumulative impact, the capacity of and effects on the transportation network, grid connection issues and the impacts of climate change on the location, design, build and operation of the development.

11.3.8 Furthermore, Paragraph 5.9.21 states that *“Prior to an application being submitted, developers for renewable and low carbon energy developments should, wherever possible, consider how to avoid, or otherwise minimise, adverse impacts through careful consideration of location, scale, design and other measures.”*

11.3.9 PPW emphasises at Paragraph 5.9.22 whatever the size of a scheme that developers should take an active role in engaging with the local community through pre-application discussions and provision of background information on the renewable energy technology that is proposed.

11.3.10 Paragraph 5.9.25 states that *“the social, environmental and economic (including job creation) benefits associated with any development should be fully factored into, and given weight in the decision making process. However, planning decisions must be based on an assessment of the impacts of the proposed development, irrespective of who the applicant is.”*

11.3.11 Paragraph 5.9.26 continues to explain that *“Experience has shown that there are significant opportunities to achieve local benefits through renewable energy developments. Some benefits can be justified as mitigation of development impacts through the planning process. In addition, developers may offer benefits not directly related to the planning process. Local authorities, where practical, should facilitate and encourage such proposals.”*

11.3.12 Paragraph 5.9.19 sets out the way in which LPA’s should approach proposals for renewable energy. Here it is explained that:



*“In determining applications for the range of renewable and low carbon energy technologies, planning authorities should take into account:*

- the contribution a proposal will make to meeting identified Welsh, UK and European targets;*
- the contribution to cutting greenhouse gas emissions; and*
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development.”*

11.3.13 Paragraph 5.6.13 relates to Rural Business Diversification and states that *“Diversification can also include renewable energy proposals such as anaerobic digestion facilities or solar and wind installations, which will help to increase the viability of rural enterprises by reducing their operating costs. These schemes should be supported where there is no detrimental impact on the environment and local amenity”.*

11.3.14 Paragraph 5.7.10 states that *“Planning authorities should plan positively for grid infrastructure. Development plans should facilitate the grid infrastructure required to support the renewable and low carbon energy potential for the area, particularly areas identified for such development. Planning authorities should support appropriate grid developments, whether or not the developments to be connected are located within their authority.”*

11.3.15 Paragraph 5.9.7 of PPW states that *“The local balance of the energy network will be a crucial consideration in this regard, and planning authorities should consider the best places for local renewable energy generation to help improve the resilience of the grid in the future.”*

#### **11.4 Neath Port Talbot County Borough Council Local Development Plan**

11.4.1 The Neath Port Talbot County Borough Council Local Development Plan (2011-2026) was adopted in January 2016. The key policies relevant to the proposal are set out in the following table:

*Table 5 LDP Policies relevant to the proposal*

<b>Planning Consideration</b>	<b>Relevant Planning Policy</b>	
<b>Renewable Energy</b>	Policy SP 18	Renewable and Low Carbon Energy



	Policy RE 1	Criteria for the Assessment of Renewable and Low Carbon Energy Development
	Policy RE 2	Renewable and Low Carbon Energy in New Development
<b>Principle of Development</b>	Policy SP 1	Climate Change
	Policy SC 1	Settlement Limits
	Policy SP 6	Development in the Valleys Strategy Area
<b>Landscape and Visual</b>	Policy EN 2	Special Landscape Areas
	Policy BE 1	Design
<b>Environment</b>	Policy SP 15	Biodiversity and Geodiversity
	Policy EN 6	Important Biodiversity and Geodiversity Site
	Policy EN 7	Important Natural Features
	Policy EN 8	Pollution and Land Stability
	Policy SP 16	Environmental Protection
	Policy M 1	Development in Mineral Safeguarding Areas
<b>Cultural Heritage</b>	Policy SP 21	Built Environment and Historic Heritage
<b>Amenity</b>	Policy SP 4	Infrastructure
	Policy I 1	Infrastructure Requirements

### **Renewable Energy**

11.4.2 **Policy SP 18: Renewable and Low Carbon Energy** seeks to deliver a proportionate contribution to meeting Wales' national renewable energy targets and energy efficiency targets.

*A proportionate contribution to meeting national renewable energy targets and energy efficiency targets will be made while balancing the impact of development on the environment and*



communities. This will be achieved by:

1. Encouraging where appropriate, all forms of renewable energy and low carbon technology development;
2. Encouraging energy conservation and efficiency measures in all new major development proposals;
3. Ensuring that development will not have an unacceptable impact on the environment and amenity of local residents.

11.4.3 **Policy RE1 Criteria for the Assessment of Renewable and Low Carbon Energy Development** sets out criteria against which all proposals for renewable and low carbon energy development will be assessed.

*Proposals for renewable and low carbon energy development will only be permitted subject to the following criteria:*

1. *Large scale wind farm developments (>25MW) will be expected to be located within the boundaries of the refined Strategic Search Areas.*
2. *Proposals for wind farms of any size outside the SSAs will only be permitted where it is demonstrated that there will be no unacceptable impact on visual amenity or landscape character through the number, scale, size, design and siting of turbines and associated infrastructure.*
3. *Small scale wind farm developments (<5MW) will be required to demonstrate that impacts are confined to the local scale.*
4. *All renewable energy or low carbon energy development proposals will be required to demonstrate that:*
  - a) *Measures have been taken to minimise impacts on visual amenity and the natural environment;*
  - b) *There will be no unacceptable impacts on residential amenity;*



- c) *The development will not compromise highway safety;*
- d) *The development would not interfere with radar, air traffic control systems, telecommunications links, television reception, radio communication and emergency services communications; and*
- e) *There are satisfactory proposals in place for site restoration as appropriate.*

11.4.4 **Policy RE 2 Renewable and Low Carbon Energy in New Development** addresses that Schemes that connect to existing sources of renewable energy, district heating networks and incorporate on-site zero / low carbon technology (including microgeneration technologies) will be encouraged.

**Principle of Development**

11.4.5 **Policy SP 1: Climate Change** is a strategic policy that is of fundamental importance to the LDP influences every aspect of the Plan's development.

*In relation to the causes of climate change:*

1. *The efficiency and sustainability of the County Borough's settlements will be enhanced through developing more cohesive and efficient settlements and settlement patterns, and consequently more sustainable travel patterns;*
2. *Greenhouse gas emissions from transport will be minimised through encouraging freight/commercial transport by alternatives to road (e.g. rail or sea);*
3. *Dependence on the private car and the need to travel in general will be reduced through promoting alternative means of transport and more efficient use of existing facilities, co-location and joint use of facilities;*
4. *Provision will be made for the County Borough's appropriate contribution to renewable and low carbon energy generation. In relation to the consequences of climate change:*

1. *Likely increased flood risk will be taken into account and addressed by ensuring that there is greater resilience by avoiding development on land that is at risk from flooding in the first instance in accordance with the sequential approach set out in national guidance*



*or in locations that could increase the risk of flooding elsewhere;*

*2. The fragmentation of habitats will be minimised and opportunities made for habitat and species change and migration where possible.*

### **Landscape and Visual**

11.4.6 Owing to the fact that the proposed development falls within the Dulais Valley Special Landscape Area (EN2/2), **Policy EN 2 Special Landscape Areas** ensures that:

*Development within the designated Special Landscape Areas will only be permitted where it is demonstrated that there will be no significant adverse impacts on the features and characteristics for which the Special Landscape Area has been designated.*

### **Environment**

11.4.7 **Policy SP 15: Biodiversity and Geodiversity** aims to ensure that biodiversity is fully taken into account in all planning decisions.

*Important habitats, species and sites of geological interest will be protected, conserved, enhanced and managed through the following measures:*

- 1. The identification of the following Internationally and Nationally designated sites within the County Borough to enable their protection:*
  - (a) Special Areas of Conservation (SACs) and Ramsar Sites;*
  - (b) Sites of Special Scientific Interest (SSSIs);*
  - (c) National Nature Reserves (NNRs).*
- 2. The identification and protection of sites of regional and local importance;*
- 3. The protection of important natural heritage features.*

11.4.8 **Policy EN 6: Important Biodiversity and Geodiversity Site** seeks to ensure that there is no reduction in the overall value of the area or feature. Where mitigation is not possible, compensation measures will normally be required to offset harm as far as practicable. However, compensation measures are



considered to be a last resort option.

*Development proposals that would affect Regionally Important Geodiversity Sites (RIGS), Local Nature Reserves (LNRs), Sites of Interest for Nature Conservation (SINCs), sites meeting SINC criteria or sites supporting Local Biodiversity Action Plan (LBAP) or S42 habitats or species will only be permitted where:*

1. *They conserve and where possible enhance the natural heritage importance of the site;*  
*or*
2. *The development could not reasonably be located elsewhere, and the benefits of the development outweigh the natural heritage importance of the site.*

*Mitigation and/or compensation measures will need to be agreed where adverse effects are unavoidable.*

11.4.9 **Policy EN 7: Important Natural Features** seeks to retain and enhance local landscape features that are of importance for biodiversity, such as trees, woodland, hedgerows and other field boundaries, watercourses, wetlands and ponds and green lanes.

*Development proposals that would adversely affect ecologically or visually important natural features such as trees, woodlands, hedgerows/field boundaries, watercourses or ponds will only be permitted where:*

1. *Full account has been taken of the relevant features in the design of the development, with measures put in place to ensure that they are retained and protected wherever possible; or 2*
2. *The biodiversity value and role of the relevant feature has been taken into account and where removal is unavoidable, mitigation measures are agreed.*

11.4.10 **Policy EN 8: Pollution and Land Stability** seeks to ensure that developments will not exacerbate existing problems, cause new problems or result in more people being routinely exposed to unacceptable pollution levels of any type.

*Proposals which would be likely to have an unacceptable adverse effect on health, biodiversity*



*and/or local amenity or would expose people to unacceptable risk due to the following will not be permitted:*

- *Air pollution;*
- *Noise pollution;*
- *Light pollution;*
- *Contamination;*
- *Land instability;*
- *Water (including groundwater) pollution.*

*Proposals which would create new problems or exacerbate existing problems detailed above will not be acceptable unless mitigation measures are included to reduce the risk of harm to public health, biodiversity and/or local amenity to an acceptable level.*

11.4.11 **Policy SP 16: Environmental Protection** sets out the approach that will be taken to protect and improve the environment as far as possible.

*Air, water and ground quality and the environment generally will be protected and where feasible improved through the following measures:*

1. *Ensuring that proposals have no significant adverse effects on water, ground or air quality and do not significantly increase pollution levels;*
2. *Giving preference to the development of brownfield sites over greenfield sites where appropriate and deliverable;*
3. *Ensuring that developments do not increase the number of people exposed to significant levels of pollution*

### **Cultural Heritage**

11.4.12 **Policy SP21: Built Environment and Historic Heritage** seeks to conserve and enhance the built environment and heritage of the whole County Borough including the identified 'gateways'.

*The built environment and historic heritage will, where appropriate, be conserved and enhanced*



through the following measures:

1. *Encouraging high quality design standards in all development proposals;*
2. *Protecting arterial gateways from intrusive and inappropriate development;*
3. *Safeguarding features of historic and cultural importance;*
4. *The identification of the following designated sites to enable their protection and where appropriate enhancement:*
  - (a) *Landscapes of Historic Interest;*
  - (b) *Historic Parks and Gardens;*
  - (c) *Conservation Areas;*
  - (d) *Scheduled Ancient Monuments; and*
  - (e) *Listed Buildings and their curtilage*

## **11.5 National Policy Statements**

11.5.1 The National Policy Statements (NPSs) for energy outline national policies for energy infrastructure and provide planning guidance for Nationally Significant Infrastructure Projects (NSIPs). Whilst they relate specifically to NSIPs, they are a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990. Whether the Policies in the NPS are material and to what extent, will be judged on a case-by-case basis and will depend upon the extent to which the matters are already covered by applicable planning policy.

11.5.2 A recent Appeal Decision (APP/C4615/W/24/3345744) issued on 4<sup>th</sup> February 2025 for a Battery Energy Storage System (BESS) has clarified the position in this regard with the Inspector explaining the relevance of the NPSs:

*“It would be remiss to not highlight the direction of travel in terms of Government energy policy at the very outset of my decision. A material consideration in the determination of planning proposals for renewable energy are the National Policy Statements (NPS) for the delivery of major energy*



*infrastructure. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. The Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) both state that the NPSs can be a material consideration in decision making on applications that both exceed or sit under the thresholds for nationally significant projects. Further, Paragraph 213 of The Energy Act 2023 now includes energy provided from battery storage as its own subset of energy generation.”*

- 11.5.3 The revised EN-1 and EN-3 came into force on 17<sup>th</sup> January 2024. The NPSs highlight the urgent need for new electricity generating capacity in the UK to ensure a secure, reliable and affordable energy supply while meeting decarbonisation targets.
- 11.5.4 Section 4.2 (*The critical national priority for low carbon infrastructure*) of EN-1 sets out that Government have concluded that there is a “*critical national priority (CNP) for the provision of nationally significant low carbon infrastructure.*”
- 11.5.5 Paragraph 1.1.1 of EN-3 states there is “*an urgent need for new electricity generating capacity to meet our energy objectives*”. It proceeds to state “*Electricity generation from renewable sources is an essential element of the transition to net zero and meeting our statutory targets for the sixth carbon budget (CB6)*”. Government analysis suggests that demand for electricity could more than double by 2050 suggesting a requirement for a fourfold increase in low carbon electricity generation, with most from renewables.
- 11.5.6 Section 2.10 relates solely to Solar Photovoltaic Generation. Paragraph 2.10.9 states “*The government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions. As such solar is a key part of the government’s strategy for low-cost decarbonisation of the energy sector*”.
- 11.5.7 Paragraph 2.10.10 states “*the British Energy Security Strategy states that government expects a five-fold increase in solar deployment by 2035 (up to 70GW)*”.
- 11.5.8 Due to the size of area needed for solar development it is accepted that there will be impacts on rural areas. The NPS states at Paragraph 2.10.17 “*Along with associated infrastructure, a solar farm requires between 2 to 4 acres of each MW of output. A typical 50MW solar farm will consist of around 100,000 to 150,000 panels and cover between 125 to 200 acres...this scale of development will inevitably have*



*impacts, particularly if sited in rural areas.”*

- 11.5.9 The NPS recognises the various factors that influence site selection and design. It acknowledges at Paragraph 2.10.25 that the distance from the solar farm to the point of connection can have a “*significant effect on the commercial feasibility*” of a proposal.
- 11.5.10 It also states at Paragraph 2.10.29 “*while land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land (avoiding the use of “Best and Most Versatile” agricultural land where possible.*” However, it proceeds to explain at Paragraph 2.10.30 that ground mounted solar arrays “*is not prohibited*” on BMV land or sites designated for their natural beauty or recognised for ecological or archaeological importance.
- 11.5.11 The NPS has also clarified at Paragraph 2.10.53 that “*From the date of designation of this NPS, for the purposes of Section 15 of the Planning Act 2008, the maximum combined capacity of the installed inverters (measured in alternating current (AC)) should be used for the purposes of determining solar site capacity.*” As such, the capacity threshold for Town and Country Planning Act applications is 350MW in Wales.
- 11.5.12 The emphasis on the need for renewable energy, particularly solar, is evidenced by the latest National Policy Statements. These statements highlight the critical need for new electricity generating capacity in the UK to meet decarbonisation targets.

## **11.6 Other Material Considerations**

### **The Environment (Wales) Act 2016**

- 11.6.1 The Environment (Wales) Act 2016 requires Welsh Ministers to reduce emissions in Wales by at least 80% by 2050 against 1990 levels. Since this legislation was enacted, Welsh Government has also approved a more ambitious net zero target to be achieved by 2050.
- 11.6.2 In order to achieve this target, the government has set interim targets for 2030 and 2040, and a series of 5-year carbon budgets. The target for 2030 requires a 63% reduction. The latest data<sup>3</sup> shows Wales’
- 11.6.3 total emissions at 39 million tonnes of carbon dioxide (CO<sub>2</sub>) equivalent, a fall of 31% compared to



baseline emissions. As such, a further 32% reduction is required in order to achieve the 2030 target.

11.6.4 In seeking to achieve this target, in 2017 Welsh Ministers also formally announced an interim target of ensuring that 70% of Wales' electricity demand from Welsh renewable electricity sources by 2030.

11.6.5 In addition to setting ambitious renewable energy targets, the Environment (Wales) Act put in place legislation to plan and manage Wales' natural resource. The key parts of the act of most relevance to these proposals are:

Part 1: Sustainable management of natural resources – This aims to enable Wales' resources to be managed in a more proactive, sustainable and joined-up way.

Part 2: Climate Change – This provides Welsh Ministers with powers to put in place statutory emission reduction targets, including at least an 80% reduction in emissions by 2050 and carbon budgeting to support their delivery. This Part formalises comprises legislation to confirm commitments to meeting existing UK and EU obligations and sets a clear pathway for decarbonisation.

11.6.6 In order to achieve these statutory objectives (and the more recent Net Zero target), Welsh Government has published its most recent plan covering its second carbon budget through 'Net Zero Wales Carbon Budget 2 (2021 – 2025)'. The plan builds upon the previous Plan ('Prosperity for all: a Low Carbon Wales') and sets out 123 policies and proposals, alongside commitments and action in order to achieve these objectives.

11.6.7 The previous plan recognised that the "*planning system has an important role in facilitating decarbonisation*" and Net Zero Wales also recognises this position, with Policy 5 and Policy 6 relating to the National Development Framework and Planning Policy Wales and respectively.

11.6.8 In this respect, the plan explains that the NDF "*sets a clear planning policy context for decarbonisation by both preventing and mitigating carbon emissions*". Similarly, Net Zero Wales explains that "*During Carbon Budget 2 PPW will continue to facilitate decarbonisation through the planning system by providing an ambitious and comprehensive policy framework to address the causes and effects of climate change*".

### **Well-being of Future Generations Act**



The Well-being of Future Generations Act (Wales) 2015 sets out a ‘sustainable development principle’ requiring planning decisions to comply with the 7 well-being goals set out in Table 1 on page 4 of the act. These are:

1. A prosperous Wales
2. A resilient Wales
3. A healthier Wales
4. A more equal Wales
5. A Wales of cohesive communities
6. A Wales of vibrant culture and thriving Welsh Language
7. A globally responsible Wales

11.6.9 The ‘Sustainable Development Principle’ as discussed in Paragraph 5 (1) of the Act sets out that public bodies “*must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.*”

11.6.10 Paragraph 5(2) explains that “*in order to act in that manner, a public body must take account of... the importance of balancing short term needs with the need to safeguard the ability to meet long term needs, especially where things done to meet short term needs may have detrimental long term effect.*”

The Energy White Paper – Powering our Net Zero Future, HM Government, December 2020

11.6.11 Under the strategy, ‘Energy Storage and Flexibility’ are listed as a priority area for net zero innovation.

11.6.12 The strategy acknowledges the challenge faced by a transition to renewable energy supply and states that:

*“Electricity markets need to adapt as the deployment of renewable generation increases. Balancing supply and demand becomes more complex because most renewables are, by their nature, intermittent and generate electricity only when the wind blows or the sun shines.”*

11.6.13 It also recognises the opportunity which energy storage presents, explaining that:



*“Increasingly, flexibility will come from new, cleaner sources, such as energy storage in batteries, increased interconnected capacity from neighbouring electricity markets, or from consumers using smart technologies to reduce how much energy they use or shift when they use the energy to different times in the day. New forms of flexibility could lower future costs for consumers, by minimising expensive network reinforcement or reducing the need for additional generation, especially peaking capacity which needs to be deployed quickly to meet spikes in demand.”*

#### The United Nations Paris Agreement on Climate Change 2015

- 11.6.14 The Paris Agreement is a legally binding international treaty on climate change adopted by 196 Parties at COP21 in Paris, on 12 December 2015 and entered into force on 4 November 2016. Its goal is to limit global warming to well below 2, preferably to 1.5 degrees Celsius, compared to pre-industrial levels.
- 11.6.15 The Agreement represents a landmark in the international climate change process because, for the first time, a binding agreement brings all nations into a common cause to combat climate change and adapt to its effects.

#### Transitioning to a net zero energy system: smart systems and flexibility plan 2021- Department for Business, Energy and Industrial Strategy and Ofgem

- 11.6.16 The DBEIS (now superseded by other government agencies including the Department for Energy Security and Net Zero) plan sets out how the UK we will facilitate the transition to a smarter and more flexible energy system. It explains that:

*“The government is committed to leading the way in the transformation of our energy system. A smarter, more flexible system will utilise technologies such as energy storage and flexible demand to integrate high volumes of low carbon power, heat and transport and reach a carbon neutral future”.*

## **11.7 Summary**

- 11.7.1 The provision of low carbon energy is central to the economic, social and environmental dimensions of sustainable development set out in the NDF. There is strong national policy support, from the Government’s Energy White Paper (EWP) and National Policy Statement EN-1 2 (NPS), for the development of solar development, which would generate energy through a renewable source.



## 12.0 Planning Assessment

### 12.1 Assessment of the Principle of Development on the Proposed Site

12.1.1 Policy 17 of the NDF makes clear that the Welsh Government “*strongly supports the principle of development of renewable and low carbon energy*” and that decision makers must give “*significant weight*” to the need to meet Wales’s international commitments and target of generating 70% of consumed electricity by renewable means by 2030, in order to combat the climate emergency.

12.1.2 Furthermore, Policy 18 of the NDF states that proposals for renewable and low carbon energy projects qualifying as Developments of National Significance will be permitted subject to Policy 17 and a meeting an identified criterion. An assessment against that Criteria is as follows:

1. *Outside of the Pre-Assessed Areas for wind developments and everywhere for all other technologies, the proposal does not have an unacceptable adverse impact on the surrounding landscape (particularly on the setting of National Parks and Areas of Outstanding Natural Beauty);*

12.1.3 This application is accompanied by a Landscape and Visual Appraisal (LVApp) prepared by Tir Collective. The LVApp, which has assessed the potential effects of the proposed development on the landscape character and visual amenity for a 3km study area. The methodology used for assessing the potential effects on landscape character and visual amenity were based on the recommendations in GLVIA3.

12.1.4 The site is not located within or close to a statutory designated landscape. The majority of the site is located inside the Dulais Valley Special Landscape Area.

12.1.5 The LVApp concludes that during construction, effects on the sloping landform on the Dulais valley side would be minor adverse due to the small-scale change for moderate-low sensitivity receptors. Effects are assessed as minor adverse during operation and minor neutral during decommissioning but once activities are completed, the landscape would be fully restored and effects would be negligible.

12.1.6 Once the establishment and decommissioning effects on the landscape character and features resulting from mitigation and management they will be beneficial to landscape character and features. The proposals detailed within the Landscape and Ecology Management Plan would result in strengthening and enhancement of the site. As such, it is considered that the proposed development



meets the requirements of Criterion 1 of the Policy.

2. *The proposal is designed to minimise its visual impact on nearby communities and individual dwellings, and the cumulative impact of the proposal, with other existing or proposed development, is acceptable;*

12.1.7 Having regard to visual impact the assessment concludes that overall, the most adverse visual effects would occur within and close to the site during construction and operation. As distance increase from the site, visual effects would reduce. For residents within the settlement of Seven Sisters, views are expected but would be partial, filtered and/or oblique and would include existing man-made infrastructure in baseline views.

12.1.8 As such, it is considered that the proposal as been designed to minimise visual impact on nearby community and individual dwellings and the cumulative impact of the proposal, with other existing or proposed development is acceptable and thus meets the requirements of Criterion 2 of the Policy.

3. *There are no adverse impacts on international and national statutory designated sites for nature conservation (and the features for which they have been designated), protected habitats and species;*

12.1.9 The site is not nationally or internationally designated for nature conservation. Furthermore, the proposed development is considered to have minimal adverse impacts on designated sites and protected species. As such, it is considered the proposed development meets the requirements of Criterion 3 of the Policy.

4. *The proposal includes biodiversity enhancement measures to provide a net benefit for biodiversity;*

12.1.10 The proposed development includes enhancement measures which provide a net benefit for biodiversity. These are illustrated within the accompanying LEMP. As such, the proposal is considered to meet the requirements of Criterion 4 of the Policy.

5. *There are no unacceptable adverse impacts on statutorily protected built heritage assets;*

12.1.11 This application is accompanied by a Heritage Desk Based Assessment which concludes that there is potential for a low adverse impact to the setting and heritage significance of the site and thus not



unacceptable. As such, the proposal is considered to meet the requirements of Criterion 5 of the Policy.

6. *There are no unacceptable adverse impacts by way of shadow flicker, noise, reflected light, air quality or electromagnetic disturbance;*

12.1.12 This application is supported by a Noise Impact Assessment prepared by ITP Energised (now SLR). The predicted noise levels were within BS4142 derived criteria at noise sensitive receptors and below the measured representative background level. As such, noise impacts will be 'not adverse' at the closest noise sensitive receptor during the daytime and night-time periods and thus not unacceptable.

12.1.13 The application is supported by a Glint and Glare assessment prepared by Pager Power, which concludes that there will be no significant impacts predicted upon road safety and residential amenity and no mitigation required.

12.1.14 As such, it is considered that the proposal meets the requirements of Criterion 6 of the Policy.

7. *There are no unacceptable impacts on the operations of defence facilities and operations (including aviation and radar) or the Mid Wales Low Flying Tactical Training Area (TTA-7T);*

12.1.15 Further to the above, the Glint and Glare assessment concludes that no significant impacts are predicted upon aviation activity and thus meeting the requirements of Criterion 7.

8. *There are no unacceptable adverse impacts on the transport network through the transportation of components or source fuels during its construction and/or ongoing operation;*

12.1.16 This application is accompanied by a Transport Assessment/CTMP which demonstrates that there will be no unacceptable adverse impacts on the transport network during construction and operation.

9. *The proposal includes consideration of the materials needed or generated by the development to ensure the sustainable use and management of resources;*

12.1.17 The proposed solar panels would consist of solar cells, glass, EVA (ethylene vinyl acetate binding agent), polymer back sheet and frame. Recent studies factoring the embodied carbon impacts of Solar PV manufacturing have shown that Solar PV in the UK will save more operational carbon than the embodied carbon of production. At the decommissioning stage the component materials of steel and glass can be easily disassembled and recycled to further minimise the embodied impacts of the



development.

12.1.18 As the proposed development is temporary, the components can be easily removed from the site during decommissioning, which will leave a legacy of environmental enhancements.

10. *There are acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration.*

12.1.19 Acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration can be secured through the appropriate wording of a planning condition attached to any consent granted.

12.1.20 Having assessed the proposed development against Policy 17 and 18 of the NDF. It is considered that it aligns positively with the requirements of the Policy and thus there is no conflict. As such, the principle of development is considered to be compliant with national policy.

12.1.21 Planning Policy Wales (PPW) supports renewable energy where all forms of renewable and low carbon energy development should be facilitated and maximised in order to meet national and international targets.

12.1.22 In accordance with PPW, the social, environmental and economic benefits associated with this development should be given weight in the decision making process.

12.1.23 PPW outlines that there are significant opportunities to achieve local benefits through renewable energy developments. The developer has committed to a community benefit fund and thus allowing the community to have a shared ownership of the value of the scheme.

12.1.24 PPW supports rural diversification and outlines that renewable energy proposals are included as a form of diversification. It outlines that schemes should be supported where there is no detrimental impact on the environment and local amenity. The assessment against Policy 18 of the NDF sets out that there will be no detrimental impact on the environment and local amenity.

12.1.25 Policy SP1 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) sets out the overarching strategy for climate change. This principle of development is supported by Policy because it will represent a contribution to the Council's renewable and low carbon energy



generation.

12.1.26 In addition to the above, the principle of development is supported by Policy SP 18 (*Renewable and Low Carbon Energy*) of Neath Port Talbot County Borough Council Local Development Plan (2011-2026). The policy sets out that a proportionate contribution to meeting national renewable energy targets and energy efficiency targets will be made while balancing the impact of development on the environment and communities. The Policy states it will encourage where appropriate all forms of renewable energy and low carbon technology development and thus the proposal is supported in Policy.

12.1.27 Policy RE1 (*Criteria for the Assessment of Renewable and Low Carbon Energy Development*) sets out the criteria against which all proposals for renewable energy development will be assessed. An assessment against the Criteria relevant to the proposal is set out below:

*4. All renewable energy or low carbon energy development proposals will be required to demonstrate that:*

*a) Measures have been taken to minimise impacts on visual amenity and the natural environment;*

12.1.28 As has been explained above, the proposed development has taken measures to minimise impacts on visual amenity and the natural environment through both careful site selection and a mitigation strategy set out in the LEMP.

*b) There will be no unacceptable impacts on residential amenity;*

12.1.29 As has been explained above, the proposed development will not result in unacceptable impacts on residential amenity.

*c) The development will not compromise highway safety;*

12.1.30 As has been described above, the proposed development will not compromise highway safety with all relevant considerations assessed through the Transport Assessment and CTMP

*d) The development would not interfere with radar, air traffic control systems, telecommunications links, television reception, radio communication and emergency*



*services communications; and*

12.1.31 As has been described above, the proposal will not interfere with radar, air traffic control systems, telecommunications links, television reception, radio communication and emergency services.

*e) There are satisfactory proposals in place for site restoration as appropriate.*

12.1.32 Satisfactory proposals for site restoration can be secured through the appropriate wording of a planning condition attached to any consent granted. These requirements would run with the land and can be relied upon to secure decommissioning of the scheme.

12.1.33 As such it is considered the proposed development is in accordance with Policy RE1.



## 13.0 Assessment of Environmental Impacts

### 13.1 Overview

13.1.1 This application is supported by a full suite of technical reporting and site investigations covering the full range of prospective environmental impacts. This section of the Statement aims to summarise the findings of these assessments.

### 13.2 Landscape and Visual

13.2.1 The proposed development falls within the Dulais Valley Special Landscape Area (SLA). SLA's are non-statutory designations applied by the local planning authority to define areas of high landscape importance within their administrative boundary. The south and central part of the site is located within the SLA 2 Dulais Valley. The relevant primary landscape qualities and features are described in Neath Port Talbot Council's Landscape and Seascape Supplementary Planning Guidance (May 2018), with the relevant extract included at Appendix D.

13.2.2 The accompanying LVApp sets out that there will be no significant adverse impacts on the features and characteristics for which the Special Landscape Area has been designated.

13.2.3 The LVApp has examined the landscape and visual impacts in relation to the proposed solar farm. The potential impacts have been thoroughly assessed through a combination of desk studies, walk-over survey and reconnaissance of the surrounding landscape of the site.

13.2.4 Proposals for the site retain and incorporate key landscape features such as trees and hedgerows. This helps to integrate the proposed solar farm and ancillary structures into the landscape whilst minimising potential impacts on character.

13.2.5 The accompanying Landscape Masterplan and Ecology Management Plan includes mitigation and enhancement proposals for provision of additional habitat and beneficial management of existing and proposed landscape features.

13.2.6 Whilst the site would change from rough grassland, the characteristic valley side transition to upland character would appropriately accommodate the development and changes would be temporary and fully restored following decommissioning, incorporating landscape enhancement through planting and management. Visual effects of the site would also be contained due to the retained and surrounding



trees, hedgerows and vegetation screening views towards the proposals.

- 13.2.7 Although the proposed development would introduce the presence of solar development within the landscape, it would not result in a change to the overall character of the Dulais valley side and character transition to upland, accommodated alongside existing electricity infrastructure in the landscape.

### **13.3 Ecology**

- 13.3.1 Avoidance, mitigation and compensation measures have been incorporated into the design to ensure that the proposals have minimal adverse impacts on designated sites and protected species.

- 13.3.2 Mitigation measures include:

- Retention and buffering (15m) of tree lines, ditches, watercourses and ‘complex habitat mosaic’ and adherence to Pollution Prevention for Businesses (2024) guidance during construction.
- Partial retention of M23b, M25b and M25c habitats.
- Method statement to protect reptiles and amphibians during vegetation clearance.
- Natural regeneration of tussocky purple moor grass/rush pasture following construction will mitigate impacts on reptiles and breeding birds.
- Sensitive methodology to protect commuting and foraging bats from light spill during construction.
- Precautionary measures for badger, breeding birds, hedgehog and otter.
- Installation of solar arrays will also provide basking opportunities for reptiles and singing/territory forming opportunities for breeding birds and will compensate for the degradation of habitat condition below the arrays. The solar arrays can increase structural diversity, create new microclimates and increase invertebrate numbers.

- 13.3.3 Enhancement measures include:

- 15 no. tree-mounted bird boxes within existing tree lines.
- 15 no. tree-mounted bat boxes within existing tree lines.



- 6 no. hibernacula/habitat piles within undisturbed boundary vegetation and riparian corridor.
- 1 no. otter holt within riparian corridor.

13.3.4 The site therefore provides a biodiversity net benefit with minimal impacts to biodiversity and ecology.

#### **13.4 Cultural Heritage**

13.4.1 The accompanying Heritage DBA has considered the potential for indirect impacts to heritage assets, in the form of settings effects, this report has identified the potential for a low adverse impact to the setting and heritage significance of Pen-cae'r-lan Farmstead, through a change to the use and character of the associated farmland. Pen-cae'r-lan Farmstead is assessed to be a heritage asset of Low Significance, deriving from the historical, evidential, and setting value.

#### **13.5 Flood Risk and Drainage**

13.5.1 The accompanying Flood Risk Statement identifies that the main site is located within DAM Zone A, which is an area considered to be at little or no risk of fluvial or tidal/coastal flooding.

13.5.2 A small section of the access track area is located within DAM Zone C2 and Flood Zone 3 of the FMfP.

13.5.3 The Main Site is at a very low risk of reservoir flooding and is at very low risk of fluvial, tidal, groundwater and sewer flooding.

13.5.4 The Main Site is shown to be at risk of flooding from small watercourses. However, this risk is confined to the watercourse corridor. 5m buffers have been retained around watercourse corridors and it is therefore considered that surface water flood risk to the Main Site is low.

13.5.5 The access track is at very low risk of reservoir flooding and is at low risk of tidal, groundwater and sewer flooding. The access track is within an area that is shown to be at low to medium risk of fluvial flooding. However, as it is within the River Neath flood alert area. It is therefore thought that access to the main site from the track can be managed so that future planned maintenance will only occur when there is no alert in place.

13.5.6 All aspects of the Acceptability Criteria set out in TAN-15 have been assessed and shown to be satisfied. Consequently, we conclude that on the grounds of flood risk, the proposed development meets the requirements set out in TAN-15 and the aims of Planning Policy.



## **13.6 Traffic and Transport**

13.6.1 This application is accompanied by a Transport Assessment/CTMP which demonstrates that there will be no unacceptable adverse impacts on the transport network during the construction and operational phases of the development

## **13.7 Glint and Glare**

13.7.1 The accompanying Glint and Glare Assessment concludes that:

*No significant impacts are predicted upon road safety and residential amenity, and no mitigation is required; and*

*No significant impacts are predicted upon aviation activity associated with Rhigos Airfield, no mitigation is required and detailed modelling is not recommended.*

## **13.8 Noise**

13.8.1 This application is supported by a Noise Impact Assessment prepared by ITP Energised. The predicted noise levels were within BS4142 derived criteria at noise sensitive receptors and below the measured representative background level. As such, noise impacts are assessed as 'not adverse' at the closest noise sensitive receptor during the daytime and night-time periods and thus not unacceptable.



## 14.0 Overall Conclusions

### 14.1 Summary of Planning Policy Requirements

14.1.1 National policy promotes increasing energy efficiency, minimising energy consumption and developing renewable energy sources. Local Policy supports development that promotes these objectives wherever any adverse impacts can be addressed satisfactorily.

### 14.2 Need for the Proposals

14.2.1 The Climate Change Act commits the UK (including Wales) government by law to reducing greenhouse gas emissions by at least 100% of 1990 levels (net zero) by 2050.

14.2.2 The Welsh Government has set its own legally binding targets under the Environment (Wales) Act 2016, which includes achieving net zero by 2050.

14.2.3 The former Climate Change Minister Julie James published the '*Summary of Response to the Consultation on Wales' Renewable Energy Targets*' and provided a Written Statement on 14<sup>th</sup> July 2023. Within that Statement, the Minister highlighted that the "*climate crisis and recent energy price surge has brought into sharp focus the need for a further step change in the Welsh Government's ambitions*". The Minister in their Statement adopted the target for Wales to meet the equivalent of **100% of its annual electricity consumption from renewable sources by 2035**.

14.2.4 There is an acute and growing need for this scheme to help tackle climate change, help replace closing fossil fuel power stations, meet a two-fold increase in electricity demand and transition to home-grown energy to improve energy security and stabilise fuel prices.

### 14.3 Benefits of the Proposals

14.3.1 The proposals would generate approximately 25 MWp of electricity. This equates to enough electricity to serve the total power needs of around 7,500 average UK households per annum. In accordance with guidance outlined by the Solar Trade Association (now Solar Energy UK) this would offset around 10,750 tonnes of CO<sub>2</sub> per annum, and 430,000 tonnes over the life of the scheme. The environmental benefits of the scheme far outweigh the impacts resulting from the carbon footprint of the panels themselves.



- 14.3.2 The economic benefits of the scheme include economic output of £500,000 GVA over 14 months, £80,000 business rates generated per annum to the Council, and significant spin off benefits for the supply chain with gross value added (GVA) far in excess of £1million.
- 14.3.3 The proposed scheme would provide a significant amount of decentralised electricity to the area and support the transition to electric vehicles and heating. It would also help to reduce the UK's reliance on imported fossil fuels and help the UK gain more control over its energy provision and energy security, helping to stabilise domestic fuel bills.
- 14.3.4 Net additional benefits are not the only benefits. Benefits extend to the mitigation of impacts from climate change. The proposals will also help to minimise the economic and environmental cost of climate change including potential catastrophic impact to agriculture from a drier climate and economic impacts of climate change to the UK economy of up to £68billion by 2100 in lost GDP.

#### **14.4 Summary of Impacts**

- 14.4.1 The potential impacts that could arise from the proposed development have been identified in Section 13 of this statement. These include: Landscape and visual, Ecology, Cultural Heritage, Flood Risk and Drainage, Highways, Glint and Glare and Noise.
- 14.4.2 All of these factors have been assessed in detail using evidence based assessments undertaken by qualified professionals. No significant impacts have been identified and where minor impacts are identified, these have been satisfactorily mitigated. In some cases, a net benefit is achieved for example a net benefit to biodiversity.

#### **14.5 Compliance with Planning Policy and Planning Balance**

- 14.5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Act, the determination must be in accordance with the Development Plan, unless material considerations indicate otherwise.
- 14.5.2 The previous section of this statement has demonstrated that the proposed development is compliant with the Development Plan and all relevant National and Local Planning Policy.
- 14.5.3 If it were to be concluded that there is some degree of conflict with the Development Plan when taken



as a whole, there are material considerations that indicate that planning permission should be granted, which include the very significant benefits of the proposed development when applied in the planning balance, which further support the case for granting planning permission.

14.5.4 The weight to be given to the benefits of this proposal is a judgement for the decision maker. However, it is appropriate to review the degree of weight given to such benefits by reviewing the Government's decisions on other similar solar farm proposals, where the benefits are broadly similar.

14.5.5 A recent decision made on 11<sup>th</sup> of October 2024 (DNS ref: DNS/3279521) was approved and provides a highly relevant steer on the degree of weight to be given to the benefits of renewable energy. The Inspector's Report (full report attached in Appendix C) identifies that Future Wales Policy 17 requires decision makers to give significant weight to the need to meet Wales' international commitments and the Government's target to generate 70% of consumed electricity by renewable means by 2030. They therefore afford the "whole-life" impact of the proposed development to have a "significant beneficial effect". The Inspector concludes by saying:

*"Renewable and low carbon energy development has an important role to play in meeting the Government's renewable energy targets. The need to meet the 70% target set out in FW policy 17 is of considerable importance and the 100% target by 2030 announced in July 2023. This proposal aligns with this development plan policy and is afforded considerable weight".*

14.5.6 Whilst this proposal does not have the same constraints as the above case study and conforms with both local and national planning policy, this case study clearly demonstrates the benefits to the environment of utility scale production of renewable energy and should carry exceptional and significant weight.

## **14.6 Final Conclusions**

14.6.1 Taking into account the above and the contents of this statement, it has been demonstrated that the proposed development is compliant with the Development Plan. The public benefits of the proposal should weigh substantially in favour of granting planning permission. The economic and biodiversity benefits should also attract moderate weight in favour of granting planning permission. In conclusion, the planning balance tilts overwhelmingly in favour of granting planning permission.



## Appendices

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### Appendix A – Benchmark land value

**Table 5.16 – Benchmark land value (for cleared sites with approvals)**

<b>Land useage</b>	<b>Value Area</b>	<b>Guide value (per acre)</b>
<b>Residential</b>	Low	£350,000
	Average	£450,000
	Good	£1,000,000
<b>Industrial</b>	Low	£125,000
	Average	£175,000
	Good	£275,000
<b>Office</b>	Low	£125,000
	Average	£175,000
	Good	£300,000
<b>Retail foodstore</b>	Low	£1,000,000
	Average	£1,250,000
	Good	£1,500,000
<b>Retail warehouse</b>	Low	£500,000
	Average	£550,000
	Good	£600,000
<b>Small retail out of town</b>	Low	£200,000
	Average	£300,000
	Good	£400,000
<b>Leisure</b>	Low	£450,000
	Average	£500,000
	Good	£550,000
<b>Student accommodation</b>	Low	£500,000
	Average	£600,000
	Good	£700,000
<b>Care Home</b>	Low	£450,000
	Average	£600,000
	Good	£800,000

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Appendix B – EIA Screening Opinion (DNS 3272424)

Adeilad y Goron Crown Buildings Ffôn/tel: 0303 444 5960  
Parc Cathays Cathays Park  
Caerdydd Cardiff  
CF10 3NQ CF10 3NQ e-bost/e-mail: [dns.wales@planninginspectorate.gov.uk](mailto:dns.wales@planninginspectorate.gov.uk)

Mr James Smith  
Senior Planning and Development Manager  
Greentech

Eich Cyf / Your Ref:

Ein Cyf / Our Ref: DNS 3272424

Via Email

Dyddiad / Date: 21 September 2021

Dear Mr Smith

Town and Country Planning Act 1990  
The Developments of National Significance (Procedure) (Wales) Order 2016  
Town and Country Planning (Environmental Impact Assessment) (Wales)  
Regulations 2017

Potential DNS Application

Site Address: Pencaerlan, West of Seven Sisters, Neath Port Talbot, SA10 9EP.  
Proposed Development: Circa 20 MW Solar Farm and associated infrastructure.

On the 1st April 2021 the Planning Inspectorate received a request made under regulation 31(1) of the Town and Country Planning (Environmental Impact Assessment) (Wales) **Regulations 2017 ("the Regulations")**, for the Welsh Ministers to make a screening direction **as to whether or not the development proposed is "EIA Development" within the meaning** of the Regulations. The request was followed by the submission of further information on 18 August 2021 in response to the Inspectorate's request dated 4 May.

The Planning Inspectorate is authorised by the Welsh Ministers to provide this screening direction.

The project, as described above, falls within the description at paragraph 3(a) in column 1 of the table in Schedule 2 to the Regulations.

As the proposal is a potential Development of National Significance (DNS) application, the attached screening assessment identifies the key areas which have been considered. Having taken into account the selection criteria in Schedule 3 to the Regulations and the advice in Welsh Office Circular 11/99: Environmental Impact Assessment on establishing whether EIA is required, the assessment concludes that:

*The proposed development of a circa 20 MW solar farm with associated infrastructure would inevitably result in a number of effects, most notably in terms of the physical change to the site itself and landscape and visual impact. There is also potential for the loss of*

*some SINC quality marshy grassland and impacts on a number of protected species. However, the majority of those impacts would be localised and could largely be reduced by the implementation of readily securable avoidance and mitigation measures. Whilst these issues will therefore likely be important considerations for the decision maker and will need to be subject to further assessment, I consider, based on the information available and advice from relevant consultees, that significant effects in relation to biodiversity are unlikely. Given a lack of likely significant effects in other respects, I am content that on balance, EIA is not required in this instance.*

Therefore, in exercise of the powers conferred by the Regulations and the authority referred to above, the Welsh Ministers hereby direct that the development subject of this application is not EIA development within the meaning of the Regulations.

My opinion on the likelihood of this development having significant effects is reached for the purposes of this direction.

This letter will be copied to Neath Port Talbot County Borough Council, so that this screening direction is placed on Part 1 of the Planning Register in relation to the application in question, in accordance with the Regulations.

Yn gywir / Yours sincerely

*C Sweet*

Christopher Sweet MPlan

Swyddog Cynllunio / Planning Officer

**Tîm Cynllunio a'r Amgylchedd** / The Planning & Environment Team

Yr Arolygiaeth Gynllunio / The Planning Inspectorate

STAGE 1 – INITIAL EIA SCREENING ASSESSMENT

1		Case Details
A	DNS case reference 3272424	
B	Brief description of development 20 MW Solar Farm and associated infrastructure.	
2		EIA Screening Details
2A Schedule 1		
	Is the project Schedule 1 development as described in Schedule 1 of the EIA Regulations?	No
	<i>If Yes, under which description of development? If No, consider whether project is 'Schedule 2' development below in part 2(B).</i>	
2B Schedule 2		
(i)	Is the project listed as a description of development under Column 1 of Schedule 2 of the EIA Regulations?	Yes
	<i>If Yes, under which description of development? If No, EIA is not required.</i>	
	3(a)	
(ii)	Does the project change or extend development described in paragraphs 1 to 12 of Column 1 of schedule 2, where the change or extension may have SIGNIFICANT* adverse effects on the environment?	No
	<i>If Yes, provide reasons for your answer below. *If unsure, discuss with PET. Proceed to point (iii).</i>	
	Choose an item.	
(iii)	Is the project located wholly or partly within a ' <a href="#">Sensitive Area</a> ' as defined by Regulation 2 of the EIA Regulations?	No
	<i>If Yes, state which area and more to Question 3. If No, proceed to point (iv) below.</i>	
(iv)	Are the applicable thresholds/criteria in Column 2 exceeded / met?	Yes
	<i>If Yes, note which applicable threshold/criteria. If No, EIA is not required.</i>	
	Site area is over 0.5 ha.	
3		LPA / Welsh Ministers' Screening
(i)	Has the LPA issued a Screening Opinion (SO)?	No

(ii)	Have the Welsh Ministers issued a Screening Direction (SD)?	No
4	Environmental Statement (ES)	
	Has the applicant/appellant supplied an ES for the current or previous (if reserved matters or conditions) application?	No

Is a detailed screening assessment (Section 5) required?

If Yes has been answered in response to either 2B(iii) or 2B(iv), send to relevant team to undertake detailed screening assessment.

If No has been answered for both questions, or the questions are not applicable, start appeal.

#### Sign-off

Signature	C Sweet
Date	27/04/21

## STAGE 2 – DETAILED EIA SCREENING ASSESSMENT

As per Schedule 3, Para 3: When considering the potential impact, take into account; (a) magnitude / spatial extent / population likely to be affected; (b) nature of impact; (c) transboundary nature; (d) intensity & complexity; (e) probability; (f) expected onset / duration / frequency & reversibility; (g) cumulation with existing and / or approved development; (h) the possibility of effectively reducing the impact.

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	<b>For 'Yes/Unknown', are effects likely to be significant?</b> <i>Include consideration of features or measures to avoid or prevent what might otherwise be significant effects</i>
<b>CRITERION 1. CHARACTERISTICS OF DEVELOPMENT</b>		
<b>Question 1 (a) Size and design of the Development</b>		
Will construction, operation or decommissioning of the Project involve actions which will cause physical changes in the locality (topography, land use, changes in waterbodies, etc.)?	Yes. The proposed development would result in the site (some 28 ha) being altered from agricultural use to that of a circa 20 MW solar farm made up of PV Panels and associated infrastructure. However, it is of low agricultural quality and the proposed lifespan of the scheme is 40 years, after which the site would be able to be restored. As such, whilst there would be considerable physical change to the site itself, those factors lead me to conclude that the change would not be likely to result in significant effects in EIA terms.	Significant effect unlikely.
<b>Question 1 (b) Cumulation with Existing and/or Approved Development</b>		
Are there any other factors which should be considered such as: <ul style="list-style-type: none"> <li>consequential development which could lead to environmental effects?</li> <li>the potential for cumulative impacts with other existing or planned activities in the locality?</li> <li>any plans for future land uses on or</li> </ul>	Yes. There is potential for some cumulative in-combination effects with other existing or proposed development. However, whilst this will likely be a consideration for the decision maker, the location of the application site and the scale of potential cumulative impact are such that significant environmental effects in this respect are	Significant effect unlikely.

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	<b>For 'Yes/Unknown', are effects likely to be significant?</b>
around the location which could be affected by the project? • transfrontier impacts?	unlikely.	
Question 1(c) Use of Natural Resources, in particular land, soil, water and biodiversity		
Will construction or operation of the Project use natural resources such as land, water, materials or energy, especially any resources which are non-renewable or in short supply?	Yes, the proposal would require a degree of land take and use of natural resources during both the construction and operational stages.  However, the land would be able to be used for continued grazing during the operational phase and there is potential for a degree of <b>material recycling at the end of the project's</b> lifespan. Given that low degree of impact and the scale of the project, I am content that significant effects on natural resources are unlikely.	Significant effect unlikely.
Question 1(d) Production of Waste		
Will the Project produce solid wastes during construction or operation or decommissioning?	Yes, some waste would be produced during construction and, notwithstanding the potential for some recycling of materials, the decommissioning of the equipment at the end of its lifespan would result in some solid waste.  However, given the scale and nature of the proposed development I do not consider that significant effects are likely in terms of waste generation.	Significant effect unlikely.
Question 1(e) Pollution and Nuisances		
Will the Project involve use, storage, transport, handling or production of	No.	N/A

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	<b>For 'Yes/Unknown', are effects likely to be significant?</b>
substances or materials which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health?		
Will the Project cause noise and vibration or release of light, heat energy or electromagnetic radiation?	<p>Yes, some noise and vibration likely during the construction phase, though this would be localised and time limited.</p> <p>There would also be a minimal amount of noise during the operational phase and potential for redirection of light in terms of glint and glare via the reflective surface of the panels.</p> <p>Whilst these will be considerations for the decision maker, given the location of the site and the nature of the impacts, I am content that any effects in terms of glint and glare and noise would be localised and unlikely to be of a magnitude that would be significant, such that they would warrant EIA.</p>	Significant effect unlikely.
Will the Project release pollutants or any hazardous, toxic or noxious substances to air, or lead to risks of contamination of land or water (including surface waters, groundwater, coastal waters or the sea)?	No.	N/A
Question 1(f) Risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge		
Will there be any risk of accidents during construction or operation of the Project which could affect human health or the	Yes, some small risk of accident during construction, operation and decommissioning. However, given the scale	Significant effect unlikely.

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	<b>For 'Yes/Unknown', are effects likely to be significant?</b>
environment?	and type of works involved, such risks are unlikely to be significant.	
Question 1(g) Risks to Human Health (for example due to water contamination or air pollution)		
Will there be any risk to human health during the construction and/or operation of the development	Some small risk in terms of health and safety during the construction phase and routine maintenance but given the scale and nature of the works this is unlikely to be significant.	Significant effect unlikely.
CRITERION 2. LOCATION OF DEVELOPMENT		
Question 2(a) Existing and Approved Land Use		
Will the Project result in social changes, for example, in demography, traditional lifestyles, employment?	No.	N/A
Are there any routes or facilities on or around the location, which are used by the public for access to recreation or other facilities, which could be affected by the project?	<p>Yes, there are a number of PRow crossing and abutting the site. Those crossing the site could potentially be directly affected depending on the final proposed layout and those abutting the site would be subject to considerable visual change for users of those sections of the RoW.</p> <p>However, given the scale of the proposed development and the localised nature of those impacts, I do not consider that they are likely to result in significant environmental effects.</p>	Significant effect unlikely.
Are there any transport routes which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No. Although there will be a need for a construction traffic management plan, the types of vehicles involved and the time limited nature of the majority of the impacts (during construction) would be such that	Significant effect unlikely.

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	<b>For 'Yes/Unknown', are effects likely to be significant?</b>
	significant effects in this respect are unlikely.	
Is the project located in a previously undeveloped area where there will be loss of greenfield land?	Yes, the site is currently greenfield land in agricultural use. However, the nature of the proposal is such that grazing could continue during the operational phase and the land could be largely restored at the end of the <b>scheme's lifespan. As such, significant effects are unlikely.</b>	Significant effect unlikely.
Are there any areas on or around the location occupied by land uses which could be affected by the project, particularly sensitive land uses e.g. hospitals, schools, places of worship, community facilities?	No.	N/A
<b>Question 2(b) Relative Abundance, Availability Quality and Regenerative Capacity of Natural Resources in the Area and its Underground</b>		
Are there any areas on or around the location which contain important, high quality or scarce resources e.g. groundwater, surface waters, forestry, agriculture, fisheries, tourism, minerals, which could be affected by the project?	Yes. The site is in agricultural use. However, whilst the site is used for grazing, that could continue during the operational phase and the effects of the proposal could be largely <b>reversed at the end of the project's lifespan.</b>  There are a number of ditches and watercourses within the site but given the type of development proposed they are unlikely to be significantly affected.	Significant effect unlikely.
<b>Question 2(c) Absorption Capacity of the Natural Environment</b>		
Are there any other areas on or around the location which are important or sensitive for reasons of their ecology, or are used by protected, important or sensitive species of	Yes, there are a number of SSSIs within 5km of the site, though NRW confirms that they are not likely to be significantly affected. The site is also designated as a SINC and within	Significant effect unlikely.

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	<b>For 'Yes/Unknown', are effects likely to be significant?</b>
fauna or flora, which could be affected by the project?	<p>a meta-population area for marsh fritillary butterfly.</p> <p>Following submission of a Phase 1 Habitat Survey in response to a request for further information, it is clear that there is potential for the loss of some SINC quality marshy grassland and impacts on a number of protected species. However, the majority of those impacts would be localised and could largely be reduced by the implementation of readily securable avoidance and mitigation measures.</p> <p>As such, having considered responses from relevant consultees, I am content that although there are issues that will need to be addressed through the preparation of further assessment and an appropriate CEMP, significant effects in terms of biodiversity are unlikely.</p>	
Are there any inland, coastal, marine or underground waters on or around the location which could be affected by the project?	As noted above, there are a number of ditches and watercourses within the site but given the type of development proposed they are unlikely to be significantly affected.	Significant effect unlikely.
Are there any areas or features of high landscape or scenic value on or around the location which could be affected by the project?	The site is not located in an area designated for landscape sensitivity. The Brecon Beacons National Park (the NP) is located some 2.5 km from the site boundary at its nearest. However, the intervening topography would prevent any visibility from within the NP.	Significant effect unlikely.

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	<b>For 'Yes/Unknown', are effects likely to be significant?</b>
	Whilst there would inevitably be a landscape impact arising from the proposal and this will be a consideration for the decision maker, the scale and location of the proposal are such that significant effects are unlikely.	
Is the project in a location where it is likely to be highly visible to many people?	No. Whilst the site would be visible from a number of viewpoints, impacts would be localised, such that they would not be significant.	N/A
Are there any areas on or around the location which are densely populated or built-up, which could be affected by the project?	No.	N/A
Are there any areas or features of historic or cultural importance on or around the location which could be affected by the project?	Yes, there are a number of listed buildings and scheduled ancient monuments within 3 km of the site. However, Cadw advises that whilst this will likely be a consideration for the decision maker, significant environmental effects on those assets, their settings or the historic environment as a whole are unlikely. I see no reason to disagree with that view.	Significant effect unlikely.
Are there any areas on or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, which could be affected by the project?	No.	N/A
Is the project location susceptible to subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions, which	No.	N/A

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	<b>For 'Yes/Unknown', are effects likely to be significant?</b>
could cause the project to present environmental problems?		
Has there already been a failure to meet environmental quality standards that is relevant to the project?	No.	N/A

*Statement of reasons – insert into Screening Direction*

*The proposed development of a circa 20 MW solar farm with associated infrastructure would inevitably result in a number of effects, most notably in terms of the physical change to the site itself and landscape and visual impact. There is also potential for the loss of some SINC quality marshy grassland and impacts on a number of protected species. However, the majority of those impacts would be localised and could largely be reduced by the implementation of readily securable avoidance and mitigation measures. Whilst these issues will therefore likely be important considerations for the decision maker and will need to be subject to further assessment, I consider, based on the information available and advice from relevant consultees, that significant effects in relation to biodiversity are unlikely. Given a lack of likely significant effects in other respects, I am content that on balance, EIA is not required in this instance.*

6		Outcome of assessment	
(ii)	If a SO/SD has been provided do you agree with it?		N/A
(iii)	Is EIA required?		No
Outcome		Action	
Schedule 2 development – threshold exceeded/ criterion met or Sensitive Area but not likely to have significant effects on the environment		Issue direction stating EIA Not Required (Letter 1)	
Name and Job Title of Assessor	Chris Sweet – Planning Officer		
Date of Assessment	21/09/21		

Maes Newydd  
Llandarcy  
Neath Port Talbot  
SA10 6JQ

Ebost/Email:  
[swplanning@cyfoethnaturiolcymru.gov.uk](mailto:swplanning@cyfoethnaturiolcymru.gov.uk)

Mr. Christopher Sweet  
The Planning Inspectorate  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

Dyddiad / Date: 15 April 2021

Annwyl / Dear Mr. Sweet,

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (PROCEDURE) (WALES) ORDER 2016 (AS AMENDED) TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (WALES) REGULATIONS 2017 (AS AMENDED) ('THE REGULATIONS')**

#### **POTENTIAL DNS APPLICATION**

**SITE ADDRESS: LAND TO THE WEST OF SEVEN SISTERS, SA10 9EP.**

**PROPOSED DEVELOPMENT: 20 MW SOLAR FARM AND ASSOCIATED  
INFRASTRUCTURE.**

Thank you for your recent consultation, which we received via email on 6 April 2021, requesting Natural Resources Wales's (NRW) views on whether the above proposed development is likely to have a significant environmental effect.

We have considered the following information:

- Letter titled; '*Request for Pre-Application Services in Relation to a Proposed Development of National Significance Comprising a Solar Farm and Associated Infrastructure on Agricultural Land to the West of Seven Sisters, Neath & Port Talbot, SA10 9EP*', dated 31 March 2021, by James Smith (Senior Planning & Development Manager – Greentech Services Ltd).

Due to the limited information submitted as part of the screening consultation we cannot confirm whether the proposal will have a significant environmental effect in relation to certain matters. Therefore, in the absence of the proposed survey work and without further clarification and detail, we consider that in taking a precautionary approach the proposed development may have the potential to have significant environmental effects.

Our view on the likelihood of significant effect on each of the environmental interests identified, is set out below:

We note that the proposals include the construction, operation and decommissioning of a solar farm on land totalling approximately 28 hectares (70 acres) located approximately 1 km south west of Seven Sisters in Neath & Port Talbot, at postcode SA10 9EP.

It is stated that the solar farm will have an installed capacity of approximately 20 MWp, and in addition to the solar panels, the proposals include all other equipment and structures required for the construction and operation of a solar farm including transformers / inverter, substation, control cabins access tracks and compound, along with security fencing and CCTV systems. The document also indicates that the solar farm will be connected to the electricity network at Western Power Distribution's substation approximately 1200-metres to the west of the site.

However, it is not clear whether this connection will be via aerial or underground cables and so we recommend that this is clarified as part of any future submission.

### **Ecology and European Protected Species**

The site is described as being composed of low-grade agricultural land, which is located on a gently rising slope, that faces predominantly to the east and south. The fields are also described as being relatively well contained by existing hedgerows and wooded areas.

We also note from the Indicate Layout, on page three of the above document, that not all of the fields at the holding will have solar panels installed on them. The most recent aerial photographs available to NRW suggest that some of the fields at site may be of some habitat / ecological value. However, in the absence of any submitted survey information, we are unable to provide any definitive comments in relation to this matter.

Therefore, we welcome the statement that the applicant proposes to undertake an Ecological Appraisal of the site. We refer the applicant to our [website](#) for further advice with regard to the undertaking of relevant surveys.

We also welcome the statement that any broken sections of hedgerows around the site will be replanted and encouraged to grow to provide additional natural screening, along with the proposal to prepare a Landscaping and Ecological Strategy to identify areas that will benefit from additional improvements and opportunities to deliver biodiversity net gain.

However, it is currently unclear whether the proposal will require the felling or other management works to any trees at the site. Should the proposal involve such works, then any trees which will be affected should be assessed for potential roosting features (PRF's) for bats. Trees identified as having moderate or higher bat potential features will require further inspection, such as tree climbing and/or endoscope inspections. These surveys/assessments will be required, prior to determination of any future planning application. Any surveys to be undertaken should be carried out in accordance with best practice guidance and by suitably licenced and experienced ecologists.

The submitted letter also states that operational solar farms can continue to be utilised for livestock grazing or managed as wildflower meadows. We advise that the specific management proposals are informed by the findings of the Ecological Appraisal for the site and are then detailed in the Landscaping and Ecological Strategy, mentioned in the previous section.

We also note that the solar farm will be in-closed by a two-metre-high post and wire deer fence. Such measures can lead to mammal species becoming trapped within, or being excluded from the site, during both the construction and operations phases, if it is fenced.

Therefore, we advise that consideration be given to appropriate mitigation measures (*i.e. the addition of gaps or 'mammal-gates' to any security fencing*), to mitigate any effects / impacts, by allowing continued access and foraging across the site.

The letter also states that there will be no permanent lighting associated with the operation of the proposals. We welcome this confirmation, but also recommend that additional information / confirmation should be provided in relation to any lighting that will be used / in-place during the construction phase of the development, as the inappropriate siting or use of lighting can result in impacts upon protected species.

Therefore, we would support the maintenance of dark corridors along hedgerows and other boundary features, during all phases of the proposed scheme.

### Other Protected Species

We are also aware that there are records of other protected species in the area around the proposed development including; hen harrier, skylark and marsh fritillary. All of which have been recorded to the north, north-west and west of the site boundary. Therefore, we recommend that any Ecological Appraisal for the site should also take account of these species when carrying out the survey work.

### **Landscape**

Our advice relates to the potential impacts on the Brecon Beacons National Park (BBNP).

The proposed solar farm lies approximately 2.5 km from the National Park boundary at its closest point to the north-west. It lies over 4 km from the National Park boundary to the north and north east and at a greater distance from high ground within the National Park in this direction.

We note that the proposed solar farm would be located on south-east facing slopes, with high ground rising to Twyn Eithinog and Mynydd y Drum to the north. This high ground would prevent any visibility of the proposal from the National Park to the north.

Therefore, there would be no likely effects on the National Park and no significant effects.

We note that the applicant proposes to undertake a Landscape and Visual Appraisal, along with a Glint and Glare assessment. We also note that the applicant proposes re-planting hedgerow and woodland boundaries and a Landscape and Ecology Strategy for the site.

Therefore, we advise that the Appraisal and Mitigation measures should be informed by LANDMAP, the all-Wales landscape baseline and any relevant local authority landscape guidance, as appropriate.

### Advice for the Applicant

LVIAs should be carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment (*GLVIA3 (3rd edition, 2013, The Landscape Institute and Institute of Environmental Management & Assessment)*).

The following [link](#) is provided to assist those who are familiar with the technique of carrying out a Landscape and Visual Impact Assessment (LVIA), but who may not be familiar with using Wales' LANDMAP landscape assessment baseline.

## Protected Sites

The following protected sites are located within 5 km of the application site.

- Nant y Rhos Site of Special Scientific Interest (SSSI)
- Gorsllwyn, Onllwyn Site of Special Scientific Interest (SSSI)
- Nant Llech Site of Special Scientific Interest (SSSI)
- Rhos Hen-Glyn-Isaf Site of Special Scientific Interest (SSSI)

We do not consider that there are likely to be any significant effects to the features of these designated sites as a result of this proposal.

## Watercourses

We note that a number of ditches and watercourse are located within the site boundary. Based on the proposals, we do not consider that the development is likely to have significant effects on any watercourses, providing that appropriate buffer zones put in place and that a suitably robust Construction Environmental Management Plan (CEMP) is submitted and implemented during the construction phase, to mitigate any potential impacts to water quality.

## Other Matters

Please note, if further information is prepared to support an application, it may be necessary for us to change our advice in line with the new information.

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

In addition to planning permission, you are advised to ensure all other permits/consents/licences relevant to the development are secured. Please refer to our [website](#) for further details.

Further advice on the above matters could be provided prior to your planning application being submitted, however there would be a charge for this service. Additional details are available on our [website](#).

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

Yn gywir / Yours faithfully

**Aled Roderick**

**Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning  
Cyfoeth Naturiol Cymru / Natural Resources Wales**

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Llandarcy,  
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CF10 3NQ

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16/09/2021

Annwyl Syr/Madam / Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990. THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (PROCEDURE) (WALES) ORDER 2016 (AS AMENDED). TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (WALES) REGULATIONS 2017 (AS AMENDED) ('THE REGULATIONS). POTENTIAL DEVELOPMENT OF NATIONAL SIGNIFICANCE APPLICATION.**

**BWRIAD / PROPOSAL: LAND TO THE WEST OF SEVEN SISTERS, SA10 9EP.**

**LLEOLIAD / LOCATION: 20MW SOLAR FARM AND ASSOCIATED INFRASTRUCTURE.**

Thank you for your re-consultation on the above development, which we received on 19 August 2021.

We note that you are requesting our views on whether the proposed development is likely to have a significant environmental effect. Please note that the comments provided within our response dated 15 April 2021 (reference: CAS-143367-P2L0) in relation to landscape, protected sites and watercourses are still applicable. In addition, we are in receipt of the following document and offer the additional comments below in relation to protected species.

- Pencaerlan Solar Farm. Ecological Appraisal. Prepared by BSG Ecology. Dated 17 August 2021.

### **Protected Species**

In consideration of the information contained within the above report, and notwithstanding that some assumptions are made in respect of the detail of the development, we are of the view that the proposed development is unlikely to have significant environmental effects on protected species, in respect of our remit.

However, we advise that any future application is supported by an Ecological Impact Assessment (EclA) which is based on up to date ecological survey information for the site,

sets out the likely impacts of the proposed development based on firm development proposals, and confirms all of the mitigation and/or compensation (as appropriate) that will be put in place to address any anticipated impacts. It should also identify if any protected species licences will be required for the works.

Should it be required, further information and guidance on EclA can be found on CIEEM's website: [EClA-Guidelines-2018-Terrestrial-Freshwater-Coastal-and-Marine-V1.1Update.pdf \(cieem.net\)](#)

## **Terrestrial Ornithology**

It is our view that the development is unlikely to have significant effects on terrestrial ornithology. The site is not functionally connected to protected sites designated with bird features and while the site supports red and amber listed species these are still reasonably widespread. We recommend further development of the mitigation described in Section 5.1-5.3 of the ecological appraisal, which would likely overcome any local impacts. We would also look to the applicant to incorporate further enhancements to provide a net benefit to birds within the development design.

## **Other Matters**

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

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

Yn gywir / Yours faithfully

## **Bonnie Palmer**

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

Dear Sir,

Please find enclosed comments from our internal consultees.  
Some of which you may wish to take consideration of in your determination.

We do not have the ability to offer comment in relation to the visual impact or landscape impact of the development, however, based on the matters below, it is clear the development is of a significant scale, have potential visual impacts, and will impact on rights of way.

We do not offer any comment on impact on policy or archaeological features also.

### **Rights of way comments.**

Please see attached plan – I've approximated their site boundary – but it does show how the site relates to the rights of way

3 rights of way are directly affected by the proposal

Footpaths 8, 20 and 24 Dylais Higher

Footpaths 23 and 25 abut the site but Fp25 may actually be affected depending on the exact location of the site boundary

I suggest that they develop around the paths as its going to be very difficult for them to divert/extinguish them seeing that there isn't much land to work with and the area appears to quite a few anyway

### **Highway Comments.**

A Transport Impact Assessment is required

Scoping route for vehicles used in the delivery and future maintenance of the facility including details of the access point onto the nearest adoptable highway and the provision of suitable visibility splays in accordance with TAN 18

A Construction Environmental Management Plan to be provided

Details of any borrow pits proposed to facilitate construction of the scheme

SAB approval will be required prior to any work commencing. To commence work is a breach of SAB approval required under Paragraph 7 (1) Schedule 3 of the Flood and Water Management Act 2010 whereby legal action will be taken by the Authority under The Sustainable Drainage (Enforcement) (Wales) Order 2018. Guidance and applications can be found on <https://www.npt.gov.uk/sab>

Should any springs or ground water seepage be encountered the on site works in that area shall cease until a scheme for collection and disposal of the water has been submitted to and approved in writing by the Local Planning Authority. No ground water shall ever be discharged into the proposed drainage scheme.

There must be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site, without prior consultation and agreement with the Authority.

Unless otherwise agreed in writing by the Local Planning Authority, foul water and surface water discharges shall be drained separately from the site.

No surface water or Land drainage run-off shall be allowed to connect, either directly or indirectly, to the public sewerage or Highway surface water system unless otherwise approved in writing by the Local Planning Authority.

Adequate provision shall be made for the drainage of the site, to ensure that the drainage of any adjoining land is not interrupted or otherwise adversely effected by the development during the life time of construction.

### **Biodiversity comments.**

We have no comment on the requirement for an EIA. Prior to determination of a full application the following information will be required to be submitted to inform the decision:

- An Extended Phase 1 habitat survey, this should include the identification of the presence of S7 Environment (Wales) Act / LBAP habitats and species, sites that meet SINC criteria, in addition to protected species. A balance of S7/LBAP/SINC habitat loss/gain to the scheme should be included. The surveys should cover all areas that may be impacted by the scheme including any access routes. The results of this survey should inform the requirement for further more specific surveys, such as bird surveys, reptile surveys.
- Suitability for the site to have Marsh fritillary butterflies should be assessed as it is within a meta-population area for them.
- A biodiversity record search from the South East Wales Biodiversity Records Centre (SEWBRc) should be undertaken to inform the required surveys and the assessment.
- An assessment of ecosystem resilience (Section 2 Environment (Wales) Act 2016); this shall particularly consider:
  - (a) *diversity between and within ecosystems;*
  - (b) *the connections between and within ecosystems;*
  - (c) *the scale of ecosystems;*

*(d) the condition of ecosystems (including their structure and functioning);*  
*(e) the adaptability of ecosystems.*

- Details of biodiversity enhancement measures in line with Planning Policy Wales 10 and section 6 of the Environment (Wales) Act 2016.
- An assessment of impacts upon bird habitat (Section 9a Conservation of Habitats and Species Regulations 2010 as amended); this should ideally be based on up to date survey information (including breeding, foraging and wintering requirements).
- Proposals for mitigation/compensation for any adverse impacts identified in the above assessments.
- Assessment of peat depths in a grid formation at 100m.

Chris Davies  
Team leader West.



Llywodraeth Cymru  
Welsh Government

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Chris Sweet  
Planning Officer  
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Eich cyfeirnod  
Your reference

DNS 3272424

Ein cyfeirnod  
Our reference

Dyddiad  
Date

14 April 2021

Llinell uniongyrchol  
Direct line

Ebost  
Email:

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Dear Chris

## **Request for Screening Opinion under Part 2, Regulation 6 of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 Seven Sisters Solar Farm**

Thank you for your letter of 6 April 2021 asking for Cadw's view on the likely impact of the proposed development described above on the environment and whether or not Environmental Impact Assessment (EIA) is required.

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

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

### Advice

Cadw does not consider that the effect, on the historic environment as a whole, will be significant enough to warrant an EIA.

### Assessment

Our records show that the following historic assets are potentially affected by the proposal:

Mae'r Gwasanaeth Amgylchedd Hanesyddol Llywodraeth Cymru (Cadw) yn hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

The Welsh Government Historic Environment Service (Cadw) promotes the conservation and appreciation of Wales's historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.  
We welcome correspondence in both English and Welsh.



BUDDSODDWR MEWN POBL  
INVESTOR IN PEOPLE



**Listed Buildings:**

7523	Arches at former Ynysgedwen Iron Works	II
23032	Sardis Independent Chapel and attached schoolroom	II
23080	Godre'r Rhos Independent Chapel and vestry	II*
25946	,74,Heol Giedd,Cwm Giedd,Swansea,,SA9 1LS	II
25947	,76,Heol Giedd,Cwm Giedd,Swansea,,SA9 1LS	II
25948	,78,Heol Giedd,Cwm Giedd,Swansea,,SA9 1LS	II
25949	,80,Heol Giedd,Cwm Giedd,Swansea,,SA9 1LS	II
25950	,82,Heol Giedd,Cwm Giedd,Swansea,,SA9 1LS	II
25952	Fan house to former Ynyscedwen Mine	II
25954	Chimney of former Ynysgedwen Iron Works	II
82048	Circular pigsty at Blaendulais Farm	II
82050	The War Memorial	II
82548	Ynys-y-bont Bridge	II

**Scheduled Ancient Monuments:**

BR198 Ynysgedwyn Colliery, Fan House  
BR327 Bryn Llechwen ring cairn  
GM274 Hirfynydd Roman Earthwork  
GM275 Carn Cornel Round Cairn  
GM399 Tramroad at Ystradgynlais  
GM592 Coed Ddu ring cairn  
GM593 Coed Ddu house platforms and enclosure

The above designated historic assets are located inside 3km of the proposed development and it could have an impact on their settings. This is a matter that will need to be considered in the determination of any application for this development but our initial appraisal suggests that it is unlikely that the impact on the settings of any of these designated historic assets will be significant and therefore an EIA is not required on historic environment grounds.

It is noted that the applicant will be commissioning a Cultural Heritage Assessment to accompany any application for the proposed development that is made. It is strongly recommend that the impact of the proposed development on the setting of the above designated heritage assets in this work should be carried out in accordance with the Welsh Government guidance given in the document "The Setting of Historic Assets in Wales". We would expect a stage 1 assessment to be carried out for all of the above designated heritage assets, which will determine the need, if necessary, for stages 2 to 4 to be carried out for specific heritage assets.

Yours sincerely

Jenna Arnold

Diogelu a Pholisi/ Protection and Policy

Dear Chris,

Thank you for the email and apologies for the late response from Powys CC.

I've compared the red outline of the proposed DNS Seven Sisters solar farm against various environmental constraints information I have access to and my comments are as follows:

<b>Feature / Constraint / Asset</b>	<b>Likely significant Impact</b>
Scheduled monument – Tramroad at Ystradgynlais (GM3999), located to the north	Likely to have a significant impact on setting
Rights of Way – various up to the county boundary / edge of the proposed site (within Powys). More RoW in NPTC.	Users would experience a significant landscape change
Listed Buildings – nearest are located in NPT e.g. circular pigsty at Blaendulais	NPTC to advise on impact.
Ancient Semi-Natural Woodland – none identified within the red outline, but sites nearby.	Unlikely significant impact
Brecon Beacons National Park – located to the north (closest point c. 2.8km as crow flies).	Could have significant landscape impact, particularly from high ground / vantage points esp. in terms of glare / reflection. (BBNPA to advise).
Nant y Rhos SSSI to west	Effect tbd, but suspect it is unlikely to have significant effect
Pen-cae'r-lan Farm (NPT) – within red outline	NPTC to advise on impact.

In addition, and for information, both NPTC and PCC are in the process of determining planning applications for a proposed Global Centre of Railway Excellence to the north of the proposed DNS site. The Powys planning application can be viewed as follows but cumulative impacts are likely to be a relevant consideration:

[21/0559/OUT | Development of a Global Centre of Rail Excellence, comprising of two test tracks of loop configuration being an electrified high speed rolling stock test track of 6.9km in length and an electrified low speed infrastructure test track of 4.5km, with overhead line equipment \(OLE\) and dual platform station test environment; together with operations and control offices \(including staff accommodation and welfare\), shunter cabins \(2 no.\), research and development, education and training, rolling stock storage sidings and maintenance/cleaning/decommissioning facilities; associated, drainage, internal vehicular accesses, branch line rail connection, staff and visitor car parking, lighting, electrical infrastructure \(including substations and lineside shore supplies and transformers\), fencing \(perimeter security, acoustic and stock proof\), land reformation and hard and soft landscaping, together with demolition of existing buildings/structures \(cross-boundary application - see Neath Port Talbot Application ref P2021/0327 | Land At And Surrounding Nant Helen Open Cast Coal Site, Powys And Onllwyn Distribution Centre, Neath Port Talbot](#)

Trust the above is of assistance.

Yours sincerely,  
Peter

**Peter Morris BSC (Hons), DipTP, MRTPI**

**Arweinydd Profesiynol –**  
**Cynllunio Professional Lead – Planning**



Appendix C – Inspectors Report and Minister Decision (DNS ref: DNS/3279521)



## Report

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### **Section 62D of the Town and Country Planning Act 1990**

### **The Developments of National Significance (Wales) Regulations 2016**

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by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Report Date: 02/08/2024

Reference: DNS/3279521

Site address: Land to the North of the M4 and West of Heol y Cyw – Ty'n y Waun Solar

---

The application dated 23 June 2023, was made under sections 62D of the Town and Country Planning Act 1990.

The application was made by Cenin Renewables Ltd.

The application was confirmed as valid on 1 December 2023.

The proposed development is a solar farm with battery storage facility and associated hardstanding and ancillary development.

A site visit was made on 8 July 2024.

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**Application – DNS/3279521**

**Summary of Recommendation: That planning permission be granted subject to conditions.**

**Procedural Matters**

1. Within the meaning of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, the proposed development is EIA development. Accordingly, the application is accompanied by an Environmental Statement (ES).
2. The application was suspended once to enable the applicant to provide additional information. This information was submitted in March 2024 and was subject to publicity and consultation. The applicant's Green Infrastructure Statement (GIS) was consulted upon separately.
3. The Bridgend County Borough Local Development Plan (LDP) 2018-2033 was adopted in March 2024. The Council has provided a list of relevant LDP policies, and the applicant has considered the LDP in its response.
4. Planning Policy Wales Edition 12 (PPW) was published in February 2024. The main changes include revisions to Chapter 6 'Distinctive and Natural Places'. The applicant has provided a response to these key changes on issues of biodiversity and ecological networks, the stepwise approach and green infrastructure assessment.
5. In accordance with written requests the applicant has submitted a duly executed planning agreement under Section 106 of the 1990 Act (Section 106 Agreement) which was dated, signed and witnessed on 19 July 2024. The obligations would deliver off-site mitigation areas for skylark and lapwing, future off-site and on-site ecological management of woodland and buffer areas provided by planning condition through the landscape and environmental management plan (LEMP). These are identified in the ES in Figure 7.4 Volume 2.
6. There are no secondary consents being sought with this DNS application.

**The Site and Surroundings**

7. The application site is around 40.5 hectares and comprises improved and semi-improved grassland and was formerly an open cast coal mine which was restored in the 1970s. It is a Sandstone Resource Safeguarding Area, and Secondary Coal Resource Safeguarding Area. The site comprises nine agricultural fields of varying sizes on the northern slope of the valley north-east of Bridgend and west of the settlement of Heol-y-Cyw. The site is bounded by woodland to the east, Common Land to the south and Pant Hirwaun (B4280), and Hoel Laethog to the west.
8. Mynydd y Gaer Special Landscape Area (SLA) is to the north of the site located at Cefn Carfan Road. Camp Cwm Llwyd Scheduled Ancient Monument (a prehistoric domestic and defensive site) is situated 1.2km to the north-east of the site. Blackmill Woodlands Special Area of Conservation (SAC) is within 1km north of the site but on the other side of Cefn Carfan hill at Ogmores Valley. Brynna a Wern Tarw Site of Special Scientific Interest (SSSI) ancient woodland is situated to the east within a 2km radius of the site.
9. There is a parcel woodland in the centre of the site which is Ancient Woodland. The site lies adjacent to Dre-Fach Site of Importance for Nature Conservation (SINC) –

broadleaf semi natural woodland with scattered bracken. There are several SINCs to the south, Hirawun Common, and west and east, Heol-y-Cyw SINCs.

10. Several Public rights of way (PRoWs) cross the site and skirt around it. The agricultural land classification is 3b and is not therefore regarded as the best and most versatile agricultural land (BMV) as set out in PPW.

### **Proposed Development**

11. The overall generating capacity of the solar farm would be 40MW operating for 50 years. The proposal includes a solar farm with battery storage facility, associated hardstanding and ancillary development including a 132 kV substation. The associated site works include internal access roads, security fencing, CCTV cameras, underground cabling, inverters and transformers, solar panels, and frames.
12. The solar arrays, fencing and battery storage facility (showing some 27 units) and substation are shown as indicative only. No secondary consent is sought in respect of the battery storage and substation. The battery storage and substation would be subject to final design and will be confirmed by the Distribution Network Operator. The applicant proposes planning conditions to control all these details of installation. The point of connection to the grid is undecided and would form part of a separate application, but the ES indicates that it is likely to be Pyle Substation.
13. The solar panels would be orientated east/west directions on the southern portion of the site, and on the northern portion, the panels are orientated to the south. The south facing solar panels are higher than those with an east/west orientation and rise to 3 metres in height. Only three plans are included in the application for consideration, these are identified as Figures 1.1 and 2.1 ES Volume 2 Figures and the Tree Constraints Plan. All other material is shown as indicative but are separately controlled by conditions. These include the Ecology Mitigation Strategy Figure 7.4, TW3-6a and 7.4ii, and the Landscape Strategy Plan.
14. As part of the proposal the applicant has entered into a Section 106 Agreement. The Section 106 Agreement with the Council relates to the management of mitigation areas for breeding birds. A compound area is shown as indicative to the south-west, off Hoel Laethog, with a construction access point been altered for this purpose. A construction environmental management plan (CEMP) and construction traffic management plan (CTMP) achieved via conditions would control the construction activity and compound over the duration of the construction phase. During the operational life of the development, it is intended that the existing on-site and off-site habitats are monitored and maintained/enhanced with sheep grazing taking place under and around the panels. At the end of 50 years the solar farm would be decommissioned, and the site reinstated as close as practicable to its original condition.

### **Planning Policy**

#### *The Development Plan*

15. During the application the Bridgend County Borough Local Development Plan (LDP) 2018-2033 was adopted in March 2024. The LDP and Future Wales (FW) comprise the development plan for the area.
16. The 2018-2033 LDP supersedes the 2013 LDP and is now the relevant plan in conformity with FW for decision-making purposes. The Council has provided a list of relevant LDP policies. These are the equivalent policies that were listed in the Local Impact Report (LIR).

17. FW Policy 17 requires decision makers to give significant weight to meeting Wales' international commitments and the Government's target to generate 70% of consumed electricity by renewable means by 2030. Solar farms should demonstrate that they will not have an unacceptable adverse impact on the environment. Policy 18 is permissive of low carbon energy projects subject to Policy 17 and there being no unacceptable adverse impacts on, amongst other things, landscape, ecology, heritage assets and the living conditions of nearby residents. Policy 9 requires biodiversity enhancement to be demonstrated as part of development proposals. The site lies within the Cardiff, Newport and the Valleys National Growth Area which, according to Policy 33, will be the focus for growth and investment in the southeast.
18. LDP Policy SP13 allows renewable energy proposals which contribute to meeting national and local renewable energy targets where there are no unacceptable impacts on the natural and historic environment, cumulative impacts, and minimising the landscape and visual impact through design. The policy refers to appropriate restoration and after care, the need to facilitate a connection to the grid network, and there being no unacceptable impacts on access, highway safety and residential amenity.
19. The policy identifies local search areas considered suitable for wind and solar with reference to the Newtown Down Limestone Plateau as suitable for solar energy. These provide an indication of landscape sensitivities, and states that it should not be considered as a definitive statement of the suitability of a certain location for development. As such, there may be sites found to be suitable for development within areas considered to have high sensitivity. The policy does not preclude development outside such areas subject to there being no adverse impact on, amongst other things, landscape, and public amenity.
20. LDP Policy DNP1 lists renewable energy projects as an exception to restricting development in the countryside.
21. The relevant policies of the LDP include:

<b>Policy</b>	<b>Name</b>
SP3	Good Design and Sustainable Placemaking
SP5	Sustainable Transport and Accessibility
SP13	Decarbonisation and Renewable Energy
SP17	Conservation and Enhancement of the Natural Environment
SP18	Conservation of the Historic Environment
SP4	Mitigating the Impact of Climate Change
PLA8	Transportation Proposals
PLA11	Parking Standards
DNP1	Development in the Countryside
DNP4	Special Landscape Areas
DNP6	Biodiversity, Ecological Networks, Habitats and Species
DNP8	Green Infrastructure
DNP9	Natural Resource Protection and Public Health
ENT12	Development in Mineral Safeguarding Zones

### *Planning Policy Wales*

22. Paragraph 6.4.5 refers to the duty under Section 6 of the Environment (Wales) Act 2016 and advises that planning authorities must seek to maintain and enhance biodiversity. This includes not causing significant loss of habitats or populations of species and must provide a net biodiversity benefit and enable the improvement of the resilience of

ecosystems by following the DECCA Framework i.e. taking into account the diversity, extent, condition, connections and adaptability of ecosystems.

23. Paragraph 6.4.15 details the step wise approach. Using the DECCA framework this approach adopts a hierarchy which is to avoid, then minimise, mitigate/restore, compensate on site, compensate off-site and finally to refuse permission.
24. Development should take the opportunity to develop green infrastructure where this would improve ecosystems resilience. Paragraph 6.4.12 explains that where enhancement proportionate to the scale and nature of the development is not proposed significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission.
25. Paragraph 5.7.1 states that low carbon electricity must become the main source of energy in Wales and the planning system should secure an appropriate mix of energy provision whilst minimising potential environmental and social impacts as set out in paragraph 5.7.6. Outside areas identified in LDPs, planning applications for renewable and low carbon energy developments should be determined based on the merits of the individual proposal as set out in paragraph 5.9.15. In determining applications for renewable energy, decision makers should consider the contribution a proposal will make to meeting identified Welsh, UK and European targets as set out in paragraph 5.9.19.
26. On 14 July 2023 the Minister for Climate Change adopted the target for Wales to meet the equivalent of 100% of Wales's annual electricity consumption from renewable sources by 2035.
27. PPW is supplemented by Technical Advice Notes (TANs) which provide additional detail on a variety of topics. Of relevance to this case are: TAN5, Nature Conservation and Planning; TAN11, Noise; TAN12, Design; TAN18, Transport; and TAN24, The Historic Environment.

#### *Council's Supplementary Planning Guidance (SPG)*

28. SPG 20 Renewables in the Landscape has identified the application site and wider landscape as High sensitivity to solar development of more than 15 hectares. The SPG provides guidance for solar development within local character area 9 Hirwaun Common and Surrounding Ridges and sets out criteria to follow.

#### **The case for Cenin Renewables Ltd**

29. The application is supported by an ES and supplementary submission of documents. The main aspects of the ES determining issues have been incorporated in the appraisal of this report having regard to the responses received from the public consultation exercise.
30. The following is a summary of the applicant's case.

#### *Overview*

31. The ES describes the site and its designations, the proposal, the planning policy context, and the climate change effects. It explains the assessment process and methodology, including scoping and consultations. Site selection, including alternatives, and project evolution are described and supplemented. It includes topic chapters that assess the scheme's effect on landscape and visual impact, ecology/biodiversity, (ornithology studies), cultural heritage, human health, flooding and hydrology, coal mining risk assessment and geo-environmental study, and transport and access

assessments. The assessments include consideration of cumulative impacts and the effect of mitigation measures.

32. In November 2023 the applicant responded to points raised on the ES completeness decision in relation to clarifying the locations/comparisons of the alternative sites. This is set out in the Rural Estate Development Plan (REDP), and alternative sites assessment/comparisons. In November 2023 supplemental Visual representative viewpoints (VRV) were submitted. In December 2023 the applicant submitted a Green Infrastructure Statement (GIS) which is considered in more detail in the appraisal.
33. In March 2024 the applicant responded to points raised following the public consultation exercise and included a draft Section 106 Agreement, on site and off site ecology mitigation strategy, biodiversity enhancements, information on the ecological survey effort and work, proposed landscaping strategy, traffic implications concerning construction traffic, swept path analysis for heavy goods vehicles, transport clarification note, information on the compound area, noise assessment, information on the public right of way diversion application, coal mining information and conditions, information on flooding and hydrology, and implications of traffic movements in relation to a children play area.
34. In July 2024 the applicant submitted an agreed list of planning conditions and signed Section 106 Agreement.

#### *Key benefits*

35. The key benefits include the generation of renewable energy with an output capacity of up to 40MW, supplying electricity equivalent to the needs of 12,551 homes annually, and contributing to the target to generate 70% of consumed energy by renewable means by 2030. The carbon saving per annum would be equivalent to 8,058 tonnes, similar to removing 2,972 vehicles from the road.

#### *Alternative site selection*

36. The ES in Section 3 describes the alternatives considered. Under the 'do nothing' scenario the site would continue to be used for agricultural purposes. The hedgerows, trees, and field margins would continue to be managed but the short grass and cutting of hedges would mean that the habitat value of the field margins would remain species poor.
37. The utilisation of the site for renewable energy would result in ecological benefits (alternative cutting programmes, the absence of pesticides/herbicides) improving floristic diversity of the field margins increasing species rich grassland and habitat enhancement areas. Under the 'do nothing' scenario these benefits would not be realised. The production of renewable energy to respond to the energy security needs and the climate emergency would not be achieved on this site.
38. Large scale ground mounted solar farms are generally located in the open countryside. Sites large enough to accommodate a financially viable scheme, with sufficient megawatt output are difficult to find on brownfield and settlement boundary sites.
39. Figure 3.1 of the ES shows the extent of sites assessed. These identify 5 sites which were discounted. Additional information was provided which included a plan of the location of all alternative sites in the ES, an assessment on each alternative and why this was discounted in preference for the chosen site and their environmental effects. As part of this submission the applicant provided a REDP of the landowner's Dunraven estate.

40. The REDP provides a strategic overview of the search area which in turn narrowed the search to 5 alternative sites. The search area was narrowed by filtering out land constrained by policy, ecological, landscape, heritage designations and agricultural land grading and Common Land. Orientation and land incline also filtered out other areas of land.
41. Site 1 (land in estate ownership), a much larger track of land than the application site, shown in the November 2023 document, was discounted for the reasons outlined in the preceding point.
42. Site 2 (land north of old railway line) was discounted because there was no deliverable access across the Common Land, tall perimeter trees causing shading, steep and undulating topography, visibility from residential development, low lying land and a wetland habitat, land title included a 'National Grid' cautionary note, the disused railway line would add to flooding issues and multiple landowners with commercial viability concerns.
43. Site 3 (land south of old railway line) was discounted because of tall trees causing shadowing, multiple watercourses on site and need to cross Common Land, the land title included a 'National Grid' cautionary note, multiple landowners with commercial viability concerns, the Council owns land to the west which is being explored.
44. Site 4 (land adjacent to Heol-y-Cyw Rugby Club) was discounted due to the proximity of the site to residential areas, impact on visual amenity, the marshy conditions of the site, the risk of damage from mis-hit balls, areas of the site was separate from one another and some areas had a steep incline in level, the close proximity to the Ancient Woodland, and the land was mined less intensively compared to the development site.
45. Site 5 (farm east of Mynydd y Gaer Common) was discounted on topography, limited generation capacity, the north facing aspect, which is unsuitable, an exposed site which would create visual amenity harm, and access to the site is via narrow lanes.
46. The application site was chosen due to the proximity to, and ease of connection, to the grid infrastructure, a large parcel of land, contiguous, making it commercially viable enabling ecology mitigation to take place on adjacent sites. Visually the site is bounded by hedges in good condition allowing screening from local views. Transport network and access routes to the site are suitable to enable ease of construction, the site has two accesses facilitating construction as well as operational access. The site falls under one ownership. The site is a former opencast mine which was poorly restored resulting in very poor soil fertility. The site provides an opportunity to manage and enhance woodland areas next to the site.
47. The proposed layout has been refined through evaluation of site constraints by a combination of technical assessments and engagement with consultees. The ES process has influenced the iterative design process and the identification of environmental effects resulting in an opportunity to provide a 40MW renewable scheme and areas of habitat enhancement.

#### *Off-site mitigation*

48. The off-site mitigation areas to compensate for the displacement of lapwing/skylark will be delivered by Section 106 Agreement.

#### *Lapwing*

49. The lapwing pair attempted to breed south of the site, but this failed potentially due to natural predation, and the pair moved to the adjacent southern part of the site. As they are site faithful, the pair are expected to breed in the first location, and the development

would not impact on this location. Together with measures for enhancement this would provide improved foraging opportunities for any lapwing pair south of the site.

50. The proposal to provide off-site habitat like the first-choice nest site improves biodiversity value as an additional future nest site. Together with on-site enhancement of foraging resources this was considered acceptable. The off-site mitigation was selected due to proximity and similarity of habitat. Natural Resources Wales (NRW) consider that the off-site mitigation/management should increase the chances of the fields being used by lapwing.

#### *Skylark*

51. One confirmed, two probable and one possible breeding territory were recorded for the species. The off-site mitigation could support three skylark territories. The on-site enhancement of grassland plant species and sward structural diversity, scrub, hedgerows, and woodland would increase foraging during the breeding and winter periods.
52. The ecological value of the site for skylark is assessed to be local and the ecological impact of the proposal is assessed to be of minor adverse significance. To accommodate skylark on the site a reduction in solar panels would be required. A minimum of 16m<sup>2</sup> per nest site and a precautionary buffer of 10-15 metres would be needed, leading to a reduction of the solar panel site of up to 576-1156m<sup>2</sup> per nest site with 50 metres separation needed from adjoining woodland. The off-site mitigation and on-site enhancement are the most appropriate strategy.

#### *Policy implications of PPW*

53. The mitigation strategy for the development considers the step wise approach of PPW, the Section 6 Duty of the Environment (Wales) Act 2016 and the DECCA framework and the biodiversity net benefit requirements and the six objectives of the Nature Recovery Action Plan for Wales which includes improving the management of species and habitats of principal importance.
54. The proposal includes scrub planting and changes to the management of grasslands, and the enhancement of field/hedge boundaries plant species to improve the diversity of resource for species on site. With the provision of taller, wider, and more dense habitat corridors and sheltered conditions and enriched ecological management this would improve species resilience during extreme weather events, advance connectivity for species and habitats, and provide shelter buffers around woodland edges. Adopting a less intensive management of land would enhance grassland plant species diversity, and improve connectivity, and foraging for a diversity of species.
55. The habitat measures will be undertaken throughout the operational phase of the development in accordance with the landscape and environmental management plan (LEMP). The LEMP would include objectives and methodology of habitat creation, enhancement, and management through the construction phase to the duration of the operational phase of the scheme, confirming responsibilities and monitoring requirements with adjustments made to the scheme so that amendments can be made to ongoing habitat management.
56. As the site is adjacent to a SINC and Common Land this would provide a considerable area of enhanced habitat with improved habitat corridors across the site, aiding species movement. This would improve the ecological value of the SINC.

*Applicant's comments on recent Ministerial decisions on Wentlooge and Rush Wall developments*

57. The development site can be differentiated from the above cases because it avoids loss of designated sites, and on-site habitat mitigation will improve the ecological value of adjacent designated sites. The proposal would extend the area of ecological value by providing mitigation sites located outside the designated sites.
58. The applicant refers to the long-term management and ecology mitigation through the CEMP and LEMP as set out above.
59. The proposal has taken the mitigation hierarchy approach and aligns with the DECCA Framework.

*Flooding and hydrology*

60. Reference to the Flood Maps for Planning (FMfP) for Surface Water and Small Watercourses indicates that the site is predominantly within areas that do not fall within an indicative flood zone which means that the site is within an area with less than 0.1% chance of flooding from surface water in a given year which includes the effects of climate change.
61. The site is in zone A of NRW's Development Advice Maps. In FMfP the site is within flood zone 1 and is not significantly impacted by flooding from all other associated sources.

*Construction compound and battery layout and cabling route*

62. The substation compound and battery layout are provided together with details of the surface materials, lighting, fencing and CCTV. The plan is indicative of the general type and arrangement.
63. The applicant provides the indicative underground grid route plan to the substation from the redline boundary of the site. This does not form part of the proposal and no secondary consent is sought for it under this application.

*Conditions and Obligations*

64. A Section 106 Agreement was signed on 19 July 2024. The Council, landowner and developer are all signatories of the Agreement. A list of agreed planning conditions has been submitted for consideration.

**Bridgend County Borough Council Local Impact Report (LIR)**

65. The following is a summary of the Council's Local Impact Report (LIR).
66. As an overview, the LIR notes it is a factual document that should not weigh evidence or make recommendations but state whether impacts are anticipated to be positive, negative or neutral. The LIR describes the site, surroundings and local designations. It describes in detail the proposed development, planning history, local development policies which related to the 2013 LDP. As explained it provided an updated list of policies for the 2018-2033 LDP, which is now in force.
67. As with the applicant's case, I have summarised the main aspects of the LIR having regard to the determining issues incorporated in the appraisal of this report.
68. The LIR refers to SPG 20 having regard to the landscape character area 9 Hirwaun Common and Surrounding Ridges. The LIR indicates the high landscape sensitivity in cumulative terms to the size and type of development and that the conclusion would need to be balanced against the merits of the proposal. It recognises in this balance the

significant source of renewable energy contribution the proposal would make to Welsh Government renewable energy targets as set out in FW.

69. The LIR notes that the ES has identified and addressed the existing landscape and visual resource within the 5 km study area and agrees with the chosen viewpoints derived from the Zone of Theoretical Visibility (ZTV) which has informed the Landscape and Visual Impact Assessment (LVIA). It notes that the ES includes measures designed to reduce or avoid significant adverse landscape and visual effects, particularly from nearby rights of way.

#### *Visual and landscape impact*

70. The LIR notes that there are residential properties around the site and direct views of the site are limited to those closest to it, including drivers, the occasional cyclist, walkers using the PRoW, and views from residential properties. The proposal, being a new feature in the landscape, could be suitably screened through the implementation of landscape planting. The measures put forward would successfully reduce the overall landscape and visual impact.
71. The LIR accepts that walkers would experience temporary significant adverse effects on views from PRoW (CYH/55/1) which would be temporarily closed or diverted during construction. There would be significant adverse effects on views from the PRoW which passes through the application site, however, landscaping planting, once established, would mitigate the effect in the longer term.
72. The LIR notes that the limited height and scale of the new features in this agricultural landscape would also limit any marked changes in the landscape.

#### *Highways*

73. The LIR notes that construction phase is likely to be over a period of approximately 12 to 18 months with vehicular movements for maintenance purposes to be minimal thereafter. The routing of construction traffic is considered appropriate, as vehicles are unlikely to meet large vehicles accessing Rockwool factory.
74. The access north from the B4280 along Hoel Laethog, however, gives rise to concern. It is asserted that the access falls outside the application site boundary which makes it difficult to impose a planning condition.
75. Hoel Laethog has a weight limit of 7.5 tonne at its southern end. It is noted that large construction vehicles and delivery vehicles are proposed. The structural integrity of the bridge at the southern end of Hoel Laethog will need to be considered further or else deliveries and equipment will need to divide into smaller loads or delivered via an alternative access.
76. Hoel Laethog is constrained in width, particularly at the Bridge and in the vicinity of the junction with the B4280 which gives rise to potential vehicle conflict during the construction phase. Methods of reducing this conflict will be required to be submitted for further consideration. Whilst a suggestion of temporary signals has been made, this would require sufficient width for vehicles to pass at the point where the signals heads are provided. Given the width of Hoel Laethog and third-party land beyond the carriageway this may not be feasible as passing bays may be unachievable.
77. Potentially an alternative access point and route may be required to overcome the need for significant temporary traffic management, and/or a detailed delivery management plan within the CTMP condition.
78. Notwithstanding the above the proposed solar farm utilises land which includes three legacy coal tip areas. These are inspected by the Highway Authority, and it is unclear

from the submission how the proposal will affect these areas in terms of stability or access for inspection purposes, during and following the construction phase. This is not considered to affect the safety and capacity of the highway network but will require further dialogue to ensure the proposal does not affect the ability of the local authority to undertake its duties.

### *Ecology*

79. The application for the proposal is supported by a series of baseline ecology surveys which informed the ecological impact assessment. The proposed ecological mitigation measures and recommendations including the CEMP and LEMP are supported and should be included within the conditions of approval together with the preparation of a landscape plan.
80. The applicant should also retain the services of its ecologist on an on-call basis if an ecological issue arises during implementation works. The ecological landscaping plan and retention of the ecological expertise would help towards achieving compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to seek to maintain and enhance biodiversity so far as it is consistent with the proper exercise of those functions. In doing so, Public Authorities must also seek to promote the resilience of ecosystems. The information is sufficient to determine the planning application.

### *Agricultural land*

81. There is a policy presumption in favour of retaining BMV agricultural land. The classification of much of the land that comprises the site has been ascertained at Grade 3b. The application seeks consent for 50 years after which time the site would be restored back to its existing agricultural use. The impact of the proposal will be negative in terms of agricultural potential over the lifetime of the development since the land will be lost for agricultural use during this time. However, in the long term the impact is likely to be neutral subject to effective site restoration to ensure that the value of the land is not significantly reduced. It is considered that this could be secured via an appropriately worded condition. The loss of this moderate agricultural land over the 50 years in operation would need to be balanced against the need to provide a source of power to the national grid.

### *Heritage*

82. The site does not lie within any heritage designations and is sited in a location where the proposal would have a very limited impact on heritage interests in the surrounding area in the form of scheduled ancient monuments. The local planning authority agree that no archaeological effects are anticipated at the operational stage and therefore no further mitigation measures would be required. However, depending on the extent of pre-construction mitigation, programmes of archaeological monitoring in the form of a watching brief may be required during construction although it is unlikely that any significant archaeological resource will be found within the site.

### *Summary*

83. Overall, it is considered that the impact of the development on the amenity of neighbouring residents, the local community and the landscape would be neutral.
84. The visual impact of the development can be softened by appropriate landscaping, and it is considered that the development, by its very nature, would not have a significant impact on wildlife interests, human health or highway safety, especially after the initial construction phase.

85. The development would secure power provision which is considered to outweigh transient impacts as the land is proposed to be used to ensure a sustainable source of renewable energy. The proposed development would also only be temporary, and the land can be returned to its agricultural use following the 50-year period.

### **Consultation Replies**

86. The following is a summary of representations received, updated as appropriate in the light of further information provided by the applicant during the examination.

#### *Coychurch Higher Community Council*

87. The suggested construction traffic route from junction 36, M4 is acceptable, but would object if the route were to be changed to junction 35 of the M4.

#### *St Brides Minor Community Council*

88. Concerns expressed on the route of traffic from junction 36 of the M4 onto to Hoel Laethog.

#### *Cardiff Airport*

89. No concerns raised.

#### *Dŵr Cymru/Welsh Water*

90. No objection standing advice only.

#### *South Wales Fire and Rescue*

91. No objection

#### *Land Drainage Unit – Bridgend Council*

92. Sustainable Drainage Systems from the Approving Body (SAB) is required before construction work begins. However, requests planning conditions be imposed on foul and surface water disposal from the site.

#### *Cadw*

93. Having regard to the information provided in the ES (Chapter 8), impacts on designated historic assets would be negligible/very slight on the setting of schedule monument Camp at Cwm Llwyd, and no significant impacts on any designated historic assets. CADW concur with the ES conclusions on heritage and has no objection.

#### *Natural Resources Wales*

94. Concerns expressed; however, these can be overcome by attaching conditions to any planning permission, and without the suggested conditions NRW would otherwise object. These are as follows:
- A condition on CEMP.
  - A condition on LEMP.
  - NRW is content on the additional information provided on ornithology, dormice, and other protected species, the increased hedgerow buffer areas, and the level of survey work undertaken. Although no nocturnal bird survey has been provided NRW consider there is limited nesting opportunity on the site.
  - The breeding and wintering bird surveys were done to the appropriate method and effort and NRW agree with their findings. The off-site mitigation area and

proposed management should increase the chances of the fields being used by the species.

- The proposal is unlikely to have any effects on protected sites within the vicinity. The site is outside the functional landscape for Marsh Fritillary Butterflies associated with Brynna a Wern Tarw SSSI. The proposal site is unlikely to have a pathway for damage to the Blackmill Woodlands SAC and SSSI or its features.

#### *Rights of Way and Access (RoWA) - Bridgend Council*

95. RoWA notes the applicant will apply to divert footpath 55. This was detailed in the applicant's response in March 2024 (item 10). The item 10 response included a proposed diversion plan for the footpath. The application to divert the footpath will be considered separately from the DNS application.
96. RoWA is content for the proposed permissive route shown on the plan to be implemented until the diversion application is agreed but indicates that in the meantime the public should not be denied access along the definitive alignment of the footpath.

#### *The Coal Authority*

97. Raises no objection to the proposed application subject to appropriately worded conditions to be imposed on the permission.

#### *National Grid*

98. Has no objection to the proposal.

#### *Other interested parties*

99. Some 14 letters of objection have been made in total.
100. Key matters raised include:
  - Ecology - concern over robustness/methodology/date of survey work/significant risk to red and amber listed lapwing and skylark species, willow warbler, disagreement with NRW's response
  - Potential conflict between the mitigation areas in the Section 106 and the proposed access route to Mynydd y Gaer wind farm
  - Concern over the likely effectiveness of the mitigation areas since lapwing are site faithful. Concerns over effectiveness/success of mitigation land in relation to protected species due to access and safety on Common Land
  - Alternative sites – more suited for this proposal, particularly, previously developed land
  - Traffic, highways and pedestrian safety – suitability of construction traffic access route from M4 junction 36 congested and not assessed, junction 35 more suitable, if route changed to junction 35 objections would be raised
  - Alternative access for construction traffic more suitable such as the use of the Glyntawel access. Driver safety issue concern due to morning sunlight which may give rise to conflicts with proposed construction traffic on a narrow single width Bridge
  - Safety concerns to access the nearby playground
  - Noise and disturbance concerns
  - Flood risk from fields onto the B4280

- Loss of agricultural fields for food production
- Obstruction to public rights of way
- Impact on bridleways, harm to cyclists and walkers
- Light pollution - occupiers of Railway Terrace would suffer light pollution from vehicles
- Absence of a community benefit
- Lack of transparency
- Devaluation of properties
- Visual intrusion from development to occupiers of adjoining houses
- Request a new pavement for pedestrian safety
- Absence of information on location and method of grid connection
- GIS – lack of options appraisal no appropriate site selection, previously developed land should be used in preference to the application site, absence of a nocturnal bird survey, no source quoting carbon saving, no arable farming undertaken reported benefits of nutrient/pesticide reduction overstated, harm and displacement of ground nesting birds, no meaningful enhancement, and doubt over claims made over the success rate of mitigation areas with reference to Gwent levels solar schemes

## **Appraisal**

101. The main considerations are:

- the impact of the proposal on the ecology of the area and protected species, and
- the effect on the landscape character and visual amenity of the area, and
- the effect on pedestrian and highway safety, and
- whether any harm identified in relation to the foregoing considerations is outweighed by the benefits of the scheme, its contribution to renewable energy generation and combating the effects of climate change.

### *Ecology*

#### *Designations*

102. The application site is not within a national or international designated ecological site. The Kenfig Pool and Dunes SAC is some 13km to the south-west. Merthyr Mawr Warren National Nature Reserve (NNR) is some 9.4km to the south-west. Blackmill Woodlands SAC and SSSI is 1km to the north and Brynna a Wern Tarw SSSI is just over 2km to the east. Coed y Mwstwr Woodlands SAC and SSSI is on the south side of the M4 and is some 3.1km to the south-east.
103. There are no pathways for damage from the proposed development to the Blackmill Woodlands SAC and SSSI, and the Brynna a Wern Tarw SSSI and the designated sites further afield. This is because of terrain and distance. The application site is outside the functional landscape of features of note for these designations.
104. NRW indicates that the proposed development is unlikely to have any effects on protected sites. The ES indicates that no impact on sites or their qualifying features are expected, there would be no change in terms of magnitude and significance of effect from the project.

105. I have no reason to disagree based on the available evidence. I am satisfied that there would be no adverse effects on these designated sites. An Appropriate Assessment is not necessary in these circumstances as significant effects on a European site are unlikely. The proposal avoids these designated sites and paragraph 6.4.15 1b) of PPW is not engaged.
106. There is a parcel in the centre of the site which is Ancient Woodland. Tracks of Ancient Woodland lies immediately adjacent to the site and are overlapping a small part of the eastern boundary of the application site. The Dre-Fach SINC also comprises two parcels of Ancient Woodland. The proposed layout of the solar arrays, substation, hardstanding and infrastructure and associated construction working areas would be outside a 15-metre buffer zone designed as mitigation for the development around the central parcel and adjacent Ancient Woodland sites. As the battery storage facility and substation are shown as indicative these matters are further controlled by planning conditions. The local planning authority can therefore control the precise details and siting to ensure adequate separation outside the proposed 15-metre buffer.
107. The on-site and off-site mitigation and enhancements are set out in the Ecology Mitigation Strategy of the ES (Figure 7.4 drawing TW3-6a and 7.4ii Volume 2 Figures). The planning obligation defines and secures the off-site areas by the identifying plan. The delivery of the on-site and off-site mitigation would be secured by the planning obligations/planning conditions in the form of a LEMP and CEMP planning conditions. The landowner/developer/Council are all signatories of the planning obligation which seeks to deliver the land and details the criteria for future land management in conjunction with the LEMP for the lifetime of the development. In turn, the LEMP/CEMP further controls these matters which requires the local planning authority's approval before development can start.
108. The applicant will adopt an appropriate lighting strategy minimising light spill implemented through the CEMP condition. The ecology strategy would be to maintain tussocky grass margins alongside the woodlands and the controlled absence of herbicides.
109. With these measures in mind, the proposed development and its buffers would result in no infringement of the habitat (Ancient Woodland and Dre-Fach SINC) as envisaged by PPW paragraph 6.4.15 1b) and the examples of habitat referenced in footnote 129.
110. The ES in Chapter 7 paragraph 7.5.4 notes that Dre-Fach SINC is marginally overlapped by the application site. The Dre-Fach SINC and the Blaencrymlyn SINC to the north of Dre-Fach are non-statutory protected sites. PPW advocates taking a precautionary approach in relation to paragraph 6.4.15 1a) (the step wise approach) and Figure 13: Designated Sites.
111. PPW indicates that the first priority for planning authorities is to avoid damage to biodiversity in its widest sense (i.e. the variety of species and habitats and their abundance) and ecosystem functioning. PPW states that where there may be harmful environmental effects, planning authorities will need to be satisfied that any reasonable alternative sites (including alternative siting and design options) that would result in less harm, no harm or benefit have been fully considered.

*Applying the step wise approach*

112. Section 3.3 of the ES sets out the alternative sites considered in the selection process. This was supplemented by responses to the ES completeness decision prior to the validation of the planning application. This included an Assessment of the ES, REDP, Alternative Sites Assessment drawing and Comparison table. During the planning

application and because of changes to PPW the application of the step wise approach and need for a GIS increased the importance of avoiding damage to biodiversity in its widest sense and the application of the Environment (Wales) Act 2016 Section 6 Duty: The DECCA Framework.

113. The applicant has clarified the rationale for the selection of the site and the subsequent design and location requirements of the development. It is noted the applicant considered land across the wider area of the administrative boundaries of the Council. The applicant considered land owned by the Dunraven Estate illustrating the sifting process that was considered. It was considered that the application site a former opencast mine (as restored) would be the optimum choice environmentally. Other land was discounted because it was Common Land (environmentally more sensitive) or open to residential areas.
114. The focus of selecting the application site was informed by the appraisal REDP. This provided a strategic overview of the environmental and policy constraints of the alternative sites. The boundary changes of the site were re-considered through an iterative process reducing the size of the site to account for environmental consequences. The final selection process identified five alternative sites highlighted the main reasons for selecting the chosen option including a comparison of the environmental effects. In this regard reasonable alternative sites that would result in less harm, no harm or benefit have been fully considered.
115. Alternative sites are not on a preliminary assessment less harmful, albeit these have not been examined to the rigorous extent as that applied to the planning application site. The assessment on reasonable avoidance, albeit introduced after the site had been selected and following the in-depth survey work undertaken (commenced at phase 1 habitat survey in July 2021) is sound, and in my view, compliant with the avoid test.
116. The scheme includes measures to minimise impact as sought by step 2. The proposal retains the central area of Ancient Woodland and adjoining Dre-Fach SINC. The GIS explains and the ES Chapter 7 sets out the extent of survey work undertaken, including an ecology desk study, phase 1 habitat survey, botanical assessment and grassland survey, breeding birds survey, wintering birds survey, otter survey and great crested newts survey. In all NRW are content with the methodology, timing and effort of the ES, survey work and supplemental information. Importantly, NRW agree with their findings.
117. The GIS sets out in detail the conformity with the DECCA framework and the twelve building with nature standards. Avoidance of impacts where possible has been undertaken, and where unavoidable, the proposal minimises the effect, and is sound in respect of step 2.
118. The Ecological Mitigation Strategy ES Figure 7.4 and the GIS provides effective mitigation. These are designed to provide interconnectivity of the site with the surrounding area. These would include replanting hedgerows, additional tree planting, the retention of mature hedgerows, the management and regeneration of waterlogged soils, sheep grazing under panels, enhancement of pastureland under panels with nectar rich grassland mix, woodland areas placed into an environmental stewardship plan, introduction of buffer areas around Ancient Woodland and off-site management of skylark and lapwing mitigation areas.
119. The four areas of woodland include two off-site areas which is within the control of the landowner who are signatories of the planning obligation. Administered through the LEMP condition, Schedule 1, Part 1, of the planning obligation secures the implementation of the LEMP in respect of all mitigation land, and ongoing management

in accordance with the LEMP condition measures (including compliance/monitoring and reporting) throughout the operational life of the development.

120. The LEMP condition controls what mitigation and enhancement areas are included. These will be subject to the local planning authority's control but are shown as indicative in ES Figure 7.4. The details of management of habitat conservation measures, details of habitat plant mix, grazing strategy/stocking rates for the off-site areas, soil care restoration plan, initial aftercare, long-term management and maintenance of these areas, an audit and performance review against key indicators, employing persons to implement the works, monitoring of these areas and a review of ongoing habitat management every 5 years to be carried out in accordance with a report to the local planning authority are requirements of the LEMP.
121. The scheme provides effective mitigation and restoration measures and provides the mechanisms for delivery, thereby performing well in relation to step 3.
122. Step 4 deals with off-site compensation and this applies to the skylark and lapwing. The ES identified a predicted minor adverse significant effect on both species. This is further explored under the heading protected species. As an overview, two pairs of breeding lapwings were present on 31 March 2022, one confirmed pair of skylarks were also present. Nine species were recorded as breeding/possibly breeding within the survey area in 2022 (cuckoo, dunnoek, lapwing, linnet, reed bunting, skylark, song thrush, spotted flycatcher and starling). These are listed as priority species in Section 7 of the Environment (Wales) Act 2016. A total of 51 species were recorded within the site, of these, 39 were breeding and 12 non-breeding, either passing through the site or were foraging.
123. The ground nesting birds are mostly affected, and the applicant has therefore proposed off-site mitigation areas for skylarks and lapwings. The applicant has calculated the area for the displacement of solar panels on this site should these areas of breeding be provided on site inclusive of a buffer zone. The measured and reasonable approach would be to provide larger areas of compensation which is delivered through a planning obligation. Having viewed these areas, these are proportionate and provide enhanced areas quantitatively and qualitatively and are sufficiently separate from natural and man-made features that provide staging posts for predation of these species. The compensation areas are also available to wintering birds gathering, but overall, the ecological value of the application site is regarded in the ES as not significant, as the species level is considered typical for the habitats present within the survey area.
124. As an approach, NRW are content with the compensation area in principle, and with the proposed management measures considered, such that it indicates that the provision should increase the chances of the compensation fields being used by the species. I note the concerns raised by interested parties that the compensation areas will be subject to an access route to Mynydd y Gaer windfarm proposal. Mynydd y Gaer is at an early stage of public consultation. The applicant has clarified that the access route is no longer a proposal and any proposed routing for access to Mynydd y Gaer windfarm would not impact the mitigation areas as identified in the ES and the planning obligation.
125. In addition, it is material that NRW the statutory consultee on matters of ecology and biodiversity is content with the general approach in the ES to this issue, the compensation areas and their potential to be managed throughout the lifetime of the development, which must be regarded as significant in the context of whether they are likely to be successful in achieving those aims. The comparison made to DNS applications on the Gwent levels can only be given limited weight, since the outcome was that these were refused permission. Therefore, the success rates of any mitigation areas cannot be measured and compared to this application. No details of comparisons

are provided for the implemented mitigation success rates for the Llanwern solar project. This scheme was accepted at the time of deciding the application as appropriate mitigation.

126. I therefore consider that step 4 has been met, as the scheme performs well in relation to all aspects of it. The GIS identifies these areas in conjunction with the planning obligation and suite of planning conditions, it also identifies opportunities for securing net benefit for biodiversity. As the areas involved are larger and secluded there is reasonable expectation that the compensation areas will maintain and enhance the population of species within its natural range. The mitigation/compensation areas meet the Section 6 Duty, and the DECCA framework. The Council agree with these provisions, and so do NRW.
127. The scheme is supported by management plans controlled through the LEMP. This satisfies step 5. The final step provides that development should be refused if adverse effect on biodiversity and ecosystem resilience clearly outweighs other material considerations. The scheme performs well against the step wise approach, and the need to consider other material considerations does not arise. Overall, there would be no adverse effects from the development on biodiversity or ecosystem resilience such that step 6 is engaged.
128. The delivery of all aspects of the step wise approach including enhancement would be administered through established mechanisms of the planning obligation and planning conditions. These follow the iterative process of the ES, the supplemental information inclusive of an ecology mitigation strategy, landscape strategy and the GIS.

#### *Protected Species*

129. In response to interested parties the applicant has clarified the methods, extent and effort deployed in preparing the bird surveys and other protected species surveys. Appendix 1.1 of the ES sets out the statement of expertise of the persons responsible for each topic area. Chapter 7 of the ES considers the most recent published guidance from The Chartered Institute of Ecology and Environmental Management (CIEEM 2018). The Council and NRW have not highlighted issues concerning the methods, extent and efforts of the survey work. Despite concerns expressed by residents the statutory consultee, NRW, charged with dealing with biodiversity has not opposed the applicant's approach to the ES or has opposed the development in relation to avoidance/minimising/mitigation/compensation or enhancement or the mechanisms for delivery as advocated through the planning obligation and planning conditions. This therefore can be attributed significant weight.
130. In relation to breeding birds, six surveys were undertaken which is considered proportionate for terrestrial and freshwater habitats. Lapwing were recorded to be nesting just to the south of the application site in April 2022. It is reported that the breeding attempt had failed by 9 May 2022. On the 23 May 2022 it was assumed that the lapwing pair were holding territory and nesting on the application site. Both adult lapwings were present in June 2022 and showing signs that small chicks were present. The survey which was undertaken at the appropriate time in relation to recognised breeding and laying periods and was sufficient to confirm the breeding behaviour over the season.
131. As is recognised in the preceding section the step wise approach has been applied together with the DECCA framework. The hierarchical approach to avoiding damage to biodiversity in its widest sense and ecosystem functioning has been deployed with the applicant endeavouring to reasonably considering the impact and effect on breeding birds which was regarded as low local importance in the ES due to the diversity and

abundance of the species present. I have no reason to disagree with this evidence, despite residents' concerns, and the effect of the compensation areas delivered through the planning obligation and planning conditions would secure appropriate mitigation and enhancement. The same applies to the one confirmed pair of skylarks breeding on the site. The total number of breeding birds recorded on the site was 39 as fully set out in Appendix 7.4 Breeding Bird Survey Volume 3 Appendices.

132. In relation to wintering birds 49 species were recorded within the site boundary. The surveys were undertaken from September 2021 up to March 2022 totalling seven surveys. Two red kites were recorded flying over the site and others recorded to the north of the site, but they were not identified as breeding on the site. A single peregrine and goshawk were recorded to the north of the site or had flown over the site. Ten species, bullfinch, dunnock, house sparrow, kestrel, lapwing, lesser redpoll, linnets, skylark, song thrush and starling were recorded as wintering on the application site. These are Section 7 priority species. The ES has assessed the level of geographic importance for all wintering birds' populations of species of conservation interest as local, and no higher, and considered to be typical for the habitats present within the survey area. This is regarded as insignificant in the ES. NRW concurs with this finding subject to imposing appropriate controls.
133. Although recognised in the ES that the operational phase of the development would reduce feeding areas for wintering birds, this would be mitigated in some respects by grassland planting underneath the proposed solar panels. Further mitigation includes the intended woodland management plans, woodland edge buffers and meadow rich diverse planting mix, improved tussocky grass margins next to hedgerows, and the management of hedgerows so they are uncut for 7 to 10 years. Upon the establishment of the mitigation measures overtime, the availability and future management of the off-site mitigation areas would provide overall net benefits to the wintering birds species.
134. NRW are content with the Great Crested Newts (GCN) survey. The presence of a pond to the south-east boundary of the site has been assessed as having a poor potential habitat to support GCN. The survey returned negative results for the presence of GCN. NRW welcomes the intended 15 metre buffer around the pond. Biosecurity measures can be imposed through the CEMP condition.
135. NRW also are content in relation to otter/water vole surveys. The dry watercourses ditches on site offer no value to feeding otters and are unsuitable to water vole. NRW are satisfied that with appropriate measures included in Appendix 7.6 Volume 3 paragraph 4.6 of the ES and which are incorporated in the CEMP condition.
136. NRW are satisfied that from the information in the ES that the proposed development is unlikely to have any effects on the Marsh Fritillary butterfly which are associated with the Brynna a Wern Tarw SSSI which is over 2.5km away. The functional landscape associated with the species is defined as the areas within a 2km radius of recorded populations. The Blackmills Woodlands SAC and SSSI is not designated for Marsh Fritillary butterflies and is unlikely to have pathways for damage to this SSSI or its features.
137. Paragraph 7.3.74 of the ES notes that surveys for commuting and foraging bats, bat roosts and dormice were scoped out, as no impact is expected. The applicant responded to concerns raised by NRW as detailed in item 4, March 2024. In addition to the commitments in the ES in relation to hedgerows, no trees are being removed. The management of woodland and scrub, details of a lighting strategy are all controlled through CEMP/LEMP and Landscape Strategy conditions. The proposal includes increased buffer zones around the site and enhanced hedgerow and planting

management. Hedgerows would be managed by a 3-year rotational cut and the management of woodland edge and scrub on 7 to 10-year rotational cut.

138. In all NRW were satisfied in relation to these additional measures protecting dormice and bat species. However, concern has been expressed by interested parties in relation to the absence of nocturnal surveys. NRW notes that there is limited nesting opportunity on site by reference to the bat survey and information in the ES. NRW note that Barn Owls are known to use solar farms and the provisions which are made for other species such as skylark, the retention of buffer zones and vegetation on site are considered suitable for foraging, should the site be used by Barn Owls.
139. One waxcap fungi was recorded in one field on the site. The ES notes that having regard to guidance from Wales, Biodiversity Partnership 2008 and sources, a finding of one, is not significant in relation to defining the conservation importance of the site. NRW has not indicated that this matter is of significance. The grassland assessment and fungi survey indicated that the site had low numbers of species that were indicator species for lowland grassland and was not considered to be significant for conservation value. The ES also noted that the site lies close to Marshy Grasslands of South Glamorgan Priority Habitat, but the application site is outside, although adjacent to this area. The survey results in the ES notes the limited species diversity and abundance on the site.
140. In relation to the species that have been assessed the ES does not find that there would be any significant adverse effect.
141. The ES notes that regarding lapwing which is of County value significance the potential displacement of lapwing from the site would not be significant since the original breeding territory immediately south of the site would still be available to them and the considerable area provided for them on the mitigation/compensation land would result in a low impact on the species in the short to long-term. A similar low effect on skylark would also ensue as two areas close-by (one within the application site but adjacent to the solar arrays) the other off-site but to the west would be available to them.
142. The measures advanced to improve the land management of these areas would enhance foraging opportunities for these species which in turn would make these much larger territories more appealing for breeding birds and wintering birds.
143. Considering that both the Council and NRW are satisfied that any concern they have can be adequately dealt with, I find the identified effects would not be unacceptably harmful.

#### *Other ecological matters*

144. The applicant has provided a GIS which summarises the approach to the scheme having regard to the DECCA framework and the 12 building with nature standards. The applicant seeks to promote ecosystem resilience and secure net benefits for biodiversity through its Ecological Mitigation Strategy Figure 7.4 ES Volume 2 Figures. There has been some re-naming of the document such as Figure 3 Green Infrastructure Strategy Plan (submitted to accompany the GIS) and the Ecology Mitigation Strategy accompanying the March 2024 response), however, these are the same documents in contents and substance as ES Figure 7.4.
145. The GIS at paragraphs 4.2 - 4.21 set out in detail the proposed ecological measures to improve interconnectivity of the application site with the wider and immediate context.
146. Several points have been raised by interested parties on ecological interests and in response to the GIS. NRW has consistently indicated that the ornithology surveys were undertaken to an appropriate standard in terms of timing, method and effort. NRW

agree with these findings. The Council raise no concern in relation to the survey work in the ES.

147. Nocturnal surveys were not undertaken, however, NRW, are satisfied that limited nesting opportunities are available on site, and the maintenance and enhancement of buffer areas as well as other measures are generally regarded as sufficient for foraging Barn Owls should they be using the site. The desktop studies reveal several records of birds and other species in the surrounding area as set out in Appendix 7.1 ES Volume 3 Appendices. In relation to Barn Owls these were over 1,600 metres and 2,300 metres from the site and given the proximity of the Dre-Fach SINC this record is not all together surprising. The South-East Wales Biodiversity Records Centre were investigated in April 2022. Given the advice from NRW on this matter, I am not convinced that the absence of a nocturnal survey does not capture the ecological interests of this site. Overall, I consider the ES to be sound in relation to ecological issues.
148. Interested parties indicate that no options appraisal has been undertaken or consideration given for utilising previously developed land in preference to the application site. As set out above in the step wise approach, I am satisfied that a strategic site selection process had been undertaken here, and further filtering out of sites which were more environmentally harmful were duly ruled out in preference for the application site.
149. In PPW land used for mineral extraction such as the case here, where provision for restoration has not been made through development management procedures is previously developed land. The ES indicates at paragraph 2.2.6 that the site formed part of an opencast coal mine and this was filled by the opencast executive in 1970 to an unknown specification. To this extent, it could be argued that on the balance of probability the restoration (PPW Note 2) was not undertaken through development management procedures and the site qualifies as previously developed land. Even so, the matter may be an arguable point, and the applicant has adequately and reasonably demonstrated the search sequence and the constraints to which a scheme of this size is subject to. The locational choice of the site is generally in alignment with LDP policy SP13, and the Council has not argued against the site in these terms.
150. In my view, the GIS and supplementary submissions in March 2024 provide a thorough explanation of the scheme in accordance with the DECCA framework. The assessment shows that the scheme has followed the step wise approach. The scheme has engaged the provisions of PPW paragraph 6.4.15 1a) and, in my view, these have been met.
151. In conclusion, I find the scheme would have a positive effect on ecological interests and as such aligns with PPW12, FW policies 9 and 18 and LDP policies SP13, SP17, DNP6, SP3(i) and DNP8.

### *Landscape character and visual amenity*

#### *Landscape*

152. The LVIA identifies landscape characteristics and visual impact of the development on the site and the surrounding area within a 5km study area. The representative viewpoints in the ES were supplemented by visual representation views (VRV) of the development in 4 viewpoints surrounding the site. This shows the site within a panoramic view and the before and after development VRV.
153. The Council indicates that the development can be mitigated acceptably by the implementation of the landscaping strategy and the range of other measures put forward in the ES. Whilst accepting there would be significant adverse effects on views from the PROW (CYH/55/1) which is temporarily closed and which would be diverted

around the development site, the proposed mitigation, once established long-term would successfully ameliorate this impact. I note the Council's overall positive view of this development from a landscape and visual impact perspective.

154. I have considered the submitted plans and my observations of the site and surrounding area are sufficient for me to make my own assessment. I have visited the site, the mitigation areas, and the various key viewpoints surrounding the site. On the day of my visit the weather was cloudy, but visibility was excellent. I have considered the individual impact of the proposed development in its existing context and the cumulative impact of the development in combination with other proposed projects in the area.
155. The site is not subject to any landscape designation. The SLA is a relatively short distance north of the site broadly beginning at Cefn Carfan Road rising to Mynydd y Gaer. The presence of an existing wind farm at Mynydd Maendy is in sight of Mynydd y Gaer and the SLA designation, and I do not consider that the proposal in itself would prejudice the values and integrity of the SLA designation.
156. The application site is an area of agricultural land that rises from the south some 100 metres above mean sea level to about 130 metres towards the north. To the north of the site the landform rises more steeply to Cefn Carfan, Waun Wen and Mynydd y Gaer to the north-east. In between Mynydd y Gaer and Waun Wen is a steep sided valley of Cwm Crymlyn. Nant Crymlyn flows from this valley through the woodland adjacent to the application site to its east. To the south are lower slopes of the Common which beyond Pant Hirwaun B4280 rises again to a higher slope plateau of Hirwaun Common.
157. Built form in the area include Heol y Cyw village to the east and small pockets of terrace housing, individual houses, and farms. The tranquillity of the valley is reduced by the B4280 that runs east/west to the south of the application site. South of Hirwaun Common where the land rises and plateaus is the M4. This is cut into the landscape at this juncture and is not directly visible, although noise from passing traffic is a notable presence in the area. Other man-made features include an electric transmission line and dismantled railway line broadly running east/west south of the site and a large factory building further east of Heol y Cyw, known as Rockwool.
158. The LVIA has appropriately assessed the national, regional, and local landscape character areas, all LANDMAP aspect areas, and utilized a ZTV to inform the most representative viewpoints and later VRVs. The LVIA assesses the impact from day one construction phase to the lifetime operational phases at year 1 and year 15, together with cumulative effects.
159. From what I saw, the distinctive characteristics of the forementioned character areas were evident of rolling rural landscape with small/medium sized fields, mostly grazing land, bordered by hedgerows and scattered blocks of broadleaf and mixed woodland. Detractors to the scenic value are the presence of the M4, pylons, sharply defined urban edges and the diminished appreciation of tranquillity. The Hirawun Common and Surrounding Ridges Landscape Character Area (LCA) include the above features together with open, and predominantly treeless registered Common Land and ridges that contrasts with enclosed farmland, unimproved grassland, rush pasture, bands of wetland woodland, and the upper undulating landscape with prominent ridgelines of Mynydd y Gaer SLA. The LCA notes that there is strong intervisibility between the two ridges with houses visible at Heol y Cyw from the direction of Cefn Hirgoed.
160. The aspect areas of LANDMAP are evaluated as high for Historic Landscape Aspect Area (LAA) and Cultural LAA, and as moderate for Visual and Sensory and Geological LAAs.

161. The solar panels would be orientated east/west directions on the southern portion of the site. The solar panels on the northern portion are orientated to the south. The south facing solar panels are higher than those with an east/west orientation and rise to 3 metres in height. Being higher up on the slope of the site and marginally taller than their counterparts on the lower slope of the site these would inevitably have a significant impact on the immediate surroundings of the site. The impact would be evident on the opposite side of the valley on the rising land to the south which is Common Land and is open, mostly treeless and traversed by several public rights of way. These open fields of the application site would be replaced by rows of modern, man-made structures changing the agricultural character of the landscape. This impact would extend some 500 metres across the agricultural landscape and would be clear from the south side of the valley when viewed from Hirwaun Common.
162. In the broad panorama of the aspect of the landscape at distance the development would be a relatively small incursion in the landscape. It would be considerably softened by the adjacent woodland and all boundaries predominantly mature hedgerows and trees would be protected. The site's field pattern would be retained, and this impact would soften as the proposed landscaping matures. Other existing man-made features of the landscape are evident in the same view. These are the large factory building and works to the east of Heol y Cyw, and further afield the wind farms at some 5km and 6km distance respectively, the Mynydd Hugh/Maendy Portref, and the Mynydd Maes-teg schemes. From Hirawun Common the strong intervisibility of the site on the rising slopes of the valley would in my view have a moderate to significant impact on landscape character.
163. From the perspective of Mynydd y Gaer SLA and the Scheduled Ancient Monument (SAM) site Camp at Cwm Llwyd considerable areas of the development site are shielded by topography and pockets of woodland. In the overall panoramic view when seen from this perspective the development would have a minimal effect and would be seen in context of other man-made influences on this landscape.
164. Close-by there are several PRowS near the site and one crossing the site which is currently closed. Several other PRowS cross the Common Land. The view of the development site from receptors would be significantly affected due to the change involved. A PRow crossing the site is currently not passable. The applicant proposes an alternative route from east/west to link with other PRowS around the site. This permissive path would be subject to a separate consent process which is outside the jurisdiction of this application. There is no indication from the Council that the alternative route is unacceptable in principle. Nevertheless, from a landscape perspective footpath users would clearly view the change from rural fields to solar development and the effect of this impact would be significant close-by to the site and to a lesser extent further afield where the effect would diminish when viewed in the context of the wider landscape.
165. Once constructed the development would involve very little activity that would disrupt the tranquillity of the area which is already diminished in part by the noise of traffic from the M4 and from the activity of a factory to the east of the site. The relatively low level and horizontal emphasis of the arrays means that they would be seen to follow the existing topography. The controlled use of fencing would result in an appearance consistent with the principal agricultural character of the area.
166. The presence of the development in the surrounding landscape would be clearly noticeable and obvious from the south and from the PRowS. I consider that the proposed development, despite the LVIA assessment indicating a minor adverse

significance of effect overall, would in my view, have a moderate adverse effect overall on landscape character.

167. The effect would, however, reduce significantly, once the landscape strategy to be agreed with the Council matures overtime, and which it is reported to take full effect in year 15. In objectively assessing the landscape character a moderate adverse effect does not equate to a significant effect, and I concur with the ES methodology and assessment as set out in Chapter 6.

#### *Visual amenity*

168. In terms of visual impact, there would be a marked change on the visual appearance of the area from viewpoints 1, 2, 3, 5, 6 and 9-11. Additional viewpoints VRVs 9-11 reflect my assessments from the south side of the valley from Common Land and from the road leading to the Reservoirs off Heol Llan, Cefn Hirgoed. The nearest viewpoints 1 and 6 generally from the PRoWs would be a significant effect noted as major adverse in the ES. This is recognised due to the short distance to the application site from these viewpoints, and the high sensitivity of the receptor. The impact would be at its greatest extent in year 1 and would diminish to a moderate adverse effect in year 15 because of the maturity of existing and proposed landscaping.
169. Viewpoints 9 and 10 are some 1.1km, and viewpoint 11 some 1.6km from the application site. Viewpoint 9 and VRV9 is taken on a lower plane from the PRoW crossing the Common. However, a short distance south from the Heol Llan minor road to the Reservoirs where several PRoWs cross the Common, the effect would be significant. This higher viewpoint commands a wide and open view of the application site where most of the fields spread across the view. Due to the elevated slope of the site the development would be seen up the side of the valley. The development site would be obvious from this position. This would not diminish over the duration of the operational life of the development since no amount of mature landscaping would ameliorate this significant effect.
170. The ES assesses the dynamic visual receptors who pass through the area in vehicles or are cycling. These receptors would have but a transient and fleeting view of the site as they move through the landscape. I concur with the ES that the effect would be small in the first year and negligible in year 15 due to the maturity of the proposed landscaping.
171. The scheme has sought to reduce impacts on the nearest dwellings. A Glint and Glare Assessment (Appendix 6.2 ES Volume 3 Appendices) has been undertaken where no impact is predicted due to screening. However, the landscape strategy and ES Figure 7.4 Ecology Mitigation Strategy includes a significant planting scheme adjacent to Railway Terrace. The ES concludes that in relation to private views paragraphs 6.3.54-6.3.56 the impact would not be so significant on any property as to make the homes an unpleasant place to live; I agree.

#### *Cumulative impact*

172. The HyBont Green Hydrogen Project (solar farm element) and the Mynydd y Gaer wind farm are proposals that may come forward and form the cumulative schemes within the 5km study area.
173. Mynydd Hugh/Maendy Portref, and the Mynydd Maes-teg windfarm schemes which are in place form the backdrop of views located on ridges at some distance from the site and when viewed from the south side of the valley.
174. Likewise, in viewpoints 4, 5, 9, 10 and 11 views of all three schemes Ty'n y Waun, HydBont and Mynydd y Gaer proposed schemes may be possible when viewed in

combination. However, the ES notes the cumulative visual effects would be separate and only viewed in the wider panoramic field of vision which may only co-exist in viewpoints 9 -11. These views would be filtered by existing vegetation and topography. The ES considers that the medium sensitivity of change for LCA 9 would be affected to moderate adverse significance of cumulative effect. In the ES this is not considered to be significant. It is evident that the cumulative effect (existing and proposed schemes) would be to intensify the visual impact of renewable energy developments in the locality.

175. I would concur with the ES conclusions that combination views of these existing and proposed developments would be limited in the overall panoramic field of vision, particularly when looking from the south side of the valley towards the north. These in combination developments would be seen at various peripheral angles and at the margins of the overall field of vision. I do not consider that there would be a significant adverse cumulative effect.

*Overall conclusion on landscape and visual amenity and cumulative impact*

176. On this main consideration, whilst I find the proposal in one viewpoint to have a significant effect, others have a moderate adverse effect. I find the ES, LVIA consistent and robust. However, through my own assessment of the proposed development, I find the effects on the character and visual amenity of the landscape would not result in an unacceptable adverse impact on the surrounding landscape. As such the proposal aligns with FW policy 18 and LDP policies DNP4, SP13 and SP3(a).

*Highway safety*

177. The proposal would be to route construction traffic for heavy goods vehicles from junction 36 of the M4 via the A4061, the B4280 Pant Hirwaun and onto Hoel Laethog. The transport clarification note in March 2024 supplements the Transport Statement in the ES Volume 3 Appendices, Appendix 2.1. The junction 36 route is a shorter route than from junction 35 of the M4 which passes Heol y Cyw residential properties and avoids the heavy goods vehicles associated with the Rockwool factory. It is noted that the Council does not object to the route. It is noted that junction 36 of the M4 has reached its operational capacity resulting in peak time queuing. However, heavy goods vehicles in connection with construction traffic for the proposal would spread across the day and the increase in construction traffic would be very low having a negligible impact on the network.
178. The construction traffic would result on average to six movements per day and there would be 20 construction staff on site per day. There is no technical evidence presented to indicate that the road network to the site cannot adequately cater with the negligible increase in traffic lasting for the construction phase of the operation. In total there would be 46 movements, and 6 heavy goods movements within that total per day. There would be no impediment to the free flow of traffic, and I agree with the applicant's assessment. In any event, as I have set out the CTMP condition requires a scheme to be agreed with the Council and it would be within its control to require what measures that may be reasonable and appropriate. I have decided that the suggested list of requirements in the CTMP is not needed, and the measures put forward in the transport note may be adhered to, or added to, as a scheme is not a closed list, and the Council's Highway Authority may specify other measures.
179. Another concern is the restricted width of Hoel Laethog by the Bridge and the weight limitation on the road restricting vehicles over 7.5 tonnes except for access. I agree with the applicant that this does not prevent access into the construction access point, unloading and then returning. The transport statement advocates utilising a booking system maintained by a site manager who can spread the arrival and departure and the

operation of a temporary traffic light system. Both measures deployed would not in my view comprise a highway safety concern or conflict with the free flow of traffic, including pedestrians and cyclist on the carriageway. The proposed access for construction traffic is acceptable in principle and the local planning authority now accepts this by the inclusion of a planning condition.

180. The proposed modified access is some distance south of the play area and I do not consider that conflicts with other road users would ensue if measures were in place and are ultimately controlled through the CTMP condition. The measures put forward in the CTMP and the transport clarification note are sufficient to indicate that there would be no adverse effect on highway and pedestrian safety. The request for a new pavement along Hoel Laethog would not be proportionate or reasonable.
181. I consider that the construction and operational demands on traffic movements and their impacts on the area would not result in a pedestrian and highway safety issue. The proposal complies with FW policy 18 and LDP policies SP5 and SP13.

### *Benefits*

182. FW Policy 17 requires decision makers to give significant weight to the need to meet Wales' international commitments and the Government's target to generate 70% of consumed electricity by renewable means by 2030. In the ES Climate Change Chapter 9, whilst there is an embedded carbon cost in the manufacturing and installation of the proposed development the carbon payback period of 11-15 years would be by then achieved. The whole-life impact of the proposed development is determined to have a significant beneficial effect. The greenhouse gas saving is estimated to be between 235,278 – 326,709 tonnes over the proposed lifetime of the development when compared to the current business as usual baseline. The greenhouse gas impact of construction/manufacturing/transportation of the solar panels, batteries and associated electrical components have been calculated as approximately 88,834 tonnes.
183. The Non-Technical Summary paragraph 2.3 indicates that the installed generation capacity of the scheme would be up to 40MW, supplying electricity equivalent to the needs of 12,551 homes annually, and contributing to the target to generate 70% of consumed energy by renewable means by 2030. The greenhouse gas saving per annum would be equivalent to 8,058 tonnes, like removing 2,972 vehicles from the road.
184. The ES reports that these definitions are taken from the Institute of Environmental Management and Assessment 2022 guidance, Environmental Impact Assessment Guide to: Assessing Greenhouse Gas Emissions and Evaluating their Significance (*2nd Edition* quoted as an online source). I therefore consider that despite the interested parties concern over this calculation and the embedded carbon cost, these are derived from an authoritative source.
185. The UK's climate targets for the power system are intended to be fully decarbonised by 2035. The Welsh government have formally committed to legally binding targets to deliver the goal of net-zero emissions. Energy demands anticipated annual electric in the UK to double by 2050. There is therefore a recognised need to increase capacity, ensure a secure and stable supply and achieve renewable energy and net zero targets.
186. The Battery Energy Storage System (BESS) shown as an indicative scheme will store renewable energy during periods of high generation to be released into the grid when demand rises. The BESS would stabilise the grid and reduce the reliance on gas supply to currently fill the demands on the grid. The BESS will store 40MWh and the proposal would include a substation which is shown as indicative, whereby the final design will be confirmed by the Distribution Network Operator. The BESS and substation are controlled

by planning conditions so that the final design and specification is agreed with the Council. The BESS would take advantage of price and time shifting in the marketplace, so to secure additional revenue from energy arbitrage and peak shaving. This in turn would maximise both environmental and economic benefit matching photovoltaic generation and storage/release of energy from the site to times of high and low electricity demand.

187. The ES notes that the development would bring small benefits to healthcare services by reducing the capacity burden on the grid and providing energy security, thereby reducing the possibility of electricity shortages or no supply outages.
188. There are benefits attributed to the enhancement proposals in ES Figure 7.4 for ecology, improved grassland management and expected benefits to the invertebrate populations, hedgerow and woodland management and off-site mitigation/compensation for breeding birds.
189. The proposal's construction would have a temporary effect on employment provision through the creation of construction jobs.
190. Renewable and low carbon energy development has an important role to play in meeting the Government's renewable energy targets. The need to meet the 70% target set out in FW policy 17 is of considerable importance and the 100% target by 2035 announced in July 2023. This proposal aligns with this development plan policy and is afforded considerable weight.

### **Other matters**

#### *Historic assets*

191. The ES includes a Cultural Heritage Desk Based Assessment ES Volume 3 Appendices Appendix 8.1. ES Chapter 8 assessed the below ground archaeological potential, and potential effects on the settings of designated assets and concluded that there were no heritage assets of high or medium sensitivity within the site. Within the 5 km study area there are recorded 143 listed buildings, 16 scheduled ancient monuments (SAMs), 5 conservation areas and 4 Registered Parks and Gardens. By utilising a zone of theoretical visibility one heritage asset was identified to have an impact from the development. Camp at Cwm Llwyd SAM is situated 1.2 km to the north-east of the proposed development. The archaeological resource within the site was regarded as low, given that most have been removed through previous coal mining activity on the site. The applicant has consulted with Glamorgan and Gwent Archaeological Trust which has resulted in agreement that the archaeological potential would be low, and a programme of monitoring secured by planning condition during construction would be acceptable.
192. Having viewed the proposed development from the SAM, I would concur with CADW that the impact on the designated historic asset would be negligible/very slight on the setting of the schedule monument Camp at Cwm Llwyd. The proposed development would be filtered by vegetation and topography when viewed from the SAM.
193. The vista and panoramic views obtained from this defensive hillfort would not be changed, and I therefore consider that the contribution made to the setting and significance of this asset would not be adversely affected by this proposed development. The proposal aligns with FW policy 18 criterion 6 and LDP policy SP18.

#### *Noise*

194. The applicant has provided a Noise Assessment in March 2024. The relative distance from nearest noise sensitive receptors to the BESS range from 325 metres to 580

metres. The assessment considered recognised British Standards BS5228:2009+A1 and BS4142:2014+A1 subject to three phases, the construction of the road and compound, the installation of the frames and panels and the installation of the substation and battery storage. The assessment predicts that the activity would take place between 07:30hrs and 18:00hrs. The applicant, however, seeks to start construction at 07:00hrs and finish at 19:00hrs Monday to Friday. In Table 4.5 of the Assessment construction noise is predicted to be below 70dB(A) as set out in BS5228 during each phase of construction.

195. In relation to operational noise sound power levels have been provided for the candidate plant that would be installed. Utilising BS4142 background noise levels below 30dB and rating levels below 35dB the predicted noise levels from the development are below these measures. However, the assessment notes that absolute sound levels are potentially more important, it is also of note that baseline noise surveys have not been undertaken.
196. In all, I consider that the assessment is sufficient and the predicted noise level from the development would cause no observed adverse effect. Notwithstanding, this conclusion, as no baseline studies of noise have been undertaken, I consider that a planning condition is reasonable and necessary so that noise levels are assessed and submitted to the local planning authority and should the noise rating level exceed the background to a specified level in accordance with BS4142: 2014 +A1: 2019 'Methods for rating and assessing industrial and commercial sound' mitigation shall be undertaken to ensure compliance. Construction noise is also regulated and is necessary in relation to the CEMP condition.
197. However, I conclude that a start time of 07:00hrs is not appropriate having regard to construction and decommissioning in relation to nearby residential properties, and a start time of 08:00hrs would be proportionate and reasonable in the circumstances.
198. With these measures in mind, I consider that the proposed development would not have a significant impact upon the living conditions of neighbouring occupiers in compliance with FW policy 18 and LDP policies SP3 and DNP9.

#### *Agricultural land classification*

199. Appendix 2.6 ES Volume 3 Appendices provides an Agricultural Land Classification Assessment (ALC). Nearly all the land area of the site is within subgrade 3b ALC, which is not regarded as the best and most versatile land (BMV) as set out in PPW. The Welsh Government, Soil, Peatland and Agricultural Land Use Planning Unit on 5 December 2022 has noted that an ALC survey is not required for the site as it is unlikely to contain BMV agricultural land. In turn, this would have limited significance on diminishing land available for food production over the temporary duration of the planning permission. However, the proposal would permit sheep to graze around and beneath the solar panels, thereby continuing to some extent the agricultural use of the site.

#### *Flooding*

200. The ES includes a Flood Consequences Assessment Drainage Strategy Volume 3 Appendices, Appendix 2.2. The site is in zone A of NRW's Development Advice Maps. In FMfP the site is within flood zone 1 and is not significantly impacted by flooding from all other associated sources. The site is at a low risk of flooding.
201. FMfP for Surface Water and Small Watercourses indicates that the site is predominantly within areas that do not fall within an indicative flood zone which means that the site is within an area with less than 0.1% chance of flooding from surface water in a given year

which includes the effects of climate change. The predicted flood depth along the ditches/ordinary watercourses is up to 300mm and 900mm during an extreme flood event along the ditch/watercourse. The maximum depth of 900mm refers to the depth of water within the ditch. It is reported that flood water would be restricted to the ditch and would not extend beyond the ditch and there is limited risk of surface water flooding on the site. Furthermore, there is a separation distance from the solar panels siting and the ditch and they in turn would be some 900mm off the ground. Therefore, the surface water risk would be no greater than the existing ground conditions of the site, and there is no evidence to indicate that the proposed development would increase surface water flooding on the site or in the surrounding area.

202. The proposed development would be subject to Schedule 3 of the Flood and Water Management Act 2010 which makes Sustainable Drainage Systems (SuDS) a mandatory requirement for all new developments. SuDS Schemes must be approved by the local authority acting in its SuDS Approval Body role (SAB) before construction work begins.
203. I conclude that the proposed development would not unacceptably effect flooding and hydrology in compliance with LDP policies SP3 and SP4. No additional planning conditions are required. Controls are imposed in relation to the compound welfare facility in the CEMP condition.

#### *Mineral Resource*

204. It is not considered that the proposal would result in any significant conflict with LDP policy ENT12 and therefore would have a neutral impact in terms of the mineral resource as the proposal is temporary, albeit for 50 years. The proposal would also result in minimal disturbance to the secondary coal resource and the site can be restored by an appropriate planning condition.

#### *Public Rights of Way*

205. RoWA notes the applicant will apply to divert footpath 55. This diversion application would be outside the remit of the DNS application and there is no Secondary Consent submitted with the DNS so that it can be considered.
206. The applicant's March 2024 response item 10 provides information of a possible diversion plan for the footpath. However, RoWA is content with the proposed permissive route shown on this plan to be implemented until the diversion application has been agreed. It indicates that in the meantime the public should not be denied access along the definitive alignment of the footpath. This would be a matter for the Council to consider under separate legislative controls.
207. I consider that this aspect of the development is acceptable given the separate regulatory controls which are administered by the Council.

#### *Light pollution from vehicles for occupiers of Railway Terrace*

208. The proposed construction traffic access is some 365 metres from the south facing elevations of Railway Terrace and there is no direct line of sight between these points due to the turn in the road and an area of substantial landscaping just to the north of the access. The operational access point is 75 metres south of Railway Terrace, but traffic associated with this would be insignificant having regard to the traffic movements on Hoel Laethog. The traffic to the access point here would be far enough from the Terrace as not to have any significant effect as they would turn right and away from the residential houses. In any event, this is an existing and established access and there would be traffic using this access in connection with the legitimate use of the land,

which could continue, which is the fallback position. Ultimately, any light pollution would be a temporary feature during any visit.

*Lack of community benefit from the proposal*

209. Welsh Government support the delivery of local benefits in connection with DNS applications, but it is also clear that this is not a material consideration in the assessment of planning applications. The absence of a community benefit is not therefore a deciding issue in this DNS application.

**Conditions and obligation**

210. I have considered the agreed list of suggested conditions in the light of the advice in Circular 16/14: The Use of Planning Conditions in Development Management.
211. This list forms the basis of the schedule of recommended conditions set out in Appendix A, which I have refined and altered partly considering some minor omissions and commitments made in the ES. They are necessary and seek to ensure that the development avoids or mitigates the potentially harmful effects of the scheme.
212. The conditions are mostly agreed between the applicant and local planning authority. Where there are areas of disagreement, I have set out my approach. In most conditions they have been re-worded, and the order is different, so that permission endures for 50 years, and decommissioning are moved to after the approved plans condition. I have re-worded the decommissioning condition no. 4 (as it appears in the report) so there is clarity as to when the scheme is to be submitted but I have decided that 6 months is sufficient. However, I do consider that tree protection measures forms part of the restoration scheme and that there is an aftercare planting scheme ensuring that diseased and damaged trees are replaced in accordance with the standard landscaping implementation condition.
213. Condition 2 now includes the tree survey schedule to be read alongside the tree constraints plan. Condition 3 has been re-worded providing a timeframe of 28 days.
214. Conditions 5 and 6 have also been re-worded but there is proportionate control on the timing of details, and I see no reason that this should be provided prior to commencement. I agree with the local planning authority in relation to the start time (Condition 7) having regard to the noise assessment and for the reasons I have outlined in the report. However, no reference is made to decommissioning and this should be included since further development closer to the proposed development may occur and no controls are in place for this potential conflict of uses.
215. Condition 8 omits reference to the compound in terms of construction and decommissioning. Other measures which were requirements of the previous responses from NRW have been omitted together with reference to archaeological investigation as advocated in the ES and set out in this report. I see no purpose in adding 'but not be limited to' since this does not provide sufficient clarity.
216. Condition 9 is simplified because the local planning authority has control of what should be included in the scheme to be agreed and most of the matters are relevant to the CEMP condition. In relation to condition 10 the LEMP, I include a requirement that any monitoring and review measures considered necessary for the habitat management is carried out and not just reported to the local planning authority.
217. Conditions 11 is similar to the text in the agreed list. Condition 12 has been re-worded. I consider that provision is made to ensuring that details are provided for tree protection measures and that these are carried out during the construction of the development. I have referred to the approved landscape strategy in condition 13 this being the slight

difference between the parties. I have combined the suggested conditions on investigation of coal mining activity on the site since they overlap in content and substance. Condition 15 remains unchanged apart from requiring the implementation of mitigation measures should there be an exceedance of noise limits.

218. These changes to conditions are proportionate and reasonable and do no more than what has been advocated in the submitted application.
219. I consider that the Section 106 planning obligation is necessary, related to the proposed development scheme and related in scale and kind, and thereby meets the tests set out in Section 122(2) of the Community Infrastructure Levy Regulations 2010 and Circular 13/97: Planning Obligations. As such I afford the obligation significant weight in the determination of the application.

## **Conclusions**

220. The benefits of the proposal are given considerable weight in the planning balance having regard to the development's compliance with FW policy 17. The proposal is in alignment with the need to increase production of renewable energy in a way that strikes a balance with the protection of other relevant interests.
221. I find that the effects on the character and visual amenity of the landscape would not result in an unacceptable adverse impact on the surrounding landscape. I find that the scheme would have a positive effect on ecological interests, whilst acknowledging the concern expressed by interested parties on this issue. There are no adverse impacts on highway safety and any effects during construction would be temporary and tolerable.
222. There is no other reported material consideration of sufficient weight that would alter my conclusion that the proposal is firmly in compliance with the development plan, FW and the LDP.
223. There is a clear case for granting planning permission for the development as the development complies with FW policies 9, 17 and 18 and LDP policies SP13, SP17, SP3, SP4, SP5, SP18, DNP1, DNP4, DNP6, DNP8, and DNP9 and ENT12.

## **Recommendation**

224. That planning permission be granted for the solar farm with battery storage facility and associated hardstanding and ancillary development, subject to the conditions attached at Appendix A.
225. In reaching my recommendation, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this recommendation is in accordance with the Act's sustainable development principle through its contribution towards embedding our response to the climate and nature emergency in everything we do.

*Iwan Lloyd*

INSPECTOR

## **APPENDIX A: Schedule of Recommended Planning Conditions**

- 1) The development shall begin no later than five years from the date of this decision.

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

- 2) Subject to the requirements of other conditions attached to this permission, the proposed development shall be carried out in accordance with the following plans:

- i. ES Figure 1.1 Site Location Plan
- ii. ES Figure 2.1 Site Layout Plan
- iii. 2023-06-29 - APP - JSL3757\_700A-703A Tree Constraints Plan and Tree Survey Schedule

Reason: To ensure development is carried out within the submitted details and in compliance with Policies 17 and 18 of Future Wales: The National Plan 2040 and Policy SP3 of the Bridgend County Borough Local Development Plan 2018-2033.

- 3) This permission hereby granted shall endure for a period of 50 years from the date when electrical power is first exported (first export date) from the solar farm to the electricity grid network. Written confirmation of the first export date shall be sent to the local planning authority within 28 days of the first export date.

Reason: To safeguard the character and appearance of the area in accordance with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3 and SP13 of the Bridgend County Borough Local Development Plan 2018-2033.

- 4) Within 6 months of the 50 year expiration date or following the cessation of the generation of electricity from the solar energy farm hereby permitted for a continuous period of 6 months (whichever is the sooner), all buildings, equipment/ plant/ machinery/ shall be removed and the land restored to agricultural use in accordance with a restoration and aftercare scheme, to include tree protection measures, that has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Any trees, hedges or plants planted as part of the approved restoration and aftercare scheme which within a period of 5 years from the date of the completion of the approved scheme die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed with the local planning authority.

Reason: To safeguard the character and appearance of the area in accordance with Policies SP3 and SP13 of the Bridgend County Borough Local Development Plan 2018-2033

- 5) Notwithstanding Condition 2, no part of the solar arrays, substation, fencing and associated infrastructure shall be erected on the site until details of the heights and location of each solar array, the details and material finishes of the substation, fencing and ancillary/associated infrastructure have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in compliance with Policy 18 of Future Wales: The National Plan 2040 and Policy SP3 of the Bridgend County Borough Local Development Plan 2018-2033.

- 6) Notwithstanding Condition 2, no part of the battery energy storage structures shall be erected until details and material finishes of the battery energy storage system have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in compliance with Policy 18 of Future Wales: The National Plan 2040 and Policy SP3 of the Bridgend County Borough Local Development Plan 2018-2033.

- 7) Construction and decommissioning works shall not take place outside the hours of 08:00 hours to 19:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Public Holidays.

Reason: In the interests of residential amenity and to accord with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3 and DNP9 of the Bridgend County Borough Local Development Plan 2018-2023.

- 8) No site clearance or construction work shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by, the local planning authority. The CEMP shall include:
- a. A construction/decommissioning site layout plan with the location of site construction/demolition compounds, storage areas, arrangements for parking of vehicles of site operatives and visitors, the location of areas designated for the loading, unloading, and storage of plant and materials, details of the site office/welfare units and associated foul water disposal,
  - b. Details of any security fencing or hoardings around the site,
  - c. Pollution prevention and control measures, including measures to control the emission of dust and dirt, and to prevent pollution of watercourses,
  - d. Wheel washing facilities and measures to avoid depositing mud, dust, or other debris onto the highway,
  - e. A scheme for recycling/disposing of waste resulting from excavation, construction works and decommissioning,
  - f. Details of species protection measures to be employed during the construction and decommissioning phases of the development, invasive species management, soil management details of topsoil strip, storage and amelioration for re-use,
  - g. Details of proposed lighting to be used during the construction, operational and decommissioning phases, including mitigation measures, which shall ensure that new and retained dormouse habitat is protected from light spill,
  - h. Details of a written scheme of investigation, outlining a palaeo-environmental sampling, reporting, archiving strategy, method and timing of implementation of works in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists with a copy of the resulting report submitted to the local planning authority and the Glamorgan and Gwent Archaeological Trust,
  - i. Details of equipment to be employed, operations to be carried out, predicted noise and vibration levels at the closest noise sensitive receptors, in accordance with BS5228 (Code of Practice for noise and vibration control on construction and open sites) and any required mitigation measures to reduce noise on nearby noise sensitive receptors.

Development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity and residential amenity in accordance with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3, SP13, SP17, DNP6 and DNP8 of the Bridgend County Borough Local Development Plan 2018-2033.

- 9) No site clearance or construction work shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and in accordance with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3, and SP5 of the Bridgend County Borough Local Development Plan 2018-2033.

- 10) No development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by, the local planning authority. The LEMP shall include:

- a. A plan showing all ecological mitigation and enhancements areas, including dormouse habitat to be lost, retained, and created, and off-site lapwing and skylark mitigation areas. The plan shall identify the extent and location to an appropriate scale,
- b. Details of timing, phasing, and duration of species (including dormouse, lapwing, and skylark) and habitat conservation measures,
- c. Details of proposals to enhance retained habitats, including planting mixes and specifications, soil care plan restoration (for off-site mitigation areas and grazing strategy and stocking rates),
- d. Details of initial aftercare and long-term management and maintenance,
- e. Ecological Compliance Audit, including key performance indicators,
- f. Persons responsible for implementing the works,
- g. Details of measures to prevent or reduce incidental capture or killing,
- h. Proposals for monitoring the condition of retained and any new habitat, to inform ongoing habitat management,
- i. Monitoring and review measures of ongoing habitat management to be carried out in accordance with a report to be submitted in writing to the local planning authority every 5 years.

Development shall be carried out in accordance with the approved details.

Reason: In the interests of ecological mitigation and enhancement and to accord with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3, SP4, SP13 and DNP6 of the Bridgend County Borough Local Development Plan 2018-2033.

- 11) No development shall take place until details of a scheme for a temporary construction access off Hoel Laethog with visibility splays, the timing of works, and restoration of the access post construction have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and in compliance with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3 and SP5 of the Bridgend County Borough Local Development Plan 2018-2033.

- 12) Notwithstanding Condition 2, no site clearance or construction work shall take place until a Landscape Strategy has been submitted to and approved in writing by the local planning authority. The Landscape Strategy shall include:
- a. a new tree and hedgerow planting schedule providing details of the size and number of species,
  - b. details of existing trees and hedgerows to be retained,
  - c. details and timing of tree protection measures and location of tree protection barriers during the construction of the development.

The approved Landscape Strategy shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in compliance with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3, SP17 and DNP8 of the Bridgend County Borough Local Development Plan 2018-2033.

- 13) All planting comprised in the approved landscaping strategy shall be carried out no later than the first planting and seeding season following the completion of development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of visual amenity and in compliance with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3, SP13, SP17 and DNP8 of the Bridgend County Borough Local Development Plan 2018-2033.

- 14) No development shall take place until details of past coal mining activity on the site, the design and location of any solar array stations/structures affected by mine entries, the remedial measures necessary to ensure stability and the timing of the works have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of health and safety and in compliance with Policies SP3 and DNP9 of the Bridgend County Borough Local Development Plan 2018-2033.

- 15) Site 'rating' noise levels at the nearest non-financially involved residential property (in free field conditions) lawfully existing at the time of this planning permission shall not exceed 4dB above the representative background sound level (background measured in terms of LA90). The applicant shall submit to the local planning authority confirmation that the above noise limit is being achieved within 2 months following normal site operating conditions. In the event that the information confirms that the noise limit is being exceeded the operator shall propose and implement measures to mitigate the noise to ensure compliance with the above noise level limit.

Measurements and assessments shall be made in accordance with BS 4142: 2014 +A1: 2019 'Methods for rating and assessing industrial and commercial sound'. Where the site rating level shall be expressed as a LAeq 1hr during the daytime period (i.e. between 0700 to 2300 hours) and as a LAeq 15mins during the night-time period (i.e. 2300 to 0700 hours).

Reason: In the interests of the amenity of the area, in compliance with the relevant requirements of Policy 18 of Future Wales: The National Plan 2040 and Policies SP3 and DNP9 of the Bridgend County Borough Local Development Plan 2018-2033.



Ein cyf/Our ref: DNS/3279521 - qA1986560

Mr Damian Barry  
RPS Consulting Services  
2 Sgwâr Callaghan  
Caerdydd  
CF10 5AZ  
E-bost: [REDACTED]

11 o Hydref 2024

Annwyl Mr Barry,

**DEDDF CYNLLUNIO GWLAD A THREF 1990 – ADRAN 62D  
RHEOLIADAU DATBLYGIADAU O ARWYDDOCÂD CENEDLAETHOL (CYMRU) 2016  
CAIS GAN CENIN RENEWABLES CYFYNGEDIG AR GYFER DATBLYGIAD  
ARFAETHEDIG FFERM SOLAR GYDA CHYFLEUSTER BATRIS STORIO, LLAWR  
CALED CYSYLLTIEDIG A DATBLYGIAD ATODOL AR DIR I'R GOGLEDD O'R M4 AC  
I'R GORLLEWIN O HEOL Y CYW, PEN-Y-BONT AR OGWR  
CYFEIRNOD Y CAIS: DNS/3279521**

1. Rhoddwyd ystyriaeth i adroddiad yr Arolygydd a archwiliodd y cais cynllunio Datblygiad o Arwyddocâd Cenedlaethol (DNS).
2. Yn unol ag adran 62D Deddf Cynllunio Gwlad a Thref 1990 a Rheoliad 3 Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Meini Prawf Penodedig a Chydsyniadau Eilaidd Rhagnodedig) (Cymru) 2016, cyflwynwyd y cais i Weinidogion Cymru ar gyfer penderfyniad.
3. Mae copi o adroddiad yr Arolygydd (IR) wedi'i amgáu. Mae'r holl gyfeiriadau at rifau paragraffau yn ymwneud ag adroddiad yr Arolygydd, oni nodir yn wahanol.

**Y Prif Ystyriaethau**

4. Cytunaf mai'r prif ystyriaethau yw'r rhai hynny a amlinellir yn IR 101:
  - effaith y cynnig ar ecoleg yr ardal a rhywogaethau a warchodir,
  - yr effaith ar gymeriad y dirwedd ac amwynder gweledol yr ardal,
  - yr effaith ar ddiogelwch cerddwyr a diogelwch ar y priffyrdd, a
  - ph'un a yw unrhyw niwed a amlygir o ran yr ystyriaethau uchod yn cael ei wrthbwysu gan fuddion y cynllun, ei gyfraniad at gynhyrchu ynni adnewyddadwy a mynd i'r afael ag effeithiau'r newid yn yr hinsawdd.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

## Ecoleg

### *Dynodiadau*

5. Nid yw'r safle o fewn safle ecolegol a ddynodwyd yn genedlaethol nac yn rhyngwladol. Mae Cyfoeth Naturiol Cymru (CNC) wedi nodi bod y datblygiad arfaethedig yn annhebygol o gael unrhyw effeithiau ar safleoedd a warchodir. Mae'r Arolygydd yn fodlon na fyddai unrhyw effeithiau niweidiol ar safleoedd dynodedig. (IR 102 – 105)
6. Mae'r Arolygydd yn fodlon y byddai'r llain glustogi 15 metr arfaethedig yn sicrhau na fyddai unrhyw dresmasu ar gynefin Coetir Hynafol a Safle o Bwysigrwydd Cadwraeth Natur (SINC) Dre-Fach. Mae'r SINC yn cynnwys dwy lain o Goetir Hynafol. (IR 106, 109, 110)
7. Byddai mesurau lliniaru ar y safle ac oddi ar y safle yn cael eu sicrhau trwy gytundeb adran 106 (A106) ac amodau cynllunio. Mae'r cytundeb A106 yn ymwneud â rheoli ardaloedd lliniaru ar gyfer adar sy'n bridio. Byddai amodau cynllunio argymelledig cyn dechrau yn sicrhau Cynllun Rheoli Tirwedd ac Amgylcheddol (LEMP) a Chynllun Rheoli Amgylcheddol Adeiladu (CEMP) sy'n darparu mesurau lliniaru manwl. (IR 107)

### *Defnyddio'r ymagwedd fesul cam*

8. Mae'r Arolygydd wedi ystyried yr angen i gydymffurfio â'r ymagwedd fesul cam at ddethol safle a amlinellir ym Mholisi Cynllunio Cymru (PPW), y ddyletswydd adran 6 ar fioamrywiaeth a chadernid ecosystemau yn Neddf yr Amgylchedd (Cymru) 2016 (y ddyletswydd adran 6) a'r fframwaith DECCA.
9. Mae'r Arolygydd yn fodlon bod yr ymagwedd fesul cam wedi cael ei harddangos ac y gellir sicrhau mesurau lliniaru a gwella trwy'r cytundeb A106 ac amodau argymelledig.
10. Gan fod y Datganiad Amgylcheddol wedi amlygu effaith arwyddocaol niweidiol fach a ragfynegir ar ehedyddion a chornchwiglod, darperir ar gyfer digolledu oddi ar y safle. Mae'r Arolygydd yn nodi bod CNC yn fodlon ar yr ardal ddigolledu mewn egwyddor, yn ogystal â'r mesurau rheoli arfaethedig. Mae'r Arolygydd yn fodlon bod yr ardaloedd lliniaru/digolledu yn bodloni'r ddyletswydd adran 6 a'r fframwaith DECCA. Mae'r awdurdod cynllunio lleol yn cytuno â'r darpariaethau, hefyd. (IR 112 – 128)

### *Rhywogaethau a Warchodir*

11. Mae'r Arolygydd yn fodlon bod effaith y cynllun ar adar sy'n bridio wedi cael ei hystyried ac mae'n fodlon y byddai'r ardaloedd digolledu a ddarperir trwy'r cytundeb A106 ac amodau cynllunio yn sicrhau mesurau lliniaru a gwella priodol. (IR 129 – 131)
12. Er y byddai cam gweithredol y datblygiad yn lleihau ardaloedd bwydo ar gyfer adar sy'n gaeafu, mae'r Arolygydd o'r farn pan fydd mesurau lliniaru wedi'u sefydlu, y byddai'r ardaloedd lliniaru oddi ar y safle yn darparu buddion net cyffredinol i rywogaethau adar sy'n gaeafu. (IR 132 – 133)
13. Mae'r Arolygydd yn nodi bod CNC yn fodlon ar yr arolygon a gynhaliwyd ar gyfer Madfallod. (IR 134-136)
14. O ran ystlumod a phathewod, mae'r Arolygydd yn nodi bod CNC yn fodlon ar y mesurau ychwanegol i warchod y rhywogaethau hyn. Mae CNC hefyd yn nodi yr ystyrir bod lleiniau clustogi a llystyfiant a gedwir ar y safle'n addas i chwilota am fwyd, pe byddai'r safle'n cael ei ddefnyddio gan Dylluanod Gwynion. (IR 137 – 138)

15. Mae'r Arolygydd yn datgan, o ran y rhywogaethau a aseswyd, nad yw'r Datganiad Amgylcheddol yn canfod y byddai unrhyw effaith niweidiol arwyddocaol. (IR 140)
16. O ran cornchwiglod ac ehedyddion, mae'r Arolygydd yn fodlon y byddai'r tir lliniaru/digolledu yn gwella cyfleoedd i chwilota am fwyd a fyddai, yn ei dro, yn fuddiol i adar sy'n bridio ac yn gaeafu. (IR 141-142)
17. O ran y mater hwn, mae'r Arolygydd o'r farn na fyddai'r effeithiau a amlygwyd yn annerbyniol o niweidiol. (IR 143)

#### *Materion ecolegol eraill*

18. Mae'r Arolygydd o'r farn y byddai'r datblygiad arfaethedig yn cael effaith gadarnhaol ar fuddiannau ecolegol a'i fod yn cyd-fynd â PPW a pholisïau perthnasol yng Nghymru'r Dyfodol a Chynllun Datblygu Lleol (CDLI) Bwrdeistref Sirol Pen-y-bont ar Ogwr. (IR 144 – 151)

### **Cymeriad y dirwedd ac amwynder gweledol**

#### *Y dirwedd*

19. Mae'r Arolygydd wedi cynnal ei asesiad ei hun o'r effaith ar y dirwedd a'r effaith weledol, a lywiwyd gan ei arsylwadau ar y safle ac ystyried y cynlluniau a'r Asesiad o'r Effaith ar y Dirwedd a'r Effaith Weledol (LVIA) a gyflwynwyd. Mae'r Arolygydd yn nodi barn gyffredinol gadarnhaol y Cyngor am y datblygiad arfaethedig o safbwynt tirwedd a gweledol. (IR 152-153)
20. Gan y byddai'r datblygiad arfaethedig i'w weld yn glir ac yn amlwg o ochr ddeheuol y dyffryn ac o rai Hawliau Tramwy Cyhoeddus (PRoWau), mae'r Arolygydd o'r farn y byddai'n cael effaith niweidiol gymedrol ar gymeriad y dirwedd yn gyffredinol. Fodd bynnag, mae'n ystyried y byddai'r effaith yn lleihau'n sylweddol pan fydd y strategaeth dirweddu'n aeddfedu. (IR 154 – 167)

#### *Amwynder gweledol*

21. Mae'r Arolygydd yn cydnabod y byddai'r ardal yn edrych yn wahanol iawn o rai golygfannau. Byddai effaith arwyddocaol o'r PRoWau yng ngolygfannau 1 a 6, ond byddai'r effaith yn lleihau dros amser wrth i'r tirweddu aeddfedu. (IR 168)
22. Mae'r Arolygydd yn nodi y byddai effaith arwyddocaol pellter byr i'r de o is-ffordd Heol Llan i'r cronfeydd dŵr lle mae sawl PRoW yn croesi'r Tir Comin. Mae'r Arolygydd o'r farn na fyddai'r effaith yn lleihau yn ystod oes weithredol y datblygiad gan na ellid ei lliniaru gan dirweddu. (IR 169)
23. Mae'r Arolygydd yn cytuno â chanfyddiadau'r Datganiad Amgylcheddol y byddai'r effaith ar feicwyr a cheir sy'n mynd trwy'r ardal yn fach yn y flwyddyn gyntaf ac yn ddibwys ym mlwyddyn 15 wrth i'r tirweddu arfaethedig aeddfedu. (IR 170)
24. Mae'r Arolygydd hefyd yn cytuno na fyddai unrhyw effaith ar olygfeydd preifat o anheddau yn gwneud y cartrefi'n fannau annymunol i fyw. (IR 171)

#### *Effaith gronnol*

25. Nid yw'r Arolygydd o'r farn y byddai effaith gronnol niweidiol arwyddocaol ar y dirwedd nac yn weledol. (IR 172-175)

*Casgliad cyffredinol ynglŷn â'r dirwedd ac amwynder gweledol a'r effaith gronnol*

26. Mae'r Arolygydd yn fodlon na fyddai effeithiau'r datblygiad arfaethedig ar gymeriad ac amwynder gweledol y dirwedd yn arwain at effaith niweidiol annerbyniol ar y dirwedd amgylchynol. Fel y cyfryw, mae'r cynnig yn cyd-fynd â Pholisi 18 Cymru'r Dyfodol a pholisïau perthnasol y CDLI. (IR 176)

**Diogelwch ar y Priffyrdd**

27. Mae'r Arolygydd yn fodlon na fyddai'r cynnig, ar y cam adeiladu a gweithredol, yn arwain at unrhyw broblemau o ran diogelwch cerddwyr neu ddiogelwch ar y priffyrdd, ac felly ei fod yn cydymffurfio â pholisïau perthnasol y cynllun datblygu. (IR 177 – 181)

**Buddion**

28. Mae'r Arolygydd yn cydnabod bod Polisi 17 Cymru'r Dyfodol yn mynnu bod penderfynwyr yn rhoi pwys sylweddol i'r angen i fodloni targedau cynhyrchu ynni adnewyddadwy er mwyn mynd i'r afael â'r argyfwng newid yn yr hinsawdd.
29. Yn y cyd-destun hwn, mae'r Arolygydd o'r farn bod y cynllun yn cyd-fynd â pholisi'r cynllun datblygu a rhoddir pwys sylweddol i'r mater hwn. (IR 182 – 190)

**Materion Eraill**

*Asedau Hanesyddol*

30. Mae'r Arolygydd yn nodi bod y Datganiad Amgylcheddol yn amlygu bod effaith ddibwys/fach iawn ar leoliad heneb gofrestredig GM356 Gwersyll yng Nghwm Llwyd, ond nad oes effeithiau arwyddocaol ar unrhyw asedau hanesyddol dynodedig. Mae Cadw'n cytuno â'r casgliadau hyn. Mae'r Arolygydd yn fodlon bod y datblygiad arfaethedig yn cyd-fynd â pholisïau'r cynllun datblygu. (IR 191 – 193)

*Sŵn*

31. Mae'r Arolygydd yn fodlon ar ganfyddiadau Asesiad Sŵn yr ymgeisydd, na fyddai'r lefel sŵn ragfynedig o'r datblygiad yn achosi effaith niweidiol amlwg.
32. Yn ddarostyngedig i'r amodau cynllunio argymelledig, mae'r Arolygydd o'r farn na fyddai'r cynnig yn cael effaith arwyddocaol ar amodau byw meddianwyr cyfagos a bod y cynllun yn cydymffurfio â pholisi'r cynllun datblygu o ran y mater hwn. (IR 194 – 198)

### *Dosbarthiad tir amaethyddol*

33. Nid yw safle'r cais yn cynnwys tir amaethyddol Gorau a Mwyaf Amlbwrpas (BMV). (IR 199)

### *Llifogydd*

34. Mae'r Arolygydd yn fodlon bod y datblygiad arfaethedig yn cydymffurfio â pholisïau perthnasol y CDLI. (IR 200-203)

### *Adnodd Mwynau*

35. Mae'r Arolygydd yn fodlon na fyddai gwrthdaro â pholisi'r CDLI yn ymwneud â pharthau diogelu mwynau. (IR 204)

### *Hawliau Tramwy Cyhoeddus*

36. Bydd y cynnig i ddargyfeirio'r llwybr troed yn cael ei ystyried o dan ddeddfwriaeth ar wahân ac felly ni phenderfynir arno yn rhan o'r cais DNS. Fodd bynnag, mae'r Arolygydd yn fodlon y gellir cynnal darpariaeth addas ar gyfer llwybrau troed ar ffurf addas ar draws y safle o dan reolaethau deddfwriaethol ar wahân. (IR 205 – 207)

### *Llygredd golau o gerbydau ar gyfer meddianwyr Railway Terrace*

37. Mae'r Arolygydd wedi ystyried y mater hwn ac mae'n fodlon y byddai llygredd golau o draffig yn nodwedd dros dro. (IR 208)

### *Diffyg budd cymunedol o'r cynnig*

38. Mae'r Arolygydd yn nodi nad yw hyn yn ystyriaeth berthnasol wrth asesu ceisiadau cynllunio.

### **Amodau a rhwymedigaethau**

39. Amlinellir ystyriaeth yr Arolygydd o'r amodau cynllunio argymelledig yn IR 210 – 218. Rwyf yn fodlon bod yr amodau argymelledig yn bodloni'r profion perthnasol a amlinellir yng Nghylchlythyr 016/2014 Llywodraeth Cymru "Defnyddio amodau cynllunio i reoli datblygu".
40. Mae'r ymgeisydd wedi cyflwyno cytundeb cynllunio o dan adran 106 Deddf 1990 (A106), a gytunwyd ac a lofnodwyd gan yr Awdurdod Cynllunio Lleol, y tiffeddiannwr a'r datblygwr. Byddai'r cytundeb A106 yn darparu ardaloedd lliniaru oddi ar y safle ar gyfer ehedyddion a chornchwiglod, rheolaeth ecolegol coetir oddi ar y safle ac ar y safle a lleiniau clustogi a ddarperir trwy amod cynllunio trwy'r cynllun rheoli tirwedd ac amgylcheddol (LEMP). Mae'r Arolygydd yn fodlon bod y cytundeb A106 yn bodloni'r profion perthnasol yn Adran 122(2) Rheoliadau Ardoll Seilwaith Cymunedol 2010 a Chylchlythyr 13/97: Rhwymedigaethau Cynllunio; mae'r Arolygydd yn rhoi pwys sylweddol i'r rhwymedigaeth wrth benderfynu ar y cais. Nid oes gennyf reswm i anghytuno â'r Arolygydd ac rwyf wedi ystyried y cytundeb A106 wrth bwysu a mesur y cais.

### **Casgliadau**

41. Mae'r Arolygydd yn rhoi pwys sylweddol i fuddion y cynnig yn y cydbwysedd cynllunio o ystyried cydymffurfedd y datblygiad â Pholisi 17 Cymru'r Dyfodol. Mae'r cynnig yn

cyd-fynd â'r angen i gynhyrchu mwy o ynni adnewyddadwy mewn ffordd sy'n taro cydbwysedd â gwarchod buddiannau eraill perthnasol.

42. Mae'r Arolygydd wedi rhoi sylw i'r holl ystyriaethau perthnasol ac mae'n dod i'r casgliad fod y cynnig yn cyd-fynd â'r cynllun datblygu. (IR 220-223)

### **Argymhelliad**

43. Mae'r Arolygydd yn argymhell bod caniatâd cynllunio'n cael ei roi, yn ddarostyngedig i amodau. (IR 224-225)

### **Penderfyniad**

44. Cytunaf ag arfarniad yr Arolygydd o'r prif ystyriaethau, casgliadau'r IR a'r rhesymeg sy'n sail iddynt, a derbynaf yr argymhelliad. Felly, rhoddaf ganiatâd cynllunio drwy hyn ar gyfer DNS/3279521, yn ddarostyngedig i'r amodau yn yr Atodiad i'r llythyr penderfyniad hwn.

### **Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (y Ddeddf WFG)**

45. Mae'n rhaid i Weinidogion Cymru, yn unol â'r Ddeddf WFG, gynnal datblygu cynaliadwy. Mae hyn yn cynnwys cymryd pob cam rhesymol i fodloni eu hamcanion llesiant.
46. Rwyf wedi ystyried i ba raddau y mae rhoi caniatâd cynllunio yn bodloni amcanion llesiant Llywodraeth Cymru. Cydnabyddaf y bydd rhai effeithiau negyddol dros dro ar yr amgylchedd yn ystod y camau adeiladu a datgomisiynu. Er y byddai'r effeithiau hyn yn cael eu lliniaru trwy'r Cynllun Rheoli Amgylchedd Adeiladu (CEMP), byddent yn cael effaith negyddol gyfyngedig ar yr amcan o wneud ein dinasoedd, ein trefi a'n pentrefi yn lleoedd gwell fyth i fyw a gweithio ynddynt.
47. At ei gilydd, byddai'r penderfyniad yn cael effaith gadarnhaol ar yr amcanion i "Adeiladu economi ar sail egwyddorion gwaith teg, cynaliadwyedd a diwydiannau a gwasanaethau'r dyfodol", "Adeiladu economi gryfach a gwyrddach wrth i ni ddatgarboneiddio cymaint â phosibl" ac "Ymgorffori ein hymateb i'r argyfwng hinsawdd a natur ym mhopeth a wnawn". Mae effaith y penderfyniad hwn ar yr amcanion eraill yn niwtral.
48. Wrth wneud fy mhenderfyniad ar y cais, rwyf wedi ystyried y ffyrdd o weithio a amlinellir yn adran 5(2) y Ddeddf WFG ac 'SPSF1: Canllawiau Craidd, Rhannu Pwrpas: Rhannu Dyfodol – Canllawiau Statudol ar y Ddeddf WFG'.

### *Edrych tuag at yr hirdymor*

49. Mae'r penderfyniad yn ystyried amcan ac ymrwymiad tymor hir targed Llywodraeth Cymru o gynhyrchu 70% o'r trydan a ddefnyddir trwy ddulliau adnewyddadwy erbyn 2030 er mwyn mynd i'r afael â'r argyfwng hinsawdd.

### *Cynnwys pobl/Cydweithio ag eraill*

50. O fewn fframwaith proses benderfynu statudol, a lywodraethir gan weithdrefnau rhagnodedig, roedd y cais yn destun cyhoeddusrwydd ac ymgynghori, a roddodd gyfle i ymgysylltu â'r cyhoedd a rhanddeiliaid. Mae sylwadau a dderbyniwyd trwy'r gweithdrefnau hyn wedi cael eu hystyried wrth benderfynu ar y cais hwn.

### *Defnyddio ymagwedd integredig*

51. Mae'r penderfyniad wedi ystyried y cynllun datblygu a'r ffordd y mae'n integreiddio meysydd economaidd, cymdeithasol ac amgylcheddol ar draws graddfeydd gofodol. Mae hefyd wedi ystyried amcanion y sefydliadau sector cyhoeddus hynny a fu'n ymwneud â'r broses ymgynghori sy'n dilyn eu hamcanion llesiant eu hunain o dan y Ddeddf WFG, fel Cyfoeth Naturiol Cymru (CNC).

### *Atal*

52. Mae'r penderfyniad yn ystyried yr angen i gynhyrchu mwy o ynni adnewyddadwy a mynd i'r afael â'r argyfwng hinsawdd, yn ogystal â chynyddu diogeledd ynni.

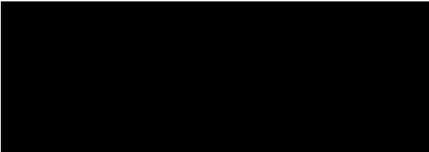
### *Camau rhesymol*

53. Rwyf wedi ystyried p'un a fyddai'n rhesymol gwneud penderfyniad gwahanol, o ystyried dyletswydd llesiant Gweinidogion Cymru. Nodaf mai'r penderfyniad arall fyddai gwrthod rhoi caniatâd cynllunio i'r datblygiad. Byddai hyn yn cael effaith negyddol ar yr amcanion i "Adeiladu economi ar sail egwyddorion gwaith teg, cynaliadwyedd a diwydiannau a gwasanaethau'r dyfodol", "Adeiladu economi gryfach a gwyrddach wrth i ni ddatgarboneiddio cymaint â phosibl" ac "Ymgorffori ein hymateb i'r argyfwng hinsawdd a natur ym mhopeth a wnawn". Byddai effaith y penderfyniad arall hwn ar yr amcanion eraill yn niwtral. O ganlyniad, ystyriaf fod y penderfyniad i roi caniatâd cynllunio yn ddarostyngedig i amodau yn gam rhesymol tuag at gyflawni amcanion llesiant Gweinidogion Cymru.

### **Gwybodaeth Amgylcheddol**

54. Rwyf wedi ystyried y Datganiad Amgylcheddol a'r holl wybodaeth amgylcheddol arall a ddarparwyd wrth bwysu a mesur y cais hwn, fel sy'n ofynnol gan Reoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru a Lloegr) 2017.

Yn gywir,



**Rebecca Evans AS/MS**

Cabinet Secretary for Economy, Energy and Planning  
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

## Atodiad – Amodau ynghlwm wrth DNS/3279521

1. Bydd y datblygiad y mae'r caniatâd hwn yn berthnasol iddo yn dechrau cyn pen pum mlynedd yn dechrau ar ddyddiad y caniatâd hwn.

Rheswm: I gydymffurfio ag Adran 91 Deddf Cynllunio Gwlad a Thref 1990.

2. Yn ddarostyngedig i ofynion amodau eraill sydd ynghlwm wrth y caniatâd hwn, bydd y datblygiad arfaethedig yn cael ei gynnal yn unol â'r cynlluniau canlynol:
  - (a) ES Ffigur 1.1 Cynllun Lleoliad Safle
  - (b) ES Ffigur 2.1 Cynllun Gosodiad Safle
  - (c) 2023-06-29 - APP - JSL3757\_700A-703A Cynllun Cyfyngiadau Coed ac Atodlen Arolwg Coed

Rheswm: I sicrhau bod y datblygiad yn cael ei gynnal yn unol â'r manylion a gyflwynwyd ac yn unol â Pholisïau 17 a 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisi SP3 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

3. Bydd y caniatâd a roddir drwy hyn yn parhau am gyfnod o 50 mlynedd o'r dyddiad pan fydd pŵer trydanol yn cael ei allforio gyntaf (y dyddiad allforio cyntaf) o'r fferm solar i'r rhwydwaith grid trydan. Bydd cadarnhad ysgrifenedig o'r dyddiad allforio cyntaf yn cael ei anfon at yr awdurdod cynllunio lleol o fewn 28 niwrnod o'r dyddiad allforio cyntaf.

Rheswm: I ddiogelu cymeriad a golwg yr ardal yn unol â Pholisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisïau SP3 ac SP13 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

4. O fewn 6 mis o'r dyddiad dod i ben 50 mlynedd, neu ar ôl i gynhyrchu trydan o'r fferm ynni solar a ganiateir drwy hyn ddod i ben am gyfnod parhaus o 6 mis (pa un bynnag sy'n digwydd gyntaf), bydd yr holl adeiladau, cyfarpar/ offer/ peiriannau yn cael eu symud ymaith a bydd y tir yn cael ei adfer i ddefnydd amaethyddol yn unol â chynllun adfer ac ôl-ofal, a fydd yn cynnwys mesurau diogelu coed, a gyflwynwyd i'r awdurdod cynllunio lleol ac a gymeradwywyd ganddo'n ysgrifenedig. Bydd y datblygiad yn cael ei gynnal yn unol â'r manylion cymeradwy. Bydd unrhyw goed, gwrychoedd neu blanhigion a blennir yn rhan o'r cynllun adfer ac ôl-ofal cymeradwy sy'n marw, yn cael eu symud ymaith neu'n cael eu difrodi'n ddifrifol neu'n mynd yn ddifrifol afiach o fewn 5 mlynedd o gwblhau'r cynllun cymeradwy yn cael eu hamnewid â rhai eraill o faint tebyg a rhywogaeth debyg yn ystod y tymor plannu nesaf, oni chytunir fel arall gyda'r awdurdod cynllunio lleol.

Rheswm: I ddiogelu cymeriad a golwg yr ardal yn unol â Pholisïau SP3 ac SP13 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

5. Er gwaethaf Amod 2, ni cheir codi unrhyw ran o'r araeau solar, yr is-orsaf, y ffens a'r seilwaith cysylltiedig ar y safle hyd nes bod manylion uchderau a lleoliad pob arâe solar, manylion a gorffeniadau deunydd yr is-orsaf, y ffens a'r seilwaith atodol/cysylltiedig wedi cael eu cyflwyno i'r awdurdod cynllunio lleol a'u cymeradwyo ganddo'n ysgrifenedig. Bydd y datblygiad yn cael ei gynnal yn unol â'r manylion cymeradwy.

Rheswm: Er mwyn amwynder gweledol ac i gydymffurfio â Pholisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisi SP3 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

6. Er gwaethaf Amod 2, ni cheir codi unrhyw ran o'r strwythurau batris storio ynni hyd nes bod manylion a gorffeniadau deunydd y system batris storio ynni wedi cael eu cyflwyno i'r awdurdod cynllunio lleol a'u cymeradwyo ganddo'n ysgrifenedig. Bydd y datblygiad yn cael ei gynnal yn unol â'r manylion cymeradwy.

Rheswm: Er mwyn amwynder gweledol ac i gydymffurfio â Pholisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisi SP3 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

7. Ni chaiff gwaith adeiladu a datgomisiynu ddigwydd y tu allan i 08:00 o'r gloch tan 19:00 o'r gloch o ddydd Llun i ddydd Gwener a 08:00 o'r gloch tan 13:00 o'r gloch ddydd Sadwrn, a dim o gwbl ar ddydd Sul a Gwyliau Cyhoeddus.

Rheswm: Er mwyn amwynder preswyl ac i gydymffurfio â Pholisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisïau SP3 a DNP9 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2023.

8. Ni chaiff unrhyw waith clirio safle nac adeiladu ddigwydd hyd nes bod Cynllun Rheoli Amgylcheddol Adeiladu (CEMP) wedi cael ei gyflwyno i'r awdurdod cynllunio lleol a'i gymeradwyo ganddo'n ysgrifenedig. Bydd y CEMP yn cynnwys:
- (a) Cynllun gosodiad safle adeiladu/datgomisiynu sy'n dangos lleoliad cyfadeiladau adeiladu/dymchwel y safle, ardaloedd storio, trefniadau ar gyfer parcio cerbydau gweithwyr y safle ac ymwelwyr, lleoliad ardaloedd a ddynodwyd ar gyfer llwytho, dadlwytho, a storio offer a deunyddiau, manylion swyddfa/unedau lles y safle a gwaredu dŵr budr cysylltiedig.
  - (b) Manylion unrhyw balisau neu ffensys diogelwch o amgylch y safle.
  - (c) Mesurau atal a rheoli llygredd, gan gynnwys mesurau i reoli allyriadau llwch a baw, ac i atal llygru cyrsiau dŵr.
  - (ch) Cyfleusterau golchi olwynion a mesurau i osgoi dyddodi mwd, llwch, neu falurion eraill ar y briffordd.
  - (d) Cynllun ar gyfer ailgylchu/gwaredu gwastraff sy'n deillio o gloddio, gwaith adeiladu a datgomisiynu.
  - (dd) Manylion mesurau gwarchod rhywogaethau sydd i'w defnyddio yn ystod camau adeiladu a datgomisiynu'r datblygiad, rheoli rhywogaethau goresgynnol, manylion rheoli pridd ar gyfer tynnu uwchbridd, ei storio a'i wella er mwyn ei aildefnyddio.
  - (e) Manylion goleuadau arfaethedig sydd i'w defnyddio yn ystod y camau adeiladu, gweithredol a datgomisiynu, gan gynnwys mesurau lliniaru, a fydd yn sicrhau bod cynefin pathewod newydd ac a gedwir yn cael ei warchod rhag gollyngiad golau.
  - (f) Manylion cynllun ymchwilio ysgrifenedig, sy'n amlinellu strategaeth samplu, adrodd ac archifo paleo-amgylcheddol, dulliau ac amseriad gwaith yn unol â'r Safonau a'r Canllawiau perthnasol a osodwyd gan Sefydliad Siartredig yr Archaeolegwyr, ac anfon copi o'r adroddiad canlyniadol at yr awdurdod cynllunio lleol ac Ymddiriedolaeth Archaeolegol Morgannwg Gwent.
  - (ff) Manylion offer sydd i'w defnyddio, gweithrediadau sydd i'w cyflawni, lefelau sŵn a dirgryniad rhagfynedig wrth y derbynyddion agosaf sy'n sensitif i sŵn, yn unol â BS5228 (Cod Ymarfer ar gyfer rheoli sŵn a dirgryniad ar safleoedd adeiladu ac agored) ac unrhyw fesurau lliniaru sy'n ofynnol i leihau sŵn wrth dderbynyddion cyfagos sy'n sensitif i sŵn.

Bydd y datblygiad yn cael ei gynnal yn unol â'r manylion cymeradwy.

Rheswm: Er mwyn bioamrywiaeth ac amwynder preswyl yn unol â Pholisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisïau SP3, SP13, SP17, DNP6 a DNP8 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018- 2033.

9. Ni chaiff unrhyw waith clirio safle nac adeiladu ddigwydd hyd nes bod Cynllun Rheoli Traffig Adeiladu wedi cael ei gyflwyno i'r awdurdod cynllunio lleol a'i gymeradwyo ganddo'n ysgrifenedig. Bydd y datblygiad yn cael ei gynnal yn unol â'r manylion cymeradwy.

Rheswm: Er mwyn diogelwch ar y priffyrdd ac yn unol â Pholisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisïau SP3 ac SP5 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

10. Ni chaiff unrhyw ddatblygiad ddigwydd hyd nes bod Cynllun Rheoli Tirwedd ac Ecoleg (LEMP) wedi cael ei gyflwyno i'r awdurdod cynllunio lleol a'i gymeradwyo ganddo'n ysgrifenedig. Bydd yr LEMP yn cynnwys:
- (a) Cynllun sy'n dangos yr holl ardaloedd lliniaru a gwella ecolegol, gan gynnwys cynefin pathewod sydd i'w gollu, ei gadw, a'i greu, ac ardaloedd lliniaru oddi ar y safle ar gyfer cornchwiglod ac ehedyddion. Bydd y cynllun yn amlygu'r maint a'r lleoliad wrth raddfa briodol.
  - (b) Manylion amseriad, cyfnodau, a hyd mesurau cadwraeth rhywogaethau (gan gynnwys pathewod, cornchwiglod, ac ehedyddion) a chynefinoedd.
  - (c) Manylion cynigion i wella cynefinoedd a gedwir, gan gynnwys cymysgeddau a manylebau plannu, cynllun gofal pridd, adfer (ar gyfer ardaloedd lliniaru oddi ar y safle a strategaeth bori a lefelau stocio).
  - (ch) Manylion ôl-ofal cychwynnol a rheoli a chynnal a chadw tymor hir.
  - (d) Archwiliad Cydymffurfedd Ecolegol, gan gynnwys dangosyddion perfformiad allweddol.
  - (dd) Unigolion sy'n gyfrifol am wneud y gwaith.
  - (e) Manylion mesurau i atal neu leihau dal neu ladd yn ddamweiniol.
  - (f) Cynigion ar gyfer monitro cyflwr cynefin a gedwir ac unrhyw gynefin newydd, i lywio'r broses o reoli cynefin yn barhaus.
  - (ff) Monitro ac adolygu mesurau rheoli cynefin yn barhaus sydd i'w cynnal yn unol ag adroddiad sydd i'w gyflwyno i'r awdurdod cynllunio lleol bob 5 mlynedd.

Bydd y datblygiad yn cael ei gynnal yn unol â'r manylion cymeradwy.

Rheswm: Er mwyn lliniaru a gwella ecolegol ac i gyd-fynd â Pholisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisïau SP3, SP4, SP13 a DNP6 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

11. Ni chaiff unrhyw ddatblygiad ddigwydd hyd nes bod manylion cynllun ar gyfer mynedfa adeiladu dros dro oddi ar Heol Laethog, sy'n cynnwys lleiniau gwelededd, amseriad gwaith, ac adfer y fynedfa ar ôl adeiladu, wedi cael eu cyflwyno i'r awdurdod cynllunio lleol a'i gymeradwyo ganddo'n ysgrifenedig. Bydd y datblygiad yn cael ei gynnal yn unol â'r manylion cymeradwy.

Rheswm: Er mwyn diogelwch ar y priffyrdd ac i gydymffurfio â Pholisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisïau SP3 ac SP5 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

12. Er gwaethaf Amod 2, ni chaiff unrhyw waith clirio safle nac adeiladu ddigwydd hyd nes bod Strategaeth Dirwedd wedi cael ei chyflwyno i'r awdurdod cynllunio lleol a'i chymeradwyo ganddo'n ysgrifenedig. Bydd y Strategaeth Dirwedd yn cynnwys:

- (a) Amserlen plannu coed a gwrychoedd newydd sy'n rhoi manylion ynglŷn â maint a nifer y rhywogaethau.
- (b) Manylion coed a gwrychoedd presennol sydd i'w cadw.
- (c) Manylion ac amseriad mesurau gwarchod coed a lleoliad rhwystrau gwarchod coed yn ystod adeiladu'r datblygiad.

Bydd y Strategaeth Dirwedd gymeradwy yn cael ei chynnal yn unol â'r manylion cymeradwy.

Rheswm: Er mwyn amwynder gweledol ac i gydymffurfio â Pholisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisïau SP3, SP17 a DNP8 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

13. Bydd yr holl blannu sydd wedi'i gynnwys yn y Strategaeth Dirwedd gymeradwy yn cael ei wneud yn ystod y tymor plannu a hau cyntaf ar ôl i'r datblygiad gael ei gwblhau fan bellaf, a bydd unrhyw goed neu blanhigion sy'n marw, yn cael eu symud ymaith neu'n cael eu difrodi'n ddifrifol neu'n mynd yn ddifrifol afiach o fewn 5 mlynedd o gwblhau'r datblygiad yn cael eu hamnewid â rhai eraill o faint tebyg a rhywogaeth debyg yn ystod y tymor plannu nesaf.

Rheswm: Er mwyn amwynder gweledol ac i gydymffurfio â Pholisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisïau SP3, SP13, SP17 a DNP8 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

14. Ni chaiff unrhyw ddatblygiad ddigwydd hyd nes bod manylion gweithgarwch mwyngloddio blaenorol ar y safle, dyluniad a lleoliad unrhyw orsafoedd/strwythurau arâe solar yr effeithir arnynt gan fynedfeydd mwynglawdd, a'r mesurau unioni sy'n angenrheidiol i sicrhau sefydlogrwydd ac amseriad y gwaith, wedi cael eu cyflwyno i'r awdurdod cynllunio lleol a'u cymeradwyo ganddo'n ysgrifenedig. Bydd y datblygiad yn cael ei gynnal yn unol â'r manylion cymeradwy.

Rheswm: Er mwyn iechyd a diogelwch ac i gydymffurfio â Pholisïau SP3 a DNP9 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

15. Ni chaiff lefelau sŵn y safle wrth yr eiddo preswyl agosaf nad yw'n gysylltiedig yn ariannol (mewn amodau maes rhydd) sy'n bodoli'n gyfreithlon ar adeg y caniatâd cynllunio hwn fynd yn fwy na 4dB yn uwch na'r lefel sŵn cefndir gynrychioliadol (sŵn cefndir a fesurir yn nhermau LA90). Bydd yr ymgeisydd yn cyflwyno cadarnhad i'r awdurdod cynllunio lleol bod y terfyn sŵn uchod yn cael ei gyflawni o fewn 2 fis yn dilyn amodau gweithredu arferol y safle. Os bydd y wybodaeth yn cadarnhau bod y terfyn sŵn yn cael ei dorri, bydd y gweithredwr yn cynnig ac yn gweithredu mesurau i liniaru'r sŵn er mwyn sicrhau y cydymffurfir â'r terfyn lefel sŵn uchod. Bydd mesuriadau ac asesiadau'n cael eu gwneud yn unol â BS 4142: 2014 +A1: 2019 'Dulliau ar gyfer graddio ac asesu sŵn diwydiannol a masnachol'. Bydd lefel sŵn y safle'n cael ei mynegi fel LAeq 1 awr yn ystod y dydd (h.y. rhwng 0700 a 2300 o'r gloch) ac fel LAeq 15 munud yn ystod y nos (h.y. rhwng 2300 a 0700 o'r gloch).

Rheswm: Er mwyn amwynder yr ardal, yn unol â gofynion perthnasol Polisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisïau SP3 a DNP9 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

## **Hysbysiad am ddechrau datblygiad ac arddangos hysbysiad**

Mae'n rhaid i chi gydymffurfio â'ch dyletswyddau yn adran 71ZB (hysbysiad am ddechrau datblygiad ac arddangos hysbysiad: Cymru) Deddf Cynllunio Gwlad a Thref 1990. Mae'r dyletswyddau'n cynnwys y canlynol:

### **Hysbysiad am ddechrau datblygiad**

Cyn dechrau unrhyw ddatblygiad y mae'r caniatâd cynllunio hwn yn ymwneud ag ef, mae'n rhaid hysbysu'r awdurdod cynllunio lleol ar y ffurf a amlinellir yn Atodlen 5A Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012 neu ar ffurf sylweddol debyg. Mae'r ffurf yn amlinellu'r manylion y mae'n rhaid eu rhoi i'r awdurdod cynllunio lleol er mwyn cydymffurfio â'r ddyletswydd hon.

### **Arddangos hysbysiad**

Mae'n rhaid i'r sawl sy'n cynnal datblygiad y mae'r caniatâd cynllunio hwn yn ymwneud ag ef arddangos, yn y man lle mae'r datblygiad yn cael ei gynnal neu'n agos iddo, bob amser tra'i fod yn cael ei gynnal, hysbysiad o'r caniatâd cynllunio hwn ar y ffurf a amlinellir yn Atodlen 5B Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012 neu ar ffurf sylweddol debyg. Mae'r ffurf yn amlinellu'r manylion y mae'n rhaid i'r sawl sy'n cynnal y datblygiad eu harddangos i gydymffurfio â'r ddyletswydd hon.

Mae'n rhaid i'r sawl sy'n cynnal y datblygiad sicrhau bod yr hysbysiad:

- a) yn cael ei osod yn sownd a'i arddangos mewn man amlwg yn y man lle mae'r datblygiad yn cael ei gynnal neu'n agos iddo;
- b) yn ddarllenadwy ac yn hawdd i'r cyhoedd ei weld heb orfod mynd i mewn i'r safle; ac
- c) yn cael ei argraffu ar ddeunydd gwydn. Dylai'r sawl sy'n cynnal y datblygiad gymryd camau rhesymol i ddiogelu'r hysbysiad (rhag cael ei symud ymaith, ei guddio neu ei ddifwyno) ac, os bydd angen, ei amnewid.

Rebecca Evans AS/MS  
Cabinet Secretary for Economy, Energy and Planning  
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio



Ein cyf/Our ref: DNS/3279521 - qA1986560

Llywodraeth Cymru  
Welsh Government

Mr Damian Barry  
RPS Consulting Services  
2 Callaghan Square  
Cardiff  
CF10 5AZ

E-mail: [REDACTED]

11 October 2024

Dear Mr Barry,

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 62D  
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (WALES) REGULATIONS 2016  
APPLICATION BY CENIN RENEWABLES LIMITED FOR A PROPOSED DEVELOPMENT  
OF A SOLAR FARM WITH BATTERY STORAGE FACILITY AND ASSOCIATED  
HARDSTANDING AND ANCILLARY DEVELOPMENT AT LAND TO THE NORTH OF  
THE M4 AND WEST OF HEOL Y CYW, BRIDGEND  
APPLICATION REF: DNS/3279521**

1. Consideration has been given to the report of the Inspector who examined the Developments of National Significance (DNS) planning application.
2. In accordance with section 62D of the Town and Country Planning Act 1990 and Regulation 3 of The Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016, the application was made to the Welsh Ministers for determination.
3. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.

**Main Considerations**

4. I agree the main considerations are those set out in IR 101:
  - the impact of the proposal on the ecology of the area and protected species,
  - the effect on the landscape character and visual amenity of the area,
  - the effect on pedestrian and highway safety, and
  - whether any harm identified in relation to the foregoing considerations is outweighed by the benefits of the scheme, its contribution to renewable energy generation and combating the effects of climate change.

## **Ecology**

### *Designations*

5. The application site is not within a national or internationally designated ecological site. NRW has indicated the proposed development is unlikely to have any effects on protected sites. The Inspector is satisfied there would be no adverse effects on designated sites. (IR 102 – 105)
6. The Inspector is satisfied the proposed 15 metre buffer zone would ensure no infringement of Ancient Woodland habitat and the Dre-Fach Site of Importance for Nature Conservation (SINC). The SINC comprises two parcels of Ancient Woodland. (IR 106, 109, 110)
7. The delivery of on-site and off-site mitigation would be secured by a section 106 agreement (S106) and planning conditions. The S106 relates to the management of mitigation areas for breeding birds. Recommended pre-commencement planning conditions would secure a Landscape and Environmental Management Plan (LEMP) and a Construction Environmental Management Plan (CEMP) which provide detailed mitigation measures. (IR 107)

### *Applying the step-wise approach*

8. The Inspector has considered the need for compliance with the step wise approach to site selection set out in Planning Policy Wales (PPW), the section 6 biodiversity and resilience of ecosystems duty in the Environment (Wales) Act 2016 (section 6 duty) and the DECCA framework.
9. The Inspector is satisfied the step wise approach has been demonstrated and that mitigation and enhancement measures can be secured through the S106 and recommended conditions.
10. As the ES identified a predicted minor adverse significant effect on skylark and lapwing, off-site compensation is provided for. The Inspector notes NRW is content with the compensation area in principle and with the proposed management measures. The Inspector is content the mitigation/compensation areas meet the section 6 duty and the DECCA framework. The local planning authority also agrees with the provisions. (IR 112 – 128)

### *Protected Species*

11. The Inspector is satisfied the impact and effect of the scheme on breeding birds has been considered and is content the compensation areas delivered through the S106 and planning conditions would secure appropriate mitigation and enhancement. (IR 129 – 131)
12. Whilst the operational phase of the development would reduce feeding areas for wintering birds, the Inspector considers that once mitigation measures have been established, the off-site mitigation areas would provide overall net benefits to wintering bird species. (IR 132 – 133)
13. The Inspector notes NRW is satisfied with the surveys undertaken for Great Crested Newts, otters and water vole and the assessment of effects on Marsh Fritillary butterflies. (IR 134-136)

14. Regarding bats and dormice, the Inspector notes NRW is satisfied with the additional measures to protect these species. NRW also note the retention of buffer zones and vegetation on site are considered suitable for foraging, should the site be used by Barn Owls. (IR 137 – 138)
15. The Inspector states in relation to the species that have been assessed, the ES does not find that there would be any significant adverse effect. (IR 140)
16. In relation to lapwing and skylark the Inspector is satisfied the mitigation/compensation land would enhance foraging opportunities which in turn would have benefits for breeding and wintering birds. (IR 141-142)
17. On this matter the Inspector finds the identified effects would not be unacceptably harmful. (IR 143)

#### *Other ecological matters*

18. The Inspector finds the proposed development would have a positive effect on ecological interests and aligns with PPW and relevant policies in Future Wales (FW) and the Bridgend County Borough Local Development Plan (LDP). (IR 144 – 151)

### **Landscape Character and visual amenity**

#### *Landscape*

19. The Inspector has made their own assessment of the landscape and visual impact, informed by their observations on site and taking account of the submitted plans and Landscape and Visual Impact Assessment (LVIA). The Inspector notes the Council's overall positive view of the proposed development from a landscape and visual perspective. (IR 152-153)
20. The Inspector considers, as the proposed development would be clearly noticeable and obvious from the south side of the valley and from certain Public Rights of Way (PRoWs), it would have a moderate adverse effect overall on landscape character. However, they consider the effect would reduce significantly once the landscape strategy mature. (IR 154 – 167)

#### *Visual amenity*

21. The Inspector recognises there would be a marked change on the visual appearance of the area from certain viewpoints. There would be significant effect from the PRoWs at viewpoints 1 and 6, however the impact would diminish over time as landscaping matures. (IR 168)
22. The Inspector notes there would be a significant effect a short distance south of Heol Llan minor road to the reservoirs where several PRoWs cross the Common. The Inspector considers the effect would not diminish during the operational life of the development as it could not be mitigated by landscaping. (IR 169)
23. The Inspector agrees with the findings of the ES that the effect on cyclists and cars passing through the area would be small in the first year and negligible in year 15 due to the proposed landscaping maturing. (IR 170)
24. The Inspector also agrees that any impact on private views from dwellings would not make the homes unpleasant places to live. (IR 171)

### *Cumulative impact*

25. The Inspector does not consider there would be a significant adverse cumulative landscape or visual impact. (IR 172-175)

### *Overall conclusion on landscape and visual amenity and cumulative impact*

26. The Inspector is satisfied the effects of the proposed development on the character and visual amenity of the landscape would not result in an unacceptable adverse impact on the surrounding landscape. As such the proposal aligns with FW Policy 18 and relevant LDP policies. (IR 176)

### **Highway Safety**

27. The Inspector is content the proposal, at both construction and operational stage, would not result in any pedestrian or highway safety issues and, therefore, complies with relevant development plan policies. (IR 177 – 181)

### **Benefits**

28. The Inspector recognises that FW Policy 17 requires decision makers to give significant weight to the need to meet renewable energy generation targets in order to combat the climate change emergency.
29. In this context the Inspector considers the scheme aligns with development plan policy and this matter is afforded considerable weight. (IR 182 – 190)

### **Other Matters**

#### *Historic Assets*

30. The Inspector notes the ES identifies a negligible/very slight impact on the setting of scheduled monument GM356 Camp at Cwm Llwyd but no significant impacts on any designated historic assets, Cadw agrees with these conclusions. The Inspector is satisfied the proposed development accords with development plan policies. (IR 191 – 193)

#### *Noise*

31. The Inspector is satisfied with the findings of the applicant's Noise Assessment, that the predicted noise level from the development would cause no observed adverse effect.
32. Subject to recommended planning conditions, the Inspector considers the proposal would not have a significant impact on living conditions of neighbouring occupiers and, on this matter, the scheme complies with development plan policy. (IR 194 – 198)

### *Agricultural land classification*

33. The application site does not contain Best and Most Versatile (BMV) agricultural land. (IR 199)

### *Flooding*

34. The Inspector is satisfied the proposed development complies with relevant LDP policies. (IR 200-203)

### *Mineral Resource*

35. The Inspector is content there would be no conflict with LDP policy relating to mineral safeguarding zones. (IR 204)

### *Public Rights of Way*

36. The proposed diversion of the footpath will be considered under separate legislation and is therefore not to be determined as part of the DNS application. However, the Inspector is satisfied that suitable provision for footpaths can be maintained in a suitable form across the site under the separate legislative controls. (IR 205 – 207)

### *Light pollution from vehicles for occupiers of Railway Terrace*

37. This matter has been considered by the Inspector and they are satisfied that light pollution from traffic would be a temporary feature. (IR 208)

### *Lack of community benefit from the proposal*

38. The Inspector notes this is not a material consideration in the assessment of planning applications.

### **Conditions and obligations**

39. The Inspector's consideration of the recommended planning conditions is set out in IR 210 – 218. I am satisfied the recommended conditions meet the relevant tests set out in Welsh Government Circular 016/2014 "The use of planning conditions for development management.
40. The applicant has submitted a planning agreement under section 106 of the 1990 Act (S106), agreed and signed by the LPA, landowner and developer. The S106 would deliver off-site mitigation areas for skylark and lapwing, future off-site and on-site ecological management of woodland and buffer areas provided by planning condition through the landscape and environmental management plan (LEMP). The Inspector is satisfied the S106 meets the relevant tests in Section 122(2) of the Community Infrastructure Levy Regulations 2010 and Circular 13/97: Planning Obligations; the Inspector gives the obligation significant weight in the determination of the application. I have no reason to disagree with the Inspector and have taken the S106 into account in my consideration of the application.

### **Conclusions**

41. The Inspector gives the benefits of the proposal considerable weight in the planning balance having regard to the development's compliance with FW Policy 17. The

proposal aligns with the need to increase production of renewable energy in a way that strikes a balance with the protection of other relevant interests.

42. The Inspector has considered all material considerations and concludes the proposal accords with the development plan. (IR 220-223)

### **Recommendation**

43. The Inspector recommends planning permission is granted, subject to conditions. (IR 224-225)

### **Decision**

44. I agree with the Inspector's appraisal of the main considerations, the conclusions of the IR and the reasoning behind them, and I accept the recommendation. Therefore, I hereby grant planning permission for DNS/3279521, subject to the conditions in the Annex to this decision letter.

### **Well-being of Future Generations (Wales) Act 2015 (WFG Act)**

45. The Welsh Ministers must, in accordance with the WFG Act, carry out sustainable development. This includes taking all reasonable steps to meet their well-being objectives.
46. I have considered the extent to which granting planning permission meets the Welsh Government's well-being objectives. I recognise there will be some temporary negative environmental effects during construction and decommissioning phases. Although these impacts would be mitigated through the Construction Environment Management Plan (CEMP) they would have a limited negative effect on the objective of making our cities, towns and villages even better places in which to live and work.
47. Overall the decision would have a positive effect on the objectives to "Build an economy based on the principles of fair work, sustainability and the industries and services of the future", "Build a stronger, greener economy as we make maximum progress towards decarbonisation" and "Embed our response to the climate and nature emergency in everything we do". The effect of this decision on the other objectives is neutral.
48. In reaching my decision on the application, I have taken into account the ways of working set out in section 5(2) of the WFG Act and 'SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance on the WFG Act'.

#### *Looking to the long-term*

49. The decision takes account of the long-term objective and commitment of Welsh Government's target to generate 70% of consumed electricity by renewable means by 2030 to combat the climate emergency.

#### *Involving people/Collaborating with others*

50. Within the framework of a statutory decision-making process, which is governed by prescribed procedures, the application was subject to publicity and consultation, providing the opportunity for public and stakeholder engagement. Representations received through these procedures have been considered and taken into account in making a determination on this application.

*Taking an integrated approach*

51. The decision has taken account of the development plan and its integration of economic, social and environmental strands across spatial scales. It has also taken account of the objectives of those public sector organisations involved in the consultation process which are pursuing their own well-being objectives under the WFG Act such as NRW.

*Prevention*

52. The decision takes account of the need to increase renewable energy production and combat the climate emergency, as well as increasing energy security.

*Reasonable steps*

53. I have considered whether, having regard to the Welsh Ministers' wellbeing duty, it would be reasonable to take a different decision. I note the alternative decision would be to refuse planning permission for the development. This would negatively impact on the objective to "Build an economy based on the principles of fair work, sustainability and the industries and services of the future", "Build a stronger, greener economy as we make maximum progress towards decarbonisation" and "Embed our response to the climate and nature emergency in everything we do". The effect of this alternative decision on the other objectives would be neutral. Consequently, I consider the decision to grant planning permission subject to conditions is a reasonable step in meeting the Welsh Ministers' well-being objectives.

**Environmental Information**

54. I have taken the Environmental Statement and all other environmental information provided into account in the consideration of this application, as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.

Yours sincerely,



**Rebecca Evans AS/MS**

Cabinet Secretary for Economy, Energy and Planning  
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

## **Annex – Conditions attached to DNS/3279521**

1. The development to which this permission relates shall begin no later than the expiration of five years beginning with the date of this permission.

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

2. Subject to the requirements of other conditions attached to this permission, the proposed development shall be carried out in accordance with the following plans:

- (a) ES Figure 1.1 Site Location Plan
- (b) ES Figure 2.1 Site Layout Plan
- (c) 2023-06-29 - APP - JSL3757\_700A-703A Tree Constraints Plan and Tree Survey Schedule

Reason: To ensure development is carried out within the submitted details and in compliance with Policies 17 and 18 of Future Wales: The National Plan 2040 and Policy SP3 of the Bridgend County Borough Local Development Plan 2018-2033.

3. This permission hereby granted shall endure for a period of 50 years from the date when electrical power is first exported (first export date) from the solar farm to the electricity grid network. Written confirmation of the first export date shall be sent to the local planning authority within 28 days of the first export date.

Reason: To safeguard the character and appearance of the area in accordance with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3 and SP13 of the Bridgend County Borough Local Development Plan 2018-2033.

4. Within 6 months of the 50 year expiration date or following the cessation of the generation of electricity from the solar energy farm hereby permitted for a continuous period of 6 months (whichever is the sooner), all buildings, equipment/ plant/ machinery/ shall be removed and the land restored to agricultural use in accordance with a restoration and aftercare scheme, to include tree protection measures, that has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Any trees, hedges or plants planted as part of the approved restoration and aftercare scheme which within a period of 5 years from the date of the completion of the approved scheme die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed with the local planning authority.

Reason: To safeguard the character and appearance of the area in accordance with Policies SP3 and SP13 of the Bridgend County Borough Local Development Plan 2018-2033.

5. Notwithstanding Condition 2, no part of the solar arrays, substation, fencing and associated infrastructure shall be erected on the site until details of the heights and location of each solar array, the details and material finishes of the substation, fencing and ancillary/associated infrastructure have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in compliance with Policy 18 of Future Wales: The National Plan 2040 and Policy SP3 of the Bridgend County Borough Local Development Plan 2018-2033.

6. Notwithstanding Condition 2 no part of the battery energy storage structures shall be erected until details and material finishes of the battery energy storage system have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in compliance with Policy 18 of Future Wales: The National Plan 2040 and Policy SP3 of the Bridgend County Borough Local Development Plan 2018-2033.

7. Construction and decommissioning works shall not take place outside the hours of 08:00 hours to 19:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays, and at no time on Sundays or Public Holidays.

Reason: In the interests of residential amenity and to accord with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3 and DNP9 of the Bridgend County Borough Local Development Plan 2018-2023.

8. No site clearance or construction work shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include:
  - (a) A construction/decommissioning site layout plan with the location of site construction/demolition compounds, storage areas, arrangements for parking of vehicles of site operatives and visitors, the location of areas designated for the loading, unloading, and storage of plant and materials, details of the site office/welfare units and associated foul water disposal.
  - (b) Details of any security fencing or hoardings around the site.
  - (c) Pollution prevention and control measures, including measures to control the emission of dust and dirt, and to prevent pollution of watercourses.
  - (d) Wheel washing facilities and measures to avoid depositing mud, dust, or other debris onto the highway.
  - (e) A scheme for recycling/disposing of waste resulting from excavation, construction works and decommissioning.
  - (f) Details of species protection measures to be employed during the construction and decommissioning phases of the development, invasive species management, soil management details of topsoil strip, storage and amelioration for re-use.
  - (g) Details of proposed lighting to be used during the construction, operational and decommissioning phases, including mitigation measures, which shall ensure that new and retained dormouse habitat is protected from light spill.
  - (h) Details of a written scheme of investigation, outlining a paleo-environmental sampling, reporting, archiving strategy, method and timing of implementation of works in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists with a copy of the resulting report submitted to the local planning authority and the Glamorgan and Gwent Archaeological Trust.
  - (i) Details of equipment to be employed, operations to be carried out, predicted noise and vibration levels at the closest noise sensitive receptors, in accordance with BS5228 (Code of Practice for noise and vibration control on construction and open sites) and any required mitigation measures to reduce noise on nearby noise sensitive receptors.

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

Reason: In the interests of biodiversity and residential amenity in accordance with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3, SP13, SP17, DNP6 and DNP8 of the Bridgend County Borough Local Development Plan 2018-2033.

9. No site clearance or construction work shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and in accordance with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3, and SP5 of the Bridgend County Borough Local Development Plan 2018-2033.

10. No development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by, the local planning authority. The LEMP shall include:

- (a) A plan showing all ecological mitigation and enhancements areas, including dormouse habitat to be lost, retained, and created, and off-site lapwing and skylark mitigation areas. The plan shall identify the extent and location to an appropriate scale.
- (b) Details of timing, phasing, and duration of species (including dormouse, lapwing, and skylark) and habitat conservation measures.
- (c) Details of proposals to enhance retained habitats, including planting mixes and specifications, soil care plan restoration (for off-site mitigation areas and grazing strategy and stocking rates).
- (d) Details of initial aftercare and long-term management and maintenance.
- (e) Ecological Compliance Audit, including key performance indicators,
- (f) Persons responsible for implementing the works.
- (g) Details of measures to prevent or reduce incidental capture or killing,
- (h) Proposals for monitoring the condition of retained and any new habitat, to inform ongoing habitat management.
- (i) Monitoring and review measures of ongoing habitat management to be carried out in accordance with a report to be submitted in writing to the local planning authority every 5 years.

Development shall be carried out in accordance with the approved details.

Reason: In the interests of ecological mitigation and enhancement and to accord with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3, SP4, SP13 and DNP6 of the Bridgend County Borough Local Development Plan 2018-2033.

11. No development shall take place until details of a scheme for a temporary construction access off Hoel Laethog with visibility splays, the timing of works, and restoration of the access post construction have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and in compliance with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3 and SP5 of the Bridgend County Borough Local Development Plan 2018-2033.

12. Notwithstanding Condition 2, no site clearance or construction work shall take place until a Landscape Strategy has been submitted to and approved in writing by the local planning authority. The Landscape Strategy shall include:

- (a) A new tree and hedgerow planting schedule providing details of the size and number of species.
- (b) Details of existing trees and hedgerows to be retained.
- (c) Details and timing of tree protection measures and location of tree protection barriers during the construction of the development.

The approved Landscape Strategy shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in compliance with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3, SP17 and DNP8 of the Bridgend County Borough Local Development Plan 2018-2033.

13. All planting comprised in the approved Landscaping Strategy shall be carried out no later than the first planting and seeding season following the completion of development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of visual amenity and in compliance with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3, SP13, SP17 and DNP8 of the Bridgend County Borough Local Development Plan 2018-2033.

14. No development shall take place until details of past coal mining activity on the site, the design and location of any solar array stations/structures affected by mine entries, and the remedial measures necessary to ensure stability and the timing of the works have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of health and safety and in compliance with Policies SP3 and DNP9 of the Bridgend County Borough Local Development Plan 2018-2033.

15. Site 'rating' noise levels at the nearest non-financially involved residential property (in free field conditions) lawfully existing at the time of this planning permission shall not exceed 4dB above the representative background sound level (background measured in terms of LA90). The applicant shall submit to the local planning authority confirmation that the above noise limit is being achieved within 2 months following normal site operating conditions. In the event that the information confirms that the noise limit is being exceeded the operator shall propose and implement measures to mitigate the noise to ensure compliance with the above noise level limit. Measurements and assessments shall be made in accordance with BS 4142: 2014 +A1: 2019 'Methods for rating and assessing industrial and commercial sound'. Where the site rating level shall be expressed as a LAeq 1hr during the daytime period (i.e. between 0700 to 2300 hours) and as a LAeq 15mins during the night-time period (i.e. 2300 to 0700 hours).

Reason: In the interests of the amenity of the area, in compliance with the relevant requirements of Policy 18 of Future Wales: The National Plan 2040 and Policies SP3 and DNP9 of the Bridgend County Borough Local Development Plan 2018-2033.

## **Notification of initiation of development and display of notice**

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include the following:

### **Notice of initiation of development**

Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

### **Display of notice**

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out development must ensure the notice is:

- (a) firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.



## Appendix D – SLA2 Dulais Valley Features and Characteristics

### **SLA2 Dulais Valley Features and Characteristics**

- SLA2 stretches from the outskirts of Aberdulais in the south to Seven Sisters in the north. The SLA covers the valley sides to reinforce its visual context and therefore includes the unforested uplands of Mynydd Hirfynydd and Mynydd Marchywel as the backdrop to the valley. Areas of forestry plantation are included on both valley sides for coherence as it forms the same land mass and recognising that the appearance and biodiversity of this landcover can be enhanced through management. To the south-east the SLA links to the Vale of Neath SLA via a contiguous boundary (refer to SLA 3 below).
- The Dulais is a typical upland u-shaped glacial river valley creating a wide valley floor and predominantly open landscape on the valley sides. The north east – south west running ridge along the Dulais valley is important for its Pennant sandstones and coal measures.
- It is a wide, rolling, pastoral valley with significantly treed field boundaries, many of these contain grown out hedges which are a strong element in this landscape on the lower ground whereas drystone walls are a landscape feature of the upper reaches of the valley sides.
- Tranquillity is a key feature of the upper ridge areas supported by lack of development. It should be noted that whilst the tranquillity indices for the upper slopes indicate that they are “undisturbed” there has been a degrading of the valley floor from zone C to Zone B.
- It is an evolved landscape containing evidence from prehistory, important Roman remains, open cast and forestry. The edges of the woodland are often regular and geometric, forming an abrupt edge to the surrounding open areas, which reduces the sense of place in the upper valley sides.
- Although the historic context is mostly Roman, the landscape contains many examples of prehistoric land uses and the presence of sheepfolds indicates the importance of animal husbandry, in this area, in the post-medieval period.
- The ridge of Mynydd Hirfynydd has been a significant route through the landscape from the prehistoric period through into the medieval period, which is now used as an historic walk (Sarn Helen). It is also crossed by the long distance footpath St Illtyd’s Way.
- The Cefn Coed Colliery Museum, located to the south of Crynant, is an example of the mining industry which until the 1980s visually dominated the visual and social landscape of the S Wales Valleys and provided a strong sense of place and cohesion to the valley.



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