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# East Aberthaw Solar Farm, Land at Fonmon, Vale of Glamorgan: Planning, Design and Access Statement

Prepared on behalf of Low Carbon UK Solar Investment Company Ltd

February 2023



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## APPENDICES

**Appendix A:** Site Location Plan: Reference LCS025-SP-01\_rev-05

**Appendix B:** Site Layout Plan: Reference LCS025-MP-01\_rev11

**Appendix C:** Vale of Glamorgan Pre Application Response (January 2021)

## 1.0 INTRODUCTION

1.1 This Planning, Design and Access Statement (PDAS) has been prepared by Barton Willmore, now Stantec on behalf of Low Carbon UK Solar Investment Company Ltd (the 'Applicant') to accompany a full planning application for a ground mounted photovoltaic solar farm, together with associated equipment and ancillary works (hereafter referred to as 'the Development') on Land at Fonmon, Vale of Glamorgan (VGC) (hereafter referred to as the 'Site'). A Site Location Plan is appended to this PDAS (Appendix A).

1.2 The full planning application description is confirmed below:

*'Ground mounted photovoltaic solar farm with an electrical generating capacity of up to 35MW together with associated equipment, infrastructure and ancillary works'*

1.3 As the scheme comprises an electrical generation station with an installed generating capacity of between 10 and 350 megawatts (MW), it falls within the definition of a 'Development of National Significance' (DNS) under Section 4(1) of the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016 (as amended), for the purposes of s62(D) of the Planning (Wales) Act 2015 ('the Wales Act').

1.4 Section 62(D) of the Wales Act States that:

*(3) "Development is of national significance for this purpose if it meets criteria specified regulations made by the Welsh Ministers for the purposes of this section".*

1.5 Taking the above into account, the application is therefore, made to the Welsh Ministers instead of the local planning authority, which in this case is Vale of Glamorgan Council (VGC).

1.6 This PDAS comprises the following title sections:

- Section 1: Introduction – this section introduces the Applicant, the basic principles of the Development and the structure of this PDAS;
- Section 2: Project Description – this section describes the proposals in more detail, explaining what is included within the planning application, and includes consideration of design and access;
- Section 3: Site and Context Analysis – this section describes the characteristics of the Site in detail, as well as describing the immediate environment surrounding the Site;

- Section 4: Planning History – this section identifies the most relevant planning history of the Site;
- Section 5: Pre – application Dialogue – this section includes pre-application dialogue with Planning, Environment and Decisions Wales (PEDW), VGC and other relevant consultees. In addition, this section provides details with regard to the Environmental Impact Assessment Screening Direction issued by in April 2022;
- Section 6: Planning Policy Framework – section 6 sets out the prevailing planning policy context, including national and local policy and guidance that is applicable to the Development;
- Section 7: Assessment of the Development – section 7 assesses the Development against the prevailing Planning Policy Framework highlighted in section 6 concluding that the Development complies with Future Wales (National Plan for Wales) (February 2021), Planning Policy Wales (Edition 11), the Development Plan and other material considerations;
- Section 8: Conditions – outlines the conditions proposed to be included should permission be granted for this application; and
- Section 9: Conclusions – this section concludes and summarises the preceding sections.

1.7 This PDAS is based on a suite of technical documents that accompany the planning application in relation to the Development, and which should be read in conjunction with this PDAS. In particular, the following documents are referred to in this statement:

- Agricultural Land Classification Report;
- Archaeology Impact Assessment;
- Ecological Assessment;
- Flood Consequences Assessment and Drainage Strategy;
- Glint and Glare Assessment;
- Heritage Statement;
- Landscape and Visual Impact Assessment (and associated plans / figures / photomontages);
- Noise Impact Assessment; and
- Transport Statement.

### **The Applicant**

1.8 Low Carbon UK Solar Investment Company Ltd (Low Carbon) is a British owned investment and asset management company. Low Carbon has successfully developed over 800MW of UK solar

projects and currently manages in excess of 1 gigawatt (GW) of renewable energy assets across more than 100 sites in the UK.

- 1.9 Low Carbon's goal is for a genuinely low carbon future with environmental stewardship and collaboration with local communities at the heart of its approach. It is committed to making a positive and significant impact on the causes of climate change and to achieving biodiversity net gain and environmental improvements.
- 1.10 Low Carbon is proud to be a Certified B Corporation. As a B Corp, it is part of a community of more than 259 businesses in the UK that uses the power of business to build a more inclusive and sustainable economy, with each member meeting the highest verified standards of social and environmental performance, transparency and accountability.



## 2.0 PROJECT DESCRIPTION

### Overview

2.1 The Applicant is seeking planning permission for a solar farm with an export capacity of up to 35MW. As the scheme comprises an electrical generation station with an installed generating capacity of between 10 and 350MW, it falls within the definition of a DNS under Section 4(1) of the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016 (as amended), for the purposes of s62(D) of the Planning (Wales) Act 2015 ('the Wales Act').

2.2 The Development comprises the following:

- Photovoltaic (PV) panels to a maximum height of 3m;
- Mounting frames – matt finished small section metal structure pile driven into the ground, avoiding the need for substantive foundations;
- Scheme of landscaping and biodiversity enhancement;
- Central inverters (inverters and transformers would be housed together in prefabricated containers to a maximum height of 3m), substations (DNO and customer to a maximum height of 4.1m) and associated cabling (below ground);
- Point of connection;
- Stock fencing up to a height of 2m;
- Infra-red CCTV (CCTV cameras would operate using motion sensors and would be positioned inward only to ensure privacy to neighbouring land and property);
- Temporary set down areas;
- Internal service tracks; and
- Site access for the construction, operational and decommissioning phases.

### Layout

2.3 The location of the Development is shown on the Site Location Plan and the layout of the Site, and associated infrastructure and works are shown in Appendix A (Reference: LCS025-DZ-01\_REV04) and Appendix B (Reference: LCS025-MP-O1\_rev11) respectively.

2.4 The Site Layout demonstrates the arrangement of the equipment, which has been carefully considered to ensure any potential significant effects are minimised. The following mitigation measures have been incorporated into the design, which include the following:

- Buffers to the existing public right of way (PRoW) along the Site boundary (eastern) to maintain a sense of openness and reduce visual impact on users of the routes;
- Offsets and buffers adjacent to residential visual receptors in Fonmon and Nurston and to minimise impact on the setting of the Grade II Listed East Hall and further minimise effects on the historic landscape;
- Where possible retention of existing hedgerows;
- Implementation of a comprehensive site wide hedgerow improvement strategy through reinforcement planting and enhanced management;
- Exploration of opportunities for further planting, i.e., native trees, scrub and grassland;
- Continued allowance for grazing of the Site to retain pastoral character; and
- Removal of native species rich hedgerows will be avoided and impacts on native species rich poor hedgerows minimised. Existing hedgerow gaps will be used to facilitate access / egress to site fields.

### **Landscaping**

2.5 On the basis of a review of the Site's context, character and visual characteristics, as well as relevant policy and landscape character information, a landscape mitigation strategy has been developed and coordinated with the appointed ecologists. Based on the analysis undertaken, a series of key mitigation principles have been recommended to reduce or avoid potential landscape and visual effects arising from the Development, as set out below:

- Sensitive offsets free from panels / infrastructure on the southern and northern edges to limit impact on sensitive residential visual receptors in Fonmon and Nurston, and the setting of the Grade II listed East Hall;
- Retention of existing hedgerows, except limited removals where access is required;
- Implementation of a comprehensive site wide hedgerow improvement strategy through gapping up, reinforcement, coppicing and enhanced management, including letting up to a height of 2.5 – 3m;
- New planting, including 135m of new species rich native hedgerow and 15,293m<sup>2</sup> of native scrub planting;
- Establishment of approximately 20,502m<sup>2</sup> of new meadow grassland; and
- Continued allowance for grazing of the site to retain pastoral character.

### **Access**

2.6 The main vehicular access to the Site will be taken from Fonmon Road in which all construction traffic will utilise. An existing access will be widened to create an adequate site access

arrangement which is sufficiently wide enough to accommodate full size articulated heavy goods vehicles (HGVs). Rockshead Lane will not be utilised as access into the Site during construction as it is unsuitable for HGVs due to the restricted widths, winding nature and the rural setting of the carriageway (in both directions). However, Rockshead Lane will contain two new secondary access points which will act as crossover points between agricultural plots.

### **Community Safety**

- 2.7 The Development seeks to install a solar photovoltaic farm, which will provide a substantial source of low carbon / renewable energy. There are clear and substantial benefits presented by the Development, primarily through the opportunity to provide a renewable source of clean energy. Furthermore, the operation of the solar farm will not present any risks in terms of hazardous materials, pollution, emissions or any other operational hazards.
- 2.8 There is a strong local, national and international policy steer towards delivering ambitious reductions in carbon emissions through growth of renewable energy generation. Given the intended maximum generating capacity of 35MW, the Development would make a substantial contribution towards these targets and in turn provide safer communities (renewable and low carbon energy used by houses).
- 2.9 In addition, a number of CCTV cameras and security fencing will be installed as part of the Development.

### **Environmental Sustainability**

- 2.10 The Development is static in nature and does not involve the use of any hazardous substances, and as such there are no immediate risks to public safety beyond the Site.

### **Movement to, from and within the Development**

- 2.11 As indicated above, the main vehicular access to the Site will be taken from Fonmon Road to which all construction traffic will utilise. Vehicles will be able to utilise a dedicated construction compound turning area to enter and exit the site in forward gear, which will be located adjacent to the main access (see drawing XX). Following the unloading of materials in the construction compound, smaller vehicles will then follow the access route to transport the panels and other infrastructure around the Site. The internal access roads have been designed to be 5.5m wide allowing two way passing.

### **Construction Methodology**

- 2.12 It is anticipated that the construction period will be 4 – 5 months. The period within which significant traffic movements would be required as part of the construction is week 8 and this is considered within the Transport Statement.
- 2.13 The main construction activities will be based on a typical six day working week with final working hours being confirmed within a Construction Environmental Management Plan (CEMP). However, for the purpose of the application, it is expected that working hours will be as follows:
- Monday to Friday 0800 hours to 1800 hours.
  - Saturdays 0800 hours to 1600 hours.
  - No work on Sundays or bank holidays with the exception of unforeseen circumstances or urgent maintenance.
- 2.14 Deliveries will be carried out within the hours set out above. Under exceptional circumstances, both working and deliveries outside of these hours may be required. In these cases, prior permission will be sought from VGC.
- 2.15 The extent of proposed mitigation measures during the construction period will be subject to the appointed contractor of the facility, however, below are some measures that can be expected to be implemented:
- Advisory temporary signage on the highway for works in the area;
  - Provide sufficient parking areas within and adjacent to the temporary construction compound so there is no parking on the highway or potential blockage to access tracks;
  - Vehicles carrying loose material shall be sheeted;
  - The use of bowsers / sprays as necessary during dry conditions to prevent dust and the use of wheel cleaning facilities to prevent transfer on to the highway as required;
  - Secure the Site to prevent unauthorised access;
  - Regularly monitor the condition of the highway for spoil transfer or damage and rectify as required;
  - Contact local residents prior to construction works commencing advising of anticipated during and a contact number to advise of any issues / concerns; and
  - Turning engines off when not in use.

### **Development Site Evolution**

2.16 Baseline surveys and assessments have been undertaken which has made clear that if certain areas were to be developed, significantly adverse environmental effects would be anticipated. The Applicant has engaged positively and regularly throughout the pre-application period with all relevant stakeholders and the local community, which has led to the design of the Development evolving over time. A detailed account of the key design evolution and the justification is presented in Table 1 below.

**Table 1 – Key site evolution**

<b>Design Change No.</b>	<b>Justification</b>
1	Following assessment findings, it was clear that there was a requirement for areas to be panel free to minimise impacts on sensitive receptors, including heritage assets. This was coupled with potential landscape impacts as a direct result from the proposed development. Therefore, appropriate setbacks have been incorporated into the design, including to the north-west of the western field and also at the southern edge of the Site boundary. This design change follows consultation with local residents along Port Road and within Fonmon.
2	Strategic placement of inverters and the DNO substation. To minimise disturbance and the potential for impacts from a noise perspective which can be associated with inverters and substations, these pieces of equipment have been strategically placed within the Site, away from sensitive receptors, i.e., residential properties, so they will not generate significant impacts.
3	Appearance – the layout of the proposed development has been designed to fit within the context of the area where possible and all trees will be retained along with internal hedgerows, which will be reinforced and enhanced where appropriate. Key view Photomontages have been prepared to show how the proposed development appears in the existing environment once constructed. These viewpoints have been agreed through consultation with Vale of Glamorgan Council. Furthermore, the colour of the DNO substation has been selected (RAL 6005) with the intention to be blend in with the rural environment.
4	Following a review of the Site's context, character and visual characteristics (site opportunities and constraints assessment), the implementation of a comprehensive site wide hedgerow improvement strategy has been proposed, through gapping up, reinforcement, coppicing and enhanced management, including letting up to a height of 2.5 – 3m.
5	New planting, including 135m of new species rich native hedgerow and 15,293m <sup>2</sup> of native scrub planting and the establishment of approximately 20,502m <sup>2</sup> of new meadow grassland.
6	With respect to Cardiff Airport, it was considered that solar reflections could potentially impact the airport and ATC tower. The design has evolved to propose screening (at a height of 3m above ground level) along the eastern site boundary, this screening is predicted to significantly obstruct views on the reflecting panels.
7	Changes to the direction and tilt of some panels to eliminate glint and glare impacts on receptors at Cardiff Airport.

### 3.0 THE SITE AND ITS CONTEXT

- 3.1 The Site is located within the administrative boundary of VGC and is situated on Land at Fonmon, to the west of Cardiff Airport. The Site extends to approximately 33.19 hectares (ha) in size (excluding cable route) (38.95ha including cable route) and comprises agricultural land, shrub and intervening hedgerows.
- 3.2 The road network in the vicinity of the Site comprises the B4265 located to the north, which links to Rockshead Lane which runs alongside the eastern boundary and Fonmon Road which runs on the western boundary. Both roads connect to Port Round to the south of the Site. There is an individual residential dwelling to the north of the Site, with a cluster of residential dwellings located to the north-west.
- 3.3 According to existing online datasets, the Site is Grade 3b agricultural land and therefore, is not considered best and most versatile agricultural land (BMVAL). This was confirmed by an Agricultural Land Classification survey conducted by Soil Environment Services Ltd (September 2021).
- 3.4 According to the Welsh Government's Lle Interactive Map, the Site is generally unconstrained in terms of landscape, ecological and heritage designations, however, there are several Listed Buildings in Fonmon, in proximity to the western boundary of the Site. In addition, a number of Conservation Areas can be found within 2km of the Site including:
- Llancadle Conservation Area – located 1.5km to the north-west of the Site;
  - East Aberthaw Conservation Area – located 1.68km south-west of the Site; and
  - Rhoose Conservation Area – located approximately 1.2km to the south-east of the Site.
- 3.5 According to VGC's adopted Local Development Plan (LDPs) Interactive Proposals Map, the Site has the following designations:
- Green Wedge;
  - Mineral Safeguarding Limestone 2; and
  - Aviation Safeguarding Zone.
- 3.6 Other noteworthy designations include an area of ancient woodland, a Site of Importance for Nature Conservation (SINC), a Historic Park and Garden and a Special Landscape Area (SLA) – all located to the north of the Site.

- 3.7 Based on the Natural Resources Wales (NRW) Development Advice Map, the entire Site falls within Flood Zone A, which is defined as being at little or no risk of fluvial or coastal tidal flooding.
- 3.8 According to available datasets, there are no PRowS within the Site, with PRow P4/15 shown extending from Port Road in a north westerly direction along the north – eastern site boundary and subsequently through the airport land. Please note that whilst the position of the route is shown in VGC datasets as being within the Cardiff Airport perimeter fence, the actual physical route on the ground follows the Site perimeter.
- 3.9 Based on the Coal Authority’s Interactive Map, the Site does not lie in a Coal Mining Reporting Area.

## 4.0 PLANNING HISTORY

- 4.1 A pre-application enquiry was submitted to VGC on 6<sup>th</sup> December 2021, as part of the request, the Applicant requested that VGC provide a detailed account of the planning history of the Site. In their response, dated 31<sup>st</sup> January 2022 (please refer to Appendix C), VGC confirmed that from an examination of their records, the Site has no relevant planning history.

### EIA Screening Direction

- 4.2 A formal request for an EIA Screening Direction under Regulation 31(1) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (the 'EIA Regulations') was submitted to Planning, Environment and Decisions Wales (PEDW) on 21<sup>st</sup> February 2022. A Screening Direction was provided by PEDW (dated 8<sup>th</sup> April 2022) which confirmed that the proposal falls within the description at paragraph 3(a) in column 1 of Schedule 2 of the EIA Regulations. Accordingly, PEDW concluded the following:

*"the application site is located to the west of Cardiff Airport, north of the settlement of Rhoose and east of Fonmon. The site is predominantly within the Green Wedge designated of 'Between East Aberthaw and Rhoose' and is immediately west of the Nant Llan carfan Special Landscape Area. There are a number of listed buildings (including Fonmon Castle) and scheduled ancient monuments (including Penmark Castle) within 3km of the site. The proposed development is a solar farm of some 35MW capacity, along with associated access and infrastructure. Due to local topography and the presence of existing vegetation, the effects of the scheme alone on the landscape and the settings of designated historic assets are unlikely to be significant. Furthermore, whilst there are a number of consented and proposed schemes in the vicinity of the application site (e.g., decommissioning of East Aberthaw power station and the proposed Land at Pen Onn Solar Farm), the topography, vegetation screening and separation distances between this proposal and Land at Pen Onn (of approximately 1.7km), I believe the cumulative impact would not be significant in EIA terms. As such, I consider that the proposal is not EIA development and an EIA is not required".*

- 4.3 Taking the above into consideration, an Environmental Statement has not been prepared to accompany this DNS application.



## 5.0 PRE-APPLICATION DIALOGUE & COMMUNITY CONSULTATION

### Pre-Application Requests

5.1 This section of the PDAS provides an overview of pre-application dialogue with VGC, PEDW and other stakeholders prior to the submission of the application. A full account of the consultation undertaken is provided in the Pre-Application Consultation Report which summarises the statutory consultation process undertaken by the Applicant in accordance with the requirements as set out within the DNS (Wales) Regulations 2016.

5.2 A pre-application enquiry was submitted to PEDW on 3<sup>rd</sup> December 2021 and a written response was provided on 21<sup>st</sup> December 2021. An overall assessment of the proposal based on the information submitted as part of the pre-application enquiry was provided and is summarised below;

- *'Future Wales (National Development Framework (NDF) – 2040) is the most recent part of the development plan hierarchy that applies to the proposed development. The NDF is supportive of renewable and low carbon energy projects that will not have unacceptable adverse effects on the environment (see policies 17 and 18).*
- *Planning Policy Wales (Edition 11) addresses the Welsh Government's support for renewable energy in section 5.9.*
- *The application site does not fall within a Potential Solar Energy Area, as designated by policy MG30 of the Local Development Plan (LDP) and the Council's Renewable Energy Supplementary Planning Guidance (March 2019).*
- *Policy MD19 of the LPD is supportive of low carbon and renewable energy generation, provided it can be demonstrated that there would be no unacceptable impacts in certain areas.*
- *The LDP places the application site outside the settlement boundary in an area of green wedge.*
- *It is noted that the site lies adjacent to the St Athan – Cardiff Enterprise Zone but given the type of development proposed and the purpose of policy MG10 of the LPD, it is not considered that there is any direct policy conflict in this respect'.*

5.3 In addition to the above, a pre-application enquiry was submitted to VGC on 6<sup>th</sup> December 2021 and a response was received 31<sup>st</sup> January 2022 (Ref: P/DC/2021/00210/PRE). VGC identified planning constraints that are known to exist immediately adjoining or in the vicinity of the Site, which are as follows:

- Green wedge designation – between East Aberthaw and Rhoose (with the exception of the eastern parcel).
- Mineral Safeguarding Areas – Limestone Category 2.
- A number of archaeological records are located on and surrounding the Site.
- Listed buildings including Grade II Fonmon Well, Grade II Walls Surrounding Fonmon Pond including the Bridge and Weir and Well and Grade II East Hall.
- Special Landscape Area – Nant Llancarfan.
- Conservation Areas – Llancadle, East Aberthaw, Penmark and Rhoose.
- Aviation Safeguarding Zone.
- Cardiff Airport and Enterprise Zone.
- Ancient Monuments – Llancadle Deserted Medieval Village and East Orchard Manor House.
- Cadw Registered Park / Areas – Fonmon Castle.
- Sites of Interest for Nature Conservation (SINC) – including Castle Wood.
- Public Rights of Way near the Site including P4/9A/1, P4/4/1 and P4/19/1.

5.4 A full account of relevant and appropriate planning policy (both national and local) was also provided in the response.

### **Community Consultation**

5.5 Prior to the statutory consultation as part of the DNS regime, a period of non-statutory (informal) consultation was held from 6<sup>th</sup> June 2022 and closed on the 27<sup>th</sup> June 2022.

5.6 A project newsletter was delivered to just over 3,000 houses around the Site (all houses within a 2km radius) on the 2<sup>nd</sup> June 2022. The newsletter contained information about the proposals, the forthcoming consultation events, and how to find out further information. At the same time as the delivery of the newsletter, the Applicant published a consultation website, which contained information about the proposals, the planning process and the consultation. A fully accessible virtual consultation exhibition was also made available from the website to allow those that may have been unable to attend an event in person, to find out information and submit feedback. All information that was available at the consultation event, was made available for viewing / download from the virtual consultation exhibition. The website could be access via [www.east-aberthaw-solar.co.uk](http://www.east-aberthaw-solar.co.uk). During the consultation period, 133 visitors viewed the website, and 93 visitors accessed the virtual consultation event.

5.7 The Applicant met with local residents of Fonmon on Wednesday 15<sup>th</sup> June at the Site to discuss the proposals.

- 5.8 A public exhibition was held at Celtic Park Community Hall, Rhose on Thursday 16<sup>th</sup> June between 1:00pm and 19:00pm allowing local residents to meet the Applicant team and provide their feedback on the proposal. In total, 58 attendees were recorded, including a number of local stakeholders and community representatives. These included the ward members for the area, the local Member of Parliament and Senedd Member, as well as local residents, neighbours and adjacent Community Council representatives.
- 5.9 Feedback provided at the consultation event and via online feedback forms cover various topics including:
- Views on the principle of development.
  - Issues relating to ecology and wildlife.
  - Considerations related to landscape and visual impact.
  - Issues related to cultural heritage and archaeology.
  - Issues to related to traffic and transport.
  - Other considerations including community benefit, land use and agriculture, tourism, noise, recreation and flood risk.
- 5.10 Where possible, feedback received during the informal consultation has been fed into the design of the Site and assisted with the evolution of the project.

### **Consultation with Cardiff Airport**

- 5.11 The Applicant and its technical team have been in regular contact with Cardiff Airport given the Site's proximity to the runway at Cardiff Airport. Pager Power (glint and glare specialist) engaged directly with the Airport following the undertaking of an initial glint and glare assessment which highlighted some potential issues for aviation activity at the Airport. It can be considered that detailed and consistent consultation has continued since October 2022.
- 5.12 Following the initial consultation and associated analysis, a layout optimisation process was undertaken by Pager Power to identify whether effects could be reduced to acceptable levels. This analysis considered the proposed mitigation measures which form part of the proposed development. The exercise was completed in November 2022, with the results indicating that a refined layout would reduce effects to an acceptable level. The Applicant continued to maintain dialogue with Cardiff Airport, including sharing the amended layout and assessment with the Airport. Additionally, photography of views from the ATC tower towards the Site was requested following an informal meeting. The latter has not been provided at the time of writing.

- 5.13 In December 2022, Pager Power presented the results of the optimisation analysis to Cardiff Airport in a video conference. The Airport requested that a summary of the results be provided so they could be shared internally with the relevant personnel at the Airport. This was provided as requested. At the time of writing (February 2023), no further response has been received from the Airport.

## 6.0 PLANNING POLICY FRAMEWORK

- 6.1 This section presents the key policy, legislation and guidance relevant to the Development, including energy and climate change policy, and planning policy at a national and local level.

### **National Policy on Climate Change, Sustainability and Renewable Energy**

- 6.2 Since the Kyoto Protocol came into effect in 2005, it is widely accepted that greenhouse gas emissions need to be significantly reduced and that there is a need for international action. The United Kingdom, together with 37 other industrialised countries (called 'Annex I Countries'), committed themselves to reducing greenhouse gas emissions by 5.2% from 1990 levels by the year 2012. The current policy stance on climate change has all stemmed from the context set by the Kyoto Protocol, and the intervening legislation which followed it up to the latest position which is discussed below.
- 6.3 The Committee on Climate Change (CCC) published a report in May 2019, titled '*Net Zero – The UK's contribution to stopping global warming*'. The report responded to a request from the Government to reassess the UK's long term emission targets and recommend a new emissions target for Wales: a 95% reduction in greenhouse gases by 2050, from a 1990 baseline. The target had previously been a 80% reduction, as set out in The Environment (Wales) Act 2016.
- 6.4 Chapter 6 of CCC's report to delivering a net zero emissions target for the UK. The chapter sets out a number of actions, including the transition to a net zero emissions economy and what is needed to underpin delivery of net zero emissions in the UK. 'Part b' set out key near term actions to put the UK on track to achieve net – zero greenhouse gas emissions by 2050 and recommends that more rapid electrification must be accompanied with greater build rates of low carbon generation capacity, accompanied by measures to enhance the flexibility of the electricity system to accommodate high proportions of inflexible generation. In addition, the report explains that the development of new infrastructure will be important in opening avenues for decarbonisation.
- 6.5 In June 2019, the UK Government declared a climate emergency following the publication of the CCC report. The resultant legislation amended the Climate Change Act 2008 (c.27) and introduced a legally binding target to achieve 'net zero' by 2050. Paragraph 1 of the Climate Change Act (as amended) sets out the target to 2050 and states that:

*"it is the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline (which means the aggregate amount of net UK emissions of*

*carbon dioxide for that year and net UK emissions of each of other targeted greenhouse gases for the year that is the base year for that gas)".*

- 6.6 On 20<sup>th</sup> April 2021, the UK Government announced its commitment to reduce carbon emissions by 78% by 2035 compared to 1990 levels (including, for the first time, those from shipping and aviation. The new target was enshrined by law in June 2021.

### **Welsh Government Climate Emergency**

- 6.7 In April 2019, the Welsh Government declared a climate emergency and in June 2019 accepted the CCC's recommendation for a new emissions target but set a more ambitious target of net zero emissions no later than 2050.
- 6.8 In March 2021, new legislation came into force in Wales, amending the 2050 emissions target<sup>1</sup> and the interim emission targets<sup>2</sup>. As well as amending the 2050 emissions target to net zero, the 2030 target was increased from 45% to 63% below the 1990 baseline, and the 2040 target was increased from 67% to 89% below the 1990 baseline.
- 6.9 Evidence for the third UK Climate Risk Independent Assessment (CCRA3) in relation to Wales<sup>3</sup>, highlights that the climate in Wales is already changing, with an increase of 0.9 degrees Celsius in the average annual temperature since the mid 1970s, an increase of 2.0% in annual mean rainfall and 6.1% in sunshine hours during the same period, approximately 1.4mm of sea level rise per year since 1901, and an increase in heat events.
- 6.10 VGC declared a climate emergency in July 2019 and have introduced 'Project Zero' which brings together the wide range of work and opportunities available to tackle the climate emergency, reduce the Council's carbon emissions to net zero by 2030 and encourage others to make positive changes.

### **Prosperity for All: A Low Carbon Wales (March 2019)**

- 6.11 The Environment (Wales) Act 2016 requires Welsh Government to reduce emissions of greenhouse gases (GHGs) in Wales by at least 80% for the year 2050. Under s39 of that Act, Welsh Ministers must prepare and publish a report for each budgetary period setting out their policies and proposals for meeting the carbon budget for that period.

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<sup>1</sup> The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021

<sup>2</sup> The Climate Change (Interim Emissions Targets) (Wales) (Amendment) Regulations 2021

<sup>3</sup> [www.ukclimaterisk.org/wp-content/uploads/2021/06/CCRA-Evidence-Report-Wales-Summary-Final.pdf](http://www.ukclimaterisk.org/wp-content/uploads/2021/06/CCRA-Evidence-Report-Wales-Summary-Final.pdf)

- 6.12 Prosperity for All: A Low Carbon Wales is the Welsh Government's first statutory decarbonisation plan. It sets out the Welsh Government's approach to cut emissions and increase efficiency in a way that maximises wider benefits for Wales, ensuring a fairer and healthier society. It sets out a hundred policies and proposals that directly reduce emissions and support the growth of the low carbon economy.
- 6.13 It specifically seeks to reduce the use of fossil fuels for power generation and promote and accelerate the deployment of renewable energy generation. The plan also recognises that energy storage and flexibility services will need to be provided to integrate with new renewable energy development as part of a whole system approach. In relation to the power sector, the plan sets a target to reduce power sector emissions by 37% from baseline levels [1990s] by the year 2030. The Welsh Government's Sector Emission Pathway for Power<sup>4</sup>, published in June 2019, states that power sector emissions would be 2% greater than the baseline level in the year 2020.
- 6.14 Policy 26 (Implementing Energy Consenting, Planning and Permitting Policy) identifies planning as a key lever in Wales for determining the sources of fuel for power generation. *Future Wales: the national plan to 2040 is identified as a key aspect of this as it will play:*
- A key role in facilitating clean growth and decarbonisation and helps build resilience to the impacts of climate change. Achieving our strategic decarbonisation goals is highlighted as a key driver, which all development plans must support.*
- 6.15 Policy 31 (Delivery of our Renewable Energy Targets) specifically seeks to deliver the 2017 Renewable Energy Targets announced by the Welsh Government, including generating 70% of Wales' electricity consumption from renewables by 2030. It is noteworthy that this energy target is currently being consulted on by the Welsh Government as they seek views on revising this target. Please refer to paragraphs 6.59 and 6.60.
- 6.16 In October 2021, the Welsh Government published its second statutory decarbonisation plan (LCDP2) titled *Net Zero Wales*. This sets out 123 policies and proposals across all Ministerial Portfolios.
- 6.17 In respect of energy generation, *Net Zero Wales* sets the following ambitions:
- By 2025, 1GW additional renewable energy capacity will be installed;

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<sup>4</sup> Gov.wales/sites/default/files/publications/2019-06/power-sector-emission-pathway-factsheet.pdf

- From 2021 there will no new build unabated fossil fuel generation in Wales. All current unabated gas generation removed from the system by 2035.

6.18 *Net Zero Wales*' Policy 22 seeks to increase the delivery of renewable energy developments on land through the planning system. It recognises that *Future Wales* provides a positive policy framework for the consenting and development of large-scale renewable energy projects and associated infrastructure.

### **National Infrastructure Strategy – Fairer, Faster and Greener (November 2020)**

6.19 The Strategy sets out the UK Government's plans to deliver on its ambition, being '*deliver an infrastructure revolution: a radical improvement in the quality of the UK's infrastructure to help level up the country, strengthen the Union, and put the UK on the path to net zero emissions by 2050*'. It states that:

*To achieve net zero by 2050, the power system will need to be virtually carbon free and significantly larger to cope with the additional demand from electrification in transport, heating and some industrial processes.*

*This expanded system requires increased investments in network infrastructure, sources of flexibility, such as interconnection, demand response and storage, together with enough low carbon generation capacity to provide the vast majority of the UK's electricity needs.*

6.20 The Strategy confirms that achieving net zero will require a dramatic increase in the share of generation from renewables, including specifically from onshore wind and solar. The Government also proposes to continue supporting the roll out of renewable through the Contracts for Difference subsidy mechanisms, which now includes solar and wind technologies.

### **Energy White Paper (December 2020)**

6.21 The White Paper '*Powering our Net Zero Future*' builds on the Prime Minister's Ten Point Plan for a green industrial revolution and provides a long-term strategic vision for the UK's energy system, consistent with delivering net zero emissions by 2050. It puts forward a strategy for the energy system that:

*"Transforms energy, building a cleaner, greener future for our country, our people and our planet.*

*Supports a green recovery, growing our economy, supporting thousands of green jobs across the country in new green industries and leveraging new green export opportunities.*



*Creates a fair deal for consumers, protecting the fuel poor, providing opportunities to save money on bills, giving us warmer, more comfortable homes and balancing investment against bill impacts”.*

6.22 The White Paper sets out the Government’s goal of a decisive shift from fossil fuel to clean energy, in power, buildings and industry, whilst creating jobs, growing the economy, and keeping energy bills affordable. It also explains that a four-fold increase in clean electricity generation could be required by 2050, due to the retiring of old capacity and the potential doubling of demand from increased electrification (e.g., vehicles and heating).

6.23 It does not target a particular mix of energy generation technologies to meet the 2050 target, stating that the market should determine the best solutions for very low emissions and reliable supply at a low cost to consumers. It states however that a low – cost, net zero consistent system is likely to be composed predominantly of wind and solar. It further states:

*Onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios.*

6.24 The role of other technologies such as battery storage is also recognised in the White Paper, to support reliability in power supply and balance the grid.

### **The Well – being of Future Generations (Wales) Act 2015**

6.25 In addition to the policy provisions outlined above, under the Well – being of Future Generations (Wales) Act 2015, all public bodies in Wales have a duty to secure sustainable development by improving the economic, social, environmental and cultural well – being of Wales to achieve the 7 well being goals. All planning applications in Wales need to demonstrate how they align with these well being goals:

- A Prosperous Wales.
- A Resilient Wales.
- A More Equal Wales.
- A Healthier Wales.
- A Wales of Cohesive Communities.
- A Wales of Vibrant Culture and Thriving Welsh Language.
- A Globally Responsive Wales.

- 6.26 One of the well – being goals set in the Act is for *a globally responsible Wales*. Statutory guidance on the Act (Shared Purpose: Shared Future 1: Core Guidance) explains that action on climate change benefits both people and communities in Wales, whilst also contributing to the wider global effort to tackle the causes of climate change and reduce its effects.
- 6.27 Key matters highlighted in the guidance for public bodies to focus attention are decarbonisation (including use of clean energy) and sustainable consumption and production.

### **Planning Policy Framework**

- 6.28 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 Act, this application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Under Section 38(4) of the Act of 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.
- 6.29 The following section provides an overview of the planning policy relevant to the Development. It should be noted, at the time the application was submitted, no relevant SDP had been prepared for the VGC area.

### **Relevant National Planning Policy**

#### **Future Wales: the National Plan 2040 (February 2021)**

- 6.30 Future Wales is the Welsh Government’s National Development Framework and is the highest tier of the Development Plan in Wales. It states that “***as set out in legislation, applications for Developments of National Significance must be determined in accordance with Future Wales***”.
- 6.31 As the most recent expression of national planning policy, Future Wales is considered to have primacy in the planning policy hierarchy. Its purpose is to ensure the planning system at all levels is consistent with, and supports the delivery of, Welsh Government strategic aims and policies (including those in Planning Policy Wales, the Wales Infrastructure Investment Plan

and Regional Economic Frameworks). It was prepared with regard to various Welsh Government policy and legislation, including:

- Well – being of Future Generations (Wales) Act 2015;
- Environment (Wales) Act 2016;
- Prosperity for All: A Low Carbon Wales (March 2019); and
- Policy Statement: Local ownership of energy generation in Wales – benefitting Wales today and for future generations (February 2020).

6.32 Future Wales provides the spatial direction for development in Wales and the policy framework for SDPs and LDPs at the regional and local level. These plans are required to conform to Future Wales and planning decisions at every level must be taken in accordance with the Development Plan.

6.33 Future Wales identifies 11 Outcomes to be achieved in 20 years time. Outcome 9 seeks a Wales where people live in places that sustainably manage their natural resources and reduce pollution. Outcome 11 seeks a Wales where people live in places which are decarbonised and climate resilient.

6.34 Future Wales states:

*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.*

*Wales can become a world leader in renewable energy technologies. Our wind and tidal resources, our potential for solar generation, our support for both large and community scaled projects and our commitment to ensuring the planning system provides a strong lead for renewable energy development, mean we are well placed to support the renewable sector, attract new investment and reduce carbon emissions.*

6.35 Furthermore, Future Wales sets 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 from 2020.

6.36 Section 2 of Future Wales sets out how it has been informed by climate change issues, including projections showing an increased chance of milder, wetter winters and hotter, drier summers, rising sea levels and an increase in the frequency and severity of extreme weather events. It further states:

*It is vital that we reduce our emissions to protect our own well being and to demonstrate our global responsibility. Future Wales together with Planning Policy Wales will ensure the planning system focuses on delivering a decarbonised and resilient Wales through the places we create, the energy we generate, the natural resources and materials we use and how we live and travel.*

6.37 Section 3 includes the Future Wales' Outcomes which are described as "collectively a statement of where we want to be in 20 years' time. Every part of Future Wales...is concerned with achieving the Outcomes". The Outcome of principal relevance to the Development is:

*A Wales where people live in places which are decarbonised and climate resilient: 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.*

6.38 The Future Wales policies of principal relevance to the Development are:

- Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure; and
- Policy 18 – Renewable and Low Carbon Energy Developments of National Significance.

6.39 Policy 17 notes that the Welsh Government strongly supports the principle of renewable and low carbon energy development from all technologies and at all scales to meet our future energy needs. Furthermore, it states (our emphasis):

*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.**[...] Applications for large scale wind and solar will not be permitted in National Parks and Areas of Outstanding Natural Beauty and all proposals should demonstrate that they will not have an unacceptable adverse impact on the environment. Proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities. New strategic grid infrastructure for the transmission and distribution of energy should be designed to minimise visual impact on nearby communities.*

6.40 Policy 18 provides a decision making framework for renewable and low carbon energy technologies. It states:

*Proposals for renewable and low carbon projects (including repowering) qualifying as Developments of National Significance will be permitted subject to policy 17 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. There are no unacceptable adverse visual impacts on nearby communities and individual dwellings;*
- 3. There are no adverse effects on the integrity of Internally designated sites (including National Site Network sites and Ramsar sites) and the features for which they have been designated (unless there are no alternative solutions, imperative Reasons of Overriding Public Interest and appropriate compensatory measures have been secured);*
- 4. There are no unacceptable adverse impacts on national statutory designated sites for nature conservation (and the features for which they have been designated), protected habitats and species;*
- 5. The proposal includes biodiversity enhancement measures to provide a net benefit for biodiversity;*
- 6. There are no unacceptable adverse impacts on statutorily protected built heritage assets;*
- 7. There are no unacceptable adverse impacts by way of shadow flicker, noise, reflected light, air quality or electromagnetic disturbance;*
- 8. There are no unacceptable impacts on the operations of defence facilities operations (including aviation and radar) or the Mid Wales Low Flying Tactical Training Area (TTA-7T);*
- 9. 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;*
- 10. The proposal includes consideration of the materials needed or generated by the development to ensure the sustainable use and management of resources; and*
- 11. 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.*

*The cumulative impacts of existing and consented renewable energy schemes should also be considered.*

6.41 The supporting text to both policies states that Policy 17 demonstrates the Welsh Government's support in principle for all renewable energy projects and technologies. The supporting text also refers to the Welsh Government's target for new renewable energy projects to have at least an element of local ownership from 2020, but specifically states that this is not a planning consideration.

**Planning Policy Wales – Edition 11 (February 2021)**

- 6.42 The Welsh Government published Planning Policy Wales Edition 11 (PPW) in February 2021. PPW provides the key principles for the planning system in Wales, in terms of what development plans and decisions must achieve and how development should deliver the best possible outcomes. It is not part of the Development Plan however, and according to Future Wales is a material consideration in the planning process.
- 6.43 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well – being of Wales, as required by the Planning (Wales) Act 2015, the Well – being of Future Generations (Wales) Act 2015 and other key legislation.
- 6.44 Its key principles are:
- Growing our economy in a sustainable manner;
  - Making best use of resources;
  - Facilitating accessible and healthy environments;
  - Creating and sustaining communities; and
  - Maximising environmental protection and limiting environmental impact.
- 6.45 Paragraph 2.14 states that these principles enable the goals and five ways of working set out in the Well – being of Future Generations Act to be realised through land use planning. It also states that they act as a catalyst for the positive delivery of the planning system across Wales.
- 6.46 Paragraph 2.27 explains the need for planning authorities to take a balanced approach to implement the Well – being of Future Generations Act and its Sustainable Development Principle. It states there may be occasions where one benefit of a development proposal outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well – being goals. It identifies a long list of key factors to consider in the assessment process. In summary, these include:
- How the proposal would support the achievement of a more prosperous, low carbon, innovative and resource efficient Wales;
  - Where environmental risks are prevented or appropriately managed;
  - Whether the causes and impacts of climate change are fully taken into account through location, design, build, operation, decommissioning and restoration; and

- Whether a proposal supports decarbonisation and the transition to a low carbon economy.

6.47 Paragraph 3.30 states that the planning system plays a key role in tackling the climate change emergency through the decarbonisation of the energy system and the sustainable management of natural resources. It also states that the transition to a low carbon economy brings opportunities for clean growth and quality jobs, together with wider benefits of enhanced places to live and work, with clean air and water and improved health outcomes.

6.48 Paragraph 3.33 explains that the planning system plays a significant role in managing the significant risk of climate change to people, property, infrastructure and natural resources. It states:

*Development allowed today will be around for decades to come. The most important decision the planning system makes is to ensure the right developments are built in the right places.*

6.49 The introduction to Section 5 explains that the use of renewable and low carbon energy sources is one of the ways of achieving Productive and Enterprising Places. Other key relevant extracts from PPW include (our emphasis):

***Low carbon electricity must become the main source of energy in Wales.*** *Renewable electricity will be used to provide both heating and transport in addition to power. The future energy supply mix will depend on a range of established and emerging low carbon technologies. (Paragraph 5.7.1).*

***Overall power demand is expected to increase...*** *In order to ensure future demand can be met, significant investment will be needed in energy generation, transmission and distribution infrastructure. The system will need to integrate renewable generation with storage and other flexibility services, in order to minimise the need for new generation and grid system reinforcement. (Paragraph 5.7.2).*

***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. The planning system should:*

- ***Maximise renewable and low carbon generation*** (paragraph 5.7.7.).

*Planning authorities should support and guide renewable and low carbon energy development to ensure their area's potential is maximised. Planning authorities should assess the opportunities for renewable and low carbon energy in the area, and use this evidence to establish spatial policies in their development plan which identify*

*the most appropriate locations for development of energy developments below 10MW. (Paragraph 5.9.14).*

*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 a recognised need to optimise renewable and low carbon energy generation. (Paragraph 5.9.15).*

*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.*

6.50 Section 5 of PPW also includes policies supporting:

- An appropriate mix of energy provision (Paragraph 5.7.6);
- An effective electricity grid network, including additional electricity grid network infrastructure to support PAAs (Paragraph 5.7.8); and
- Cross department co – operation with local authorities to facilitate renewable and low carbon energy development, to maximise the potential for renewable and low carbon energy generation, and to meet renewable energy targets (Paragraph 5.9.1).

6.51 In relation to the rural economy, PPW specifically acknowledges that diversification of farms can include solar development. PPW states that:

*...planning authorities should adopt a positive approach to diversification projects in rural areas. Diversification can strengthen the rural economy and bring additional employment and prosperity for communities. (Paragraph 5.6.10).*

*Diversification can also include renewable energy proposals such as anaerobic digestion facilities of 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. (Paragraph 5.6.13).*

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

6.52 TAN 6 is a technical advice note that provides technical guidance to supplement PPW in relation to a range of issues such as the rural economy, rural housing, and sustainable agriculture.



- 6.53 Chapter 2 describes key principles for planning for sustainable rural communities:

*The planning system must respond to the challenges posed by climate change, for example by accommodating the need for renewable energy generation. It must also protect and enhance the natural and historic environment and safeguard the countryside and open spaces. The overall goal for the planning system is to support living and working rural communities in order that they are economically, socially and environmentally sustainable. (Paragraph 2.1.1).*

- 6.54 Section 6.2 of TAN 6 relates to development involving agricultural land and states that:

*When [...] considering planning applications, planning authorities should consider the quality of agricultural land and other agricultural factors and seek to minimise any adverse effects on the environment. (Paragraph 6.2.1).*

#### **Technical Advice Note 15: Development and Flood Risk (TAN 15)**

- 6.55 TAN 15 is a technical advice note that provides technical guidance to supplement PPW in relation to development and flooding. TAN 15 advises on development and flood risk, and provides a framework within which risks arising from both river and coastal flooding, and from additional run off from development in any location, can be assessed.
- 6.56 The general approach of PPW and TAN 15 is to advise caution with respect to new development in areas at high risk of flooding by setting out a precautionary framework to guide planning decisions. The overarching aim of the precautionary framework (in order to preference), is to:

*Direct new development away from those areas which are at high risk of flooding.*

*Where development has to be considered in high risk areas (zone C) only those developments which can be justified on the basis of tests (outlined in Sections 6 and 7 of TAN 15), are located within such areas.*

- 6.57 A new version of TAN 15 (accompanied by a revised Flood Map for Planning that includes allowances for climate change) was made available on 28<sup>th</sup> September 2021, which will eventually replace the 2004 version of TAN 15 and the Development Advice Map (which does not include climate change allowances), as well as Technical Advice Note 14: Coastal Planning.

6.58 The Welsh Government launched a consultation<sup>5</sup> on 23<sup>rd</sup> January 2023 to seek views on the further amendments of TAN 15 with consultation responses required to be submitted by 17<sup>th</sup> April 2023. The publication of revised TAN 15 and Flood Map for Planning has been suspended until 1<sup>st</sup> June 2023.

### **Review of Wales' Energy Targets (January 2023)**

6.59 The Welsh Government announced in January 2023 that they propose to alter their existing renewable energy targets. The Welsh Government launched a consultation on 24<sup>th</sup> January 2023 seeking views on their proposal of revising the energy targets in Wales which are currently:

- Wales to generate electricity equal to 70% of its consumption from renewable sources by 2030.
- 1GW of renewable energy capacity in Wales to be locally owned by 2030.
- An expectation for all new energy developments in Wales to have at least an element of local ownership from 2020.

6.60 The consultation sets out a number of proposals which the Welsh Government would like views upon which include the commitment of 100% of Wales' electricity will come from renewable energy sources by 2035, instead of the current commitment above. Additionally, the Welsh Government proposes to increase their locally owned target to 1.5GW of renewable energy capacity to be locally owned by 2035 (excluding heat pumps). The Welsh Government proposes a separate proposal to cover heat pumps, indicating that 5.5GW of renewable energy capacity to be produced by heat pumps by 2035. The consultation on these proposals ends on 18<sup>th</sup> April 2023.

### **Building Better Places: The Planning System Delivering Resilient and Brighter Futures – Placemaking and the Covid 19 Recovery (July 2020)**

6.61 This describes the Welsh Government's planning policies priorities to support recovery following the Covid – 19 pandemic crisis. One of its key messages is that a plan led approach is the most effective way for the planning system to combat climate change. It states "*we must identify, plan for and achieve key steps in achieving the switch to a decarbonised and climate resilient society*".

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<sup>5</sup> TAN 15 Consultation available at: [Further amendments to Technical Advice Note \(TAN\) 15: Development, flooding and coastal erosion | GOV.WALES](https://gov.wales/consultations/technical-advice-note-tan-15-development-flooding-and-coastal-erosion)

**Overarching National Policy Statement for Energy (NPS EN – 1) (July 2011)**

- 6.62 This sets out the UK Government’s commitment to increasing renewable generation capacity. Paragraph 1.2.1 states that:

*In England and Wales, this NPS is likely to be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended).*

- 6.63 As this application falls within the definition of a ‘Development of National Significance’, it falls under s62(D) of the TCPA, as amended by The Planning Wales Act. As such, the NPS can be considered as a material planning consideration.

- 6.64 Paragraph 2.2.6 of EN – 1 states that ‘*the UK needs to wean itself off such a high carbon energy mix: to reduce greenhouse gas emissions, and to improve the security, availability and affordability of energy through diversification*’. Other relevant extracts from the NPS include:

*The UK needs all the types of energy infrastructure covered by this NPS in order to achieve energy security at the same time as dramatically reducing greenhouse gas emissions. (Paragraph 3.1.1).*

*As part of the UK’s need to diversify and decarbonise electricity generation, the Government is committed to increasing dramatically the amount of renewable generation capacity. In the short to medium term, much of this new capacity is likely to be onshore and offshore wind. (Paragraph 3.3.10).*

- 6.65 The UK Government undertook consultation on a draft NPS EN – 1 between September and November 2021, in addition to a revised draft National Policy Statement for renewable energy infrastructure (NPS EN – 3), which included a new section specific to solar development. These will also be a material consideration for DNS in Wales, although the revised NPS are not yet in force, but are expected to be in 2023.

**Relevant Local Planning Policy**

- 6.66 The Applicant is aware that VGC prepared a Review Report which considers the effectiveness of the adopted Local Development Plan (LDP) and confirms the revision procedure to be followed in preparing the Replacement LDP. A Delivery Agreement (DA) was also prepared providing a timetable for preparing and adopting the replacement LDP. Both documents were subject to a public consultation between 5<sup>th</sup> November 2021 and 31<sup>st</sup> January 2022 with the proposed changes and responses being considered and approved by Cabinet on 14<sup>th</sup> March

2022 and by Full Council on 25<sup>th</sup> April 2022. The amended documents were subsequently submitted to Welsh Government and approved on 4<sup>th</sup> May 2022.

6.67 The current LDP was adopted in June 2017 and in summary the Site:

- Lies outside of the defined Settlement Boundary;
- Lies within an area of green wedge (Policy MG18(7) land between Aberthaw and Rhoose), with exception of the eastern most field;
- Is adjacent to the designated employment site and enterprise zone at Cardiff Wales Airport (Policies MG10 and MG9(2));
- Lies to the immediate south of (and abuts) the Nant Llancarfan Special Landscape Area (Policy MG17(4)); and
- Lies to the immediate south of (and abuts) the Castle Wood Site of Importance for Nature Conservation (SINC) (Policy MG21).

6.68 As set out in the VGC pre-application response (dated January 2022), the following policies are considered to be relevant.

- **Strategic Policy SP1 – Delivering the Strategy:** the strategy will seek to improve the living and working environment, promote enjoyment of the countryside and coast and manage important environmental assets.
- **Strategic Policy SP7 – Transportation:** sustainable transport improvements that serve the economic, social and environmental needs of the Vale of Glamorgan and promote the objectives of the South East Wales Regional Transport Plan and the Local Transport Plan will be favoured.
- **Strategic Policy SP9 – Minerals:** the local and regional need for the provision of a continuous supply of minerals will be achieved through:
  1. Maintain a minimum of 10 years land bank of hard rock throughout the plan period; including extended time periods to complete permitted extraction at existing sites;
  2. Favouring proposals which promote the sustainable use of minerals and encourage the use of secondary and alternative resources;
  3. The safeguarding of known resources of sandstone, limestone, sand and gravel (where these occur outside settlements), from permanent development that would unnecessarily sterilise them or hinder their future extraction; and
  4. Safeguarding wharf facilities for the landing of marine dredged sand and gravel.
- **Strategic Policy SP10 – Built and Natural Environment:** development proposals must preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan including:

1. The architectural and / or historic qualities of buildings or conservation areas, including locally listed buildings;
  2. Historic landscapes, parks and gardens;
  3. Special landscape areas;
  4. The Glamorgan Heritage Coast;
  5. Sites designated for their local, national and European nature conservation importance; and
  6. Important archaeological and geological features.
- **Policy MG17 – Special Landscape Areas:** the following areas are designated as special landscape areas:
    1. Castle Upon Alun;
    2. Upper and Lower Thaw Valley;
    3. Ely Valley and Ridge slopes;
    4. Nant Llancarfan;
    5. Dyffryn basin and ridge slopes; and
    6. Cwrt – yr – Ala basin.

Within the special landscape areas identified above, development proposals will be permitted where it is demonstrated they would cause no unacceptable harm to the important landscape character of the area.

- **Policy MG18 – Green Wedges:** green wedges have been identified to prevent the coalescence of settlements and to retain the openness of land at the following locations:
  1. Between Dinas Powys, Penarth and Llandough;
  2. North west of Sully;
  3. North of Wenvoe;
  4. South of Bridgend;
  5. Between Barry and Rhoose;
  6. South Penarth to Sully; and
  7. Between Rhoose and Aberthaw.

Within these areas development which prejudices the open nature of the land will not be permitted.

- **Policy MG19 – Sites and Species of European Importance:** development proposals likely to have a significant effect on a European site, when considered alone or in combination with other projects or plans will only be permitted where:
  1. The proposal is directly connected with or necessary for the protection, enhancement and positive management of the site for conservation purpose; or
  2. The proposal will not adversely affect the integrity of the site;
  3. There is no alternative solution;
  4. There are reasons of overriding public interest; and

5. Appropriate compensatory measures are secured.

Development proposals likely to have an adverse effect on a European protected species will only be permitted where:

1. There are reasons of overriding public interest;
2. There is no satisfactory alternative; and
3. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

- **Policy MG20 – Nationally Protected Sites and Species:** development likely to have an adverse effect either directly or indirectly on the conservation value of a site of special scientific interest will only be permitted where it is demonstrated that:

1. There is no suitable alternative to the proposed development; and
2. It can be demonstrated that the benefits from the development clearly outweigh the special interest of the site; and
3. Appropriate compensatory measures are secured; or
4. The proposal contributes to the protection, enhancement or positive management of the site.

Development proposals likely to affect protected species will only be permitted where it is demonstrated that:

1. The population range and distribution of the species will not be adversely impacted;
2. There is no suitable alternative to the proposed development;
3. The benefits of the development clearly outweigh the adverse impacts on the protected species; and
4. Appropriate avoidance, mitigation and compensation measures are provided.

- **Policy MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species:** development proposals likely to have an adverse impact on sites of importance for nature conservation or priority habitats and species will only be permitted where it can be demonstrated that:

1. The need for the development clearly outweighs the nature conservation value of the site;
2. Adverse impacts on nature conservation and geological features can be avoided;
3. Appropriate and proportionate mitigation and compensation measures can be provided; and
4. The development conserves and where possible enhances biodiversity interests.

- **Policy MG22 – Development in Minerals Safeguarding Areas:** known mineral resources of sandstone, sand and gravel and limestone are safeguarded as shown on the proposals map. New development will only be permitted in an area of known mineral resource where it has first been demonstrated that:

1. Any reserves of minerals can be economically extracted prior to the commencement of the development;
  2. Or extraction would have an unacceptable impact on environmental or amenity considerations;
  3. The development would have no significant impact on the possible working of the resource by reason of its nature or size; or
  4. The resource in question is of poor quality / quantity.
- **Policy MG30 – Local Search Areas for Solar Energy:** local search areas for solar energy are shown on the proposals map. In these areas, proposals for solar energy generation schemes up to 50MW will be permitted provided there are no unacceptable effects on amenity, heritage assets or the environment.
  - **Policy MD1 – Location of New Development:** new development on unallocated sites should:
    1. Have no unacceptable impact on the countryside;
    2. Reinforce the role and function of the key settlement of Barry, the service centre settlements, primary settlements or minor rural settlements as key providers of commercial, community and healthcare facilities;
    3. Where appropriate promote new enterprises, tourism, leisure and community facilities in the Vale of Glamorgan;
    4. In the case of residential development, support the delivery of affordable housing in areas of identified need;
    5. Have access to or promote the use of sustainable modes of transport;
    6. Benefits from existing infrastructure provision or where necessary make provision for new infrastructure without any unacceptable effect on the natural or built environment;
    7. Where possible promote sustainable construction and make beneficial use of previously developed land and buildings;
    8. Provide a positive context for the management of the water environment by avoiding areas of flood risk in accordance with the sequential approach set out in national policy and safeguard water resources; and
    9. Have no unacceptable impact on the best and most versatile agricultural land.
  - **Policy MD2 – Design of New Development:** in order to create high quality, health, sustainable and locally distinct places development proposals should:
    1. Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest;
    2. Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, scale, mix and density;

3. Where appropriate, provide new or enhanced areas of public realm particularly in key locations such as town centres, major routes and junctions;
  4. Promote the creation of healthy and active environments and reduce the opportunity for crime and anti social behaviour. In the case of retail centres, developments should provide active street frontages to create attractive and safe urban environments;
  5. Provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users;
  6. Have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree;
  7. Where appropriate, conserve and enhance the quality of, and access to, existing open spaces and community facilities;
  8. Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance;
  9. Provide public open space, private amenity and car parking in accordance with the council's standards;
  10. Incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscape features and biodiversity interests;
  11. Provide adequate facilities and space for the collection, composting and recycling of waste materials and explore opportunities to incorporate re – used or recyclable materials or products into new buildings or structures; and
  12. Mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use and eventual demolition, and include features that provide effective adaptation to, and resilience against, the current and predicted further effects of climate change.
- **Policy MD7 – Environmental Protection:** development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from either:
    1. Pollution of land, surface water, ground water and the air;
    2. Land contamination;
    3. Hazardous substances;
    4. Noise, vibration, odour nuisance and light pollution;
    5. Flood risk and consequences;
    6. Coastal erosion or land stability;
    7. The loss of the best and most versatile agricultural land; or
    8. Any other identified risk to public health and safety.

Where impacts are identified the Council will require applicants to demonstrate that appropriate measures can be taken to minimise the impact identified to an acceptable level.



Planning conditions may be imposed or legal obligation entered into, to secure any necessary mitigation and monitoring processes.

In respect of flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN 15. No highly vulnerable development will be permitted within Development Advice Map Zone C2. Development will only be permitted in areas of risk of flooding where it can be demonstrated that the site can comply with the justification and assessment requirements set out in TAN15.

- **Policy MD8 – Historic Environment:** development proposals must protect the qualities of the built and historic environment of the Vale of Glamorgan, specifically:
  1. Within conservation areas, development proposals must preserve or enhance the character or appearance of the area;
  2. For listed and locally listed buildings, development proposals must preserve or enhance the building, its setting and any features of significance it possesses;
  3. Within designated landscapes, historic parks and gardens and battlefields, development proposals must respect the special historic character and quality of these areas, their settings or historic views or vistas; and
  4. For sites of archaeological interest, development proposals must preserve or enhance archaeological remains and where appropriate their settings.
- **Policy MD9 – Promoting Biodiversity:** new development proposals will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:
  1. The need for the development clearly outweighs the biodiversity value of the site; and
  2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.

6.69 The most relevant local planning policy is Policy MD19 (Low Carbon and Renewable Energy Generation). This is a permissive policy for solar projects which states that '*proposals for the generation of low carbon and renewable energy will be permitted where it can be demonstrated that there is no unacceptable impact on the interests of:*

- *Best and most versatile agricultural land;*
- *Aviation safeguarding;*
- *Electrical, radio or other communication systems;*
- *Landscape importance;*
- *Natural and cultural heritage;*
- *Nature conservation;*
- *Residential amenity; and*
- *Soil conservation'.*

6.70 Policy MD19 goes on to state that the cumulative impact of renewable energy schemes will be an important consideration and that projects should be informed by a Landscape and Visual Impact Assessment where necessary.

### **Supplementary Planning Guidance (SPG)**

6.71 The Vale of Glamorgan's Renewable Energy SPG (2019) contains additional design principles and mitigation for consideration (under section 7) on renewable developments. These include:

- Retaining existing habitat features;
- Avoid construction during breeding seasons of relevant species;
- Translocation of sensitive species if appropriate;
- Increasing separation of solar panels;
- Including wildlife highways;
- Avoid excessive security lighting;
- Locating plant and ancillary buildings away from sensitive receptors;
- Covering excavation works;
- Providing escape ramps for wildlife;
- Use of speed limits on site;
- Undertaking clearance work outside of breeding season (March – August);
- Protecting watercourses and maintaining hydrological regimes;
- Minimising the area of impermeable surfaces;
- Providing storage and attenuation ponds in line with sustainable drainage techniques;
- Use appropriate culverts and drains to maintain existing hydrological remains;
- Use of removable mats as access tracks;
- Use of ground screws to secure PV panels;
- Avoidance of soil compaction and contamination; and
- Allowance for low intensity grazing through scheme.

### **Climate Change Declaration**

6.72 'Project Zero' is the Vale of Glamorgan Council's response to the climate change emergency. Project Zero brings together a wide range of work and opportunities available to tackle the climate emergency, reduce the Council's carbon emissions to net zero by 2030 and encourage others to make positive changes.

6.73 In July 2019, VGC joined the Welsh Government and other authorities in declaring a Climate Emergency. Project Zero comprises a Climate Change Challenge Plan which covers the period

2021 to 2030 and sets out a number of actions which will help alleviate climate change and look after the environment, including:

- Talk with and listen to people to help us all understand what we can do to help;
- Look after our environment and the animals and plants that live and grow in it;
- Keep learning about what we can better and what skills we'll need in the future;
- Use technology to help staff work from home and make it easier for people to access services;
- Encourage others to think about the way they travel, e.g., walking, cycling, buses, trains, electric vehicles;
- Make sure our work and our plans help us fight climate change, e.g., planning and procurement;
- Help people to see how food affects our environment and reduce food waste;
- Waste less and help people reuse, repair and recycle;
- Use less energy and get our energy from renewable sources like the wind and the sun; and
- Work to make our homes and buildings including schools use less energy.

## 7.0 ASSESSMENT OF THE DEVELOPMENT

7.1 This section of the PDAS provides an assessment of the key matters to be considered in the planning balance for the proposed development. It considers the technical assessment work undertaken and presented in the application and appraises that against the relevant planning policy set out in the preceding chapter. The chapter demonstrates the acceptability of the proposed development in planning terms.

7.2 The assessment of the planning performance of the proposed development is focussed on the following key matters:

- Principle of development;
- Consideration of technical matters:
  - Landscape and visual amenity;
  - Biodiversity;
  - Historic environment;
  - Archaeology;
  - Disturbance;
  - Noise;
  - Glint and Glare;
  - Highways and traffic; and
  - Hydrology and flood risk.
- Compliance with Future Wales; and
- Compliance with the Well Being of Future Generations (Wales) Act 2015.

7.3 The planning assessment presented below tests the proposed development against the policy provisions of Future Wales: as the highest tier of the development plan in Wales; the most recent expression of national policy for renewable energy; and the principal policy for decision making on DNSs. The assessment also considers the provisions of other national planning and energy policy and PPW as material considerations to the decision making process.

### **Principle of Development**

7.4 The UK and Welsh Governments, and VGC have declared a climate emergency. In response, both UK and Welsh Governments have legislated an ambitious net zero emissions target by 2050.

- 7.5 As identified in section 6, the Welsh Government has published a consultation to amend their renewable energy targets including the commitment of 100% of Wales' electricity will come from renewable energy sources by 2035. In December 2020, the CCC published a progress report on emissions reduction in Wales that shows that emissions of greenhouse gases have fallen by 31% since 1990 according to 2018 reports. Although this progress is likely to meet 2020 targets, there is still much needed to be done in order to meet the net zero targets by 2050, and the interim targets set out by the Welsh Government.
- 7.6 The Welsh Government's own figures on greenhouse gas emissions demonstrate a more gradual decline in emissions from the 1990 baseline (55 mega tonnes CO<sub>2</sub> equivalent). There was a reduction from the baseline to 48 mega tonnes in 2016, with the 2020 target of 40% reduction from 1990 levels (34 mega tonnes), set under the Welsh Government Climate Change Strategy 2012, unlikely to be met.
- 7.7 In 2020, Solar PV accounted for 28% of renewable electricity generation in the UK. In 2019, there was circa 13.5GW of installed capacity of solar energy in the UK.
- 7.8 According to the Welsh Government figures, Wales is substantially behind its own 2050 net zero target. The evidence for CCRA3 shows that the effects of climate change are already being seen in Wales, including rising sea levels and an increase in extreme heat events, highlighting the need for greater urgency in decarbonisation efforts.
- 7.9 Welsh energy policy acknowledges that renewable energy development is a key contributor to the net zero target. Specifically, *Prosperity for All: A Low Carbon Wales and Net Zero Wales* seek to accelerate the deployment of renewable energy generation in order to cut emissions. At a UK Level, the National Infrastructure Strategy states that to achieve net zero by 2050, the power system will need to be carbon free and significantly larger to cope with additional demand. As set out in the Energy White Paper, generation of clean energy may need a four-fold increase to meet this additional demand and to replace the retiring of old capacity.
- 7.10 The proposed development will have an export capacity of circa 35MW of electricity, enough to power approximately 11,639 homes per year and offset over 7,161 tonnes of CO<sub>2</sub> every year, the equivalent of taking around 3,818 cars off the road.

### **Compliance with Planning Policy**

- 7.11 There is unequivocal planning policy support for the principle of renewable energy development, primarily through Future Wales and PPW at a national level, and the VGC adopted Local Development Plan (and the appropriate SPG) at a local level.

- 7.12 Future Wales, together with PPW, aims to ensure that the planning system focuses on delivering a decarbonised and resilient Wales, including through energy generation. Policy 17 of Future Wales provides strong support for the principle of developing renewable and low carbon energy from all technologies and at all scales, and requires that decision makers give significant weight to the need to meet Wales' international commitments, and the target to generate 70% of consumed electricity by renewable means by 2030. The proposal will make a significant contribution to meeting these targets.
- 7.13 Welsh Government figures<sup>6</sup> estimate that the renewable share of Wales' electricity generation increased from 25% in 2018 to 27% in 2019. In terms of consumed electricity, the figures estimated that 51% of electricity consumed in Wales is provided through renewable sources, highlighting that achieving the 70% target by 2030 is challenging. The significant weight to be placed on the need to meet Wales' renewable energy targets is evident in recent decisions taken by Welsh Ministers in respect of other DNS applications<sup>7</sup>.
- 7.14 Future Wales also considers the responsibility of renewable energy development. Paragraph 3.30 states that the planning system plays a key role in tackling the climate emergency through the decarbonisation of the energy system. Section 5.7 (Energy) of PPW states that low carbon electricity must become the main source of energy in Wales, and that significant investment in will be needed in energy generation, transmission and distribution infrastructure in order to ensure future demand can be met. It also states 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.
- 7.15 At a local level, the adopted LDP is generally supportive of proposals for renewable energy development, with Policy MD19 being a permissive policy for solar projects which sets out that such proposals will be permitted if it can be demonstrated that there are no unacceptable impacts. These include agricultural land which indicates that best and most versatile should be protected where possible. Assessments show that the agricultural quality on the site is Grade 3b and cannot be considered and best and most versatile. There are no anticipated significant effects on electrical, radio or other communication systems along with soil systems. The remaining impacts will be discussed in further detail below, however it will become clear that the development accords with Policy MD19 of the LDP and therefore should be permitted accordingly in line with this key policy of the adopted LDP (local level).

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<sup>6</sup> Welsh Government (2019) Electricity Generation in Wales

<sup>7</sup> Wauntysswg Solar (DNS/3213639), Llanwern Solar (DNS/3213968), Penderi Solar (DNS/321364) and Penpergwm Solar (DNS/3252305)

- 7.16 The Site is located within the Aberthaw and Rhoose Green Wedge (Policy MG18(7)) designation and occupies the majority of the norther section of the Site. Policy 18 sets out that; *within these areas, development which prejudices the open nature of the land will not be permitted.* The Council's Green Wedge Background Paper identifies this Green Wedge to prevent urban coalescence between and within settlements to ensure that development does not prejudice the open nature of land, to protect undeveloped land from speculative development and to maintain the setting of built-up areas and for boundary justification. However, PPW recognises that certain other forms of development may be appropriate in the Green Belt or Green Wedge provided they preserve its openness and does not conflict with the purposes of including land within it, including 'renewable and low carbon energy generation'.
- 7.17 With the above in mind, it considered that the development will result in a clear change to the character of the site, with the erection of energy infrastructure replacing the current pastoral fields. Additionally, ancillary equipment such as the DNO substation will further exert an industrialising influence over the landscape. Nevertheless, the surrounding area to the site consists of elements that plays key features in terms of the landscape setting, including Cardiff Airport and with this in mind it cannot be considered a wholly rural landscape. Despite this, the loss of openness is considered to be an adverse change. Nevertheless, by Year 15, the comprehensive mitigation strategy will result in the establishment of positive characteristic features throughout the Site, helping to screen and accordingly diminish the influence of the built elements in the surrounding area. Although these positive aspects are not considered to outweigh the loss of openness within the Site itself.
- 7.18 Renewable energy generation has an important role in achieving sustainable development. As part of decarbonising the Welsh economy, the proposal will provide economic, social and environmental enhancements. Economic benefits will include the creation of temporary jobs, supporting local supply chains during the construction phase and support the low carbon decentralised energy generation as a key growth sector in the local area. Social benefits will be realised through decentralised energy generation and not relying on energy imports. Environmental gains would be secured through carbon reduction and local biodiversity enhancements.
- 7.19 National and local planning policy is overwhelmingly supportive of renewable energy developments and therefore the in-principle acceptability of the proposed development is considered to be established.
- 7.20 The strong support from Policy 17 of Future Wales should be read alongside the criteria set out in Policy 18 for assessing large scale proposals for renewable and low carbon energy. These

criteria are considered in the topic sections below, and notwithstanding the limited weight afforded to the LDP, also demonstrate compliance with Policy MD19 of the LDP.

## **Landscape and Visual Amenity**

### **Landscape**

- 7.21 Criterion 1 of Policy 18 in Future Wales states that renewable and low carbon energy projects qualifying as DNSs will be permitted where the proposal does not have an unacceptable adverse impact on the surrounding landscape.
- 7.22 The Landscape and Visual Impact Assessment (LVIA) confirms that the development will result in a fundamental change to the character of the Site, replacing open pastoral fields with energy infrastructure, principally in the form of photovoltaic arrays. Additionally, ancillary equipment such as the DNO substation will further exert an industrialising influence over the landscape. That being said, this is a landscape setting that features elements of Cardiff Airport and with this in mind it cannot be considered a wholly rural landscape. Despite this (in part, industrialised setting), the loss of openness is considered to be an adverse change. Nevertheless, by Year 15, the comprehensive mitigation strategy will result in the establishment of positive characteristic features throughout the site, helping to screen and accordingly diminish the influence of the built elements in the surrounding area.

### **Visual Amenity**

- 7.23 A detailed assessment of effects on visual receptors identified has been undertaken, with the support of a set of photomontages, prepared by Realm, which depict the development in both Year 1 and Year 15. As is to be expected, generally the most apparent visual changes relate to those views in close proximity to the Site, whereby the newly introduced built elements will occupy a wide horizontal extent of the views obtained and will often be prominent features in contrast to the more ruralised context of pastoral fields. That being said, even in these close range views there is sometimes intervisibility with the existing infrastructural elements in the wider area that does serve to partially diminish the overriding perception of adverse change in the composition of the views.
- 7.24 The development is considered to comply with local and national planning policy in that it:
- Integrates green infrastructure;
  - Minimises adverse effects and demonstrates positive environmental impacts;



- Does not lead to significant detrimental impact on local amenity;
- Respects and protects the natural environment; and;
- Protects the character and integrity of sites and landscapes of historical merit and their setting.

### **Biodiversity**

- 7.25 An Ecological Assessment has been prepared and sets out the work that has been undertaken from an ecological perspective as well as completing an appropriate assessment. The key tasks that have been completed include, an extended phase 1 habitat survey, a Preliminary Ecological Appraisal to inform the design layout, a wintering bird survey (two years) and an environmental DNA survey for great crested newts.
- 7.26 Criteria 3 and 4 of Policy in Future Wales state that renewable and low carbon energy projects qualifying as DNSs will be permitted where the proposal does not have an unacceptable adverse impact on internationally designated sites and the features for which they have been designated, or on national statutory designated sites for nature conservation, protected habitats and species.
- 7.27 East Aberthaw Coast Site of Special Scientific Interest is located approximately 1,260m southwest of the Site, and is the only statutory designated site located within 2km of the Site. The results of the Extended Phase 1 Survey describes the Site to incorporate seven fields of semi improved grassland, intact hedgerow (field boundary hedgerows are species poor, gappy and heavily flailed in comparison to boundary hedgerows being varied in species assemblage and more intact), arable fields and a small shallow pond towards the southern boundary of the site. This onsite pond was not considered to be a Priority Habitat under Section 7 of the Environment (Wales) Act 2016, as it does not meet any of the criteria for Priority Habitat ponds listed in the document published by JNCC (2011).
- 7.28 A Habitat Suitability Index (HSI) Assessment has been completed for the onsite pond and pond identified near Fonmon Village. The onsite pond was found to have a HSI score of 0.52 and therefore has below average suitability for GCN and the offsite was found to have a score of 0.45 and similar, has below average suitability for GCN. The eDNA survey presented negative results for both ponds and therefore, there was no evidence of GCN recorded during the survey work.
- 7.29 Two field surveys for Breeding Birds were conducted, one in 2021, recording a total of 37 species, with 22 of which were considered to be breeding on, or within proximity to the Site

and the secondary survey in 2022, recording a total of 39 species, with 18 of which were considered to be breeding on Site, or within 60m of the boundary. None of the species recorded are listed on Schedule 1 of the Wildlife and Countryside Act (1981) (as amended). However, eight species were recorded at least once over the two years and are considered of principal importance for the conservation of biodiversity in Wales listed under Section 7 of the Environment Wales Act (2016). Of these, six were considered to be holding territory on or within close proximity of the Site during at least one of the years of survey.

7.30 The Ecological Assessment sets out the potential biodiversity impacts as a result of the proposed development, these are summarised below.

- **Statutory Designated Sites** - neither direct or indirect impacts to the East Aberthaw Coast SSSI are anticipated due to the intervening distance between the designation and the proposed site.
- **Non Statutory Designated Sites** – neither direct or indirect impacts on non statutory designated sites are anticipated due to the nature of the proposed works and the distance between the identified sites and the proposed site.
- **Priority Habitats** – the proposed development intends to retain all hedgerow on site, however, required infrastructure work to allow access results in cutting through some hedgerow at appropriate locations. Therefore, this would result in small losses of habitat and breach of connectivity.
- **Protected Species** – in general, the assessment indicates that by avoiding hedgerow impact, the requirement for further targeted species (in addition to those already completed) is unnecessary.
- **Bats** – the construction area is predominantly within areas of semi improved grassland which provides limited opportunities for foraging bats. Lighting around the construction area has the potential to cause disturbance to foraging and roosting bats through light spill into the hedgerows and woodland adjacent to the Site.
- **Hazel Dormouse** – due to the small amount of potential dormouse habitat being removed, and the low potential for the species to be present, it is considered that significant impacts are not likely. Additionally, work can be carried out under a precautionary method of working.
- **Badger** – evidence of badger activity was recorded during the walkover survey, with suitable habitat for established setts present on the site. To minimise any potential impacts on this species, a pre works walkover should be undertaken to determine presence. This should be carried out no later 2 months prior to works commencing.
- **Birds** – the site supports a number of common / expected bird species and the construction period could present disturbance and displacement impacts. However, these impacts can

be minimised through mitigation measures including any removal or vegetation or construction within arable fields should be carried outside the nesting bird season (March to August inclusive) and additionally a method statement should be produced detailing measures to avoid impacts on nesting birds.

- **Reptiles** - impacts to buffers may injure or kill reptiles that may be present within the field margin habitats and removal of vegetation should be carried out under a Precautionary Working Method Statement.
- **Invertebrates** – proposals indicate that a small proportion of elm (foodplant) is to be removed to widen the site entrances potentially impacting invertebrates. However, reinforcement and planting is proposed (hawthorn dominated hedgerows) which would compensate for any minor loss of suitable invertebrate habitat / food resource. Overall, no significant impacts on invertebrates are anticipated due to the biodiversity and landscape proposed mitigation measures.
- **Other protected / notable species** – in the absence of mitigation, open excavations during construction could present a hazard to hedgehog. Furthermore, some boundary treatments, such as inappropriate fencing could result in the site becoming unavailable to species such as hedgehog, resulting in fragmentation of habitat.
- **Otter and water vole** – the ditch immediately adjacent to the southern site boundary is considered to be of low suitability for otter and water vole. No direct impacts on the ditch are anticipated as it is located outside the site boundary. Indirect impacts which may affect the suitability of the ditch for these species during construction could include noise, pollution or light spill however are anticipated to be negligible given the minimal length of the construction period.

7.31 Section 6 of the Environment (Wales) Act 2016 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. As part of the Development, it has been considered to employ the following enhancement measures which benefit habitats and protected species:

- Infilling of existing gaps within the (hawthorn dominated) interior hedgerows, by planting a variety of native hedgerow species of local provenance (including elm species) and adoption of appropriate long term management prescriptions, to increase connectivity across the site for bats and hazel dormice, and to increase nesting bird and invertebrate habitat.
  - No more than 25% of the whips planting should comprise berry bearing species, such as hawthorn, blackthorn and elder.
  - Planted whips should be subject to appropriate management to ensure long term success. This will be outlined within a Habitat Creation and Management Plan.

- Increasing the species diversity of the retained grassland within 5 – 15m buffers (between solar panels and field boundary hedgerows) and protecting these areas from construction phase activity and overgrazing during the operational phase by installing fencing. Appropriate measures and management prescriptions would be outlined within a Habitat Creation and Management Plan.
- Five bird nest boxes suitable for passerines and two of a design suitable for use by starling should be installed within suitable retained hedgerows within the scheme, with the aim of increasing the site's nesting resource.
- The provision of a barn owl nest box on a suitable retained mature tree.

7.32 Taking the above into account, and with the implementation of suitable mitigation measures (indicated in Paragraph 5.31), there will be no unacceptable adverse impact on internationally, or nationally designated sites, habitats or species.

7.33 As such, it is considered that the proposed development, in relation to biodiversity meets the objectives of Policy 18 of Future Wales, PPW11 and local Policies MG19 (Sites and Species of European Importance) and MG20 (Nationally Protected Sites and Species).

### **Historic Environment**

### **Cultural Heritage**

7.34 Chapter 6 of Policy 18 in Future Wales states that renewable and low carbon energy projects qualifying as DNSs will be permitted provided that the proposal does not have unacceptable adverse impacts on statutorily protected built heritage assets. Additionally, Paragraph 6.1.9 of Section 6 of PPW states that any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place. The Heritage Statement (HS) fulfils this requirement within PPW.

7.35 The Desk Based Assessment identified 12 Listed Buildings, 1 Registered Park and Garden and East Aberthaw Conservation Area 95 within the 1.5km Study Area, none of which are located within the Site boundary.

7.36 A four-stage assessment has been undertaken on the identified heritage assets which is in accordance with Cadw's Conservation Principles for the Sustainable Management of the Historic Environment in Wales document (2011), being evidential value, historic value, aesthetic value and communal value. The assessment concluded that the setting of the historic assets is largely

defined by their immediate surroundings which are influenced by the rural residential character and surrounding agricultural fields. The site forms part of the wider agricultural setting of the majority of these assets. Therefore, the development of the site would inevitably result in some impact on the setting of these assets due to the loss of part of the wider landscape surroundings.

- 7.37 The proposals will transform the physical and visual character of the landscape setting of listed buildings and conservation areas, however the potential impact has been minimised through careful consideration of detailed design measures and landscaping proposals. For instance, there are direct views towards the north boundary from East Hall (Grade II Listed Building located to the north-east of the Site) and as such, a set-back of panels has been created immediately adjacent to this asset. This area will instead be open landscaping minimising the potential impact of the panels on the asset, preserving its immediate agricultural setting. Due to the topography, the positioning of the panels will also limit their visibility in long distance views from the asset. Furthermore, the existing field boundaries within the Site are strong and their retention assists in softening and breaking up the appearance of the panels. Despite this, the proposals will continue to see the development of the agricultural surroundings as solar panels transforming the appearance of the wider setting of the asset. Similarly, a set-back of panels has been created to the south lessening the impact on the Kenilworth Cottage located to the south of Port Road. This area will be panel free and instead be scrub and woodland edge planting, preserving the cottage's immediate agricultural setting.
- 7.38 As such, it is considered that the proposed development will not have unacceptable adverse impacts (anticipated low effects) on statutory protected built heritage assets, and meets the objectives of Policy 18 of Future Wales, PPW, and Strategic Policy SP10 and Local Policy MD8.

### **Archaeology**

- 7.39 An Archaeological Impact Assessment has been prepared and accompanies the DNS application, in accordance with the requirements of PPW and local policy. The assessment has been primarily based on Chapter 6 of PPW and follows further guidance in TAN 24. Additionally, the assessment fulfils the general requirements of a desktop assessment as set out by the *Chartered Institute for Archaeologist's Standard and Guidance for Historic Environment Desk Based Assessments (2014 rev 2020)*.
- 7.40 Cadw's guidance document sets out that '*balanced and justifiable decisions about change to the historic environment depend upon understanding who values different historic assets and why they do so, leading to a clear statement of their significance and, with it, the ability to*

*understand the impact of the proposed change on that significance. Every reasonable effort should be made to eliminate or minimise adverse impacts on historic assets. Ultimately, however, it may be necessary to balance the benefit of the proposed change against the harm to the asset'.*

- 7.41 Furthermore, Paragraph 6.1.23 and Paragraph 6.1.24 of PPW are relevant and set out that the planning system recognises the need to conserve archaeological remains and forms a material consideration and additionally, planning authorities will need to weigh the relative importance of the remains and their settings against the need of the proposed development respectively. Strategic Policy SP10 and Policy MD19 are pertinent.
- 7.42 A preliminary Geotechnical Assessment has been undertaken (Southwest Geotechnical 2020) which involved the investigation of probes on a loose grid across the site. There is no further available borehole evidence within or immediately adjacent to the Site. To assist with the Impact Assessment, a Geophysical Survey was undertaken by TigerGeo.
- 7.43 The proposals have no identified potential to impact on any significant standing remains in the form of earthwork features with the exception of a section of walling in Field 2 and three mounds identified in Field 6 (Figure 4). The location of both features are on the edge of the Site and are not anticipated to be physically impacted and therefore, the Development will result in negligible harm to features (above ground) of negligible significance.
- 7.44 With regard to buried remains, due to the potential and likely physical impact resulting from the development, it is anticipated that further archaeological evaluation is required. Notwithstanding this recommendation, the buried archaeological assets are themselves considered to have the potential for settings but have no appreciable relationship to the current land use and any impact is consequently considered to result in a neutral settings effect.

### **Disturbance**

- 7.45 Criterion 7 of Policy 18 of Future Wales states that renewable and low carbon energy projects qualifying as DNSs will be permitted if the proposal does not have unacceptable impacts by way of shadow flicker, reflected light, air quality or electromagnetic disturbance.
- 7.46 Due to the nature of the proposed development, there will be no impacts in relation to shadow flicker, air quality or electromagnetic disturbance.

## **Noise and Vibration**

- 7.47 The potential impacts of the existing and proposed sources of noise on the existing and proposed residential areas have been assessed with reference to PPW, TAN 11 (Noise), guidance on sound installation and noise reduction for buildings (BS8233) and methods for rating and assessing industrial and commercial sound (BS4142).
- 7.48 As part of the assessment, three existing noise sensitive receptors were identified being a property on Port Road (ESR1), a property on Fonmon Road (ESR2) and a property on Rockshead Lane (ESR3). Noise surveys were simultaneously carried out in September 2021 at these locations to understand the local noise climate. These background levels were then compared with likely sound levels generated during the construction, operational and decommissioning phases of the proposal.
- 7.49 During the construction and decommissioning phases, a variety of noise sources from various activities are anticipated at different times such as deliveries, trenching or constructing the arrays. The highest noise levels relative to the nearest receptors are likely to occur during site preparation and infrastructure activities. However, the assessment indicates that the existing residual sound level is relatively low as is the rating level. Therefore, it is unlikely that the noise from the proposed development would alter the residual noise levels. Taking the results of the assessment into account, the noise levels as a result from the proposed development will be low at the receptors and as such any impact will be low and therefore, no noise mitigation has been proposed.
- 7.50 It is considered that solar farms are inherently quiet when operational, with only the air cooling systems associated with the inverters and substations and the general operation of the transformers generating sound power levels. Due to the nature of the construction techniques that would be utilised, the potential for vibration effects is considered unlikely.
- 7.51 Taking the above into account, the proposed development is considered to satisfy the requirements for noise protection afforded by Policy 18 of Future Wales and Policy MD2 (Design of New Development) and Policy MD7 (Environmental Protection) of the adopted LDP.

## **Glint and Glare**

7.52 Pager Power has undertaken a Glint and Glare Study to assess the possible effects of glint and glare from the development and pertains particularly to effects upon road safety, residential amenity and aviation activity associated with Cardiff Airport and St Athan.

7.53 The Pager Power and Forge model was used to determine whether reflections are possible and the subsequent calculations are made in line with the Sandia National Laboratories methodology (for aviation receptors). In terms of the predicted effects on the identified receptors, a summary is provided below.

- Cardiff Airport – Air Traffic Control (ATC) Tower: whilst solar reflections towards the tower at the airport are geometrically possible, the proposed screening (as discussed at length with the ATC Tower and Cardiff Airport as a whole) is predicted to significantly obstruct views of the reflect panels. Therefore, no impacts upon ATC personnel are predicted.
- Cardiff Airport – Runway Approaches: whilst solar reflections are geometrically possible towards both runway approaches for Cardiff Airport, all solar reflections are predicted to be acceptable in accordance with the associated guidance and industry best practice. A low impact upon approaching aircraft is predicted.
- St Athan – ATC Tower: whilst solar reflections towards the tower at the airport are geometrically possible, the proposed screening (as discussed at length with the ATC Tower and Cardiff Airport as a whole) is predicted to significantly obstruct views of the reflect panels. Therefore, no impacts upon ATC personnel are predicted.
- St Athan – Runway Approaches: whilst solar reflections are geometrically possible towards both runway approaches for Cardiff Airport, all solar reflections are predicted to be acceptable in accordance with the associated guidance and industry best practice. A low impact upon approaching aircraft is predicted.
- Road Receptors: most roads surrounding the proposed development are classified as local roads, whereby the worse case impact is considered to be low. Visibility of the proposed development from the B4265 (the only non local road in the assessment area) was immediately ruled out due to screening in the form of roadside vegetation and intervening terrain for the entire road. A low impact upon surrounding road users is predicted.
- Dwelling Receptors: solar reflections are geometrically possible towards all 25 assessed dwelling receptors. Views of the reflecting panels from all floors are only predicted to be possible at two dwellings where solar reflections are predicted to be experienced for more than three months per year but less than 60 minutes on any given day. Screening has been



recommended to remove views of the reflecting solar panels from the ground floor at the minimum.

- 7.54 Taking the above into account, the Glint and Glare Study confirms that there will be no unacceptable impact on the ATC Tower or approach paths and therefore, the proposed development meets the requirements of Policy 18 of Future Wales in that '*there are no unacceptable adverse impacts by way of...reflected light...*' and '*there are no unacceptable impacts on the operations of defence facilities and operations (including aviation and radar) ...*'.

### **Highways and Traffic**

- 7.55 Criterion 9 of Policy 18 in Future Wales states that renewable and low carbon energy projects qualifying as DNSs will be permitted provided that the proposal does not have unacceptable impacts on the transport network through the transportation of components or source fuels during its construction and / or ongoing operation.
- 7.56 The Transport Statement (TS) sets out the proposed access arrangements, the anticipated construction programme and associated numbers and routing of deliveries. The TS considers the suitability of the highway network and impact from construction traffic and the site access arrangements. Additionally, a review of road safety has been undertaken and forms part of the TS.
- 7.57 The construction of the solar farm is expected to last around 4 to 5 months. During this period, there will be journeys associated with the arrival and departure of site staff and the delivery of parts and construction materials.
- 7.58 The main vehicular access to the site will be taken from Fonmon Road in which all construction traffic will utilise. An existing access will be widened to create an adequate site access arrangement which is sufficiently wide enough to accommodate full size articulated HGVs. Vehicles will be able to utilise a dedicated construction compound turning area to enter and exit the site in forward gear, which will be located adjacent to the main access. Following the unloading of materials in the construction compound, smaller vehicles will then follow the access route to transport the panels and other infrastructure around the site. The internal access roads have been designed to be 5.5m wide allowing two way passing.
- 7.59 To comply with Strategic Policy SP7 (Transportation) and Policy MD2 (Design of New Development), Rockshead Lane will not be utilised as access into the site during construction as it is unsuitable of heavy goods vehicles (HGVs). This is due to the restricted widths, many

bends and the rural nature of the carriageway (in both directions). However, Rockshead Lane will contain two new secondary access points which will act as crossover points between agricultural plots. In order to determine the suitability of these access points, a 7 day ATC speed survey was undertaken to determine the speeds of vehicles routing along Rockshead Lane and resultantly in form the visibility splays required. The traffic survey identified 85<sup>th</sup> percentile speeds of 24.5mph (southeast bound) and 26.8mph (northwest bound).

7.60 Furthermore, to minimise the impact of the HGVs on the local highway network and therefore mitigate any safety concerns from a highways perspective, all construction traffic will route to the Site from Fonmon Road and onto major high capacity highways via the B4265. This is to avoid narrow routes and highly residential areas. Therefore, according with Local Policy MD2.

7.61 In terms of construction traffic, the peak week is expected to be 63 trips to the site (week 8), which for a 5 day working week equates to 13 trips per day. After the peak (week 8), the trips drop down to 43 trips a week until week 14 which is 9 trips a day. With regard to the operational stage, there will be a minimal level of traffic attributed to the solar farm (ad hoc maintenance vehicles only) and therefore no additional assessment is required.

7.62 In terms of mitigation measures from a transport perspective, the entrances and exits could include the following measures, in order to minimise potential impact on the surrounding highway network:

- Hard standing entrances;
- Wheel washing facilities;
- Brushes and water supply to clean vehicles before they enter the leave site and enter onto the highway;
- Mud on road warning signs in case of an incident;
- Site safety reminder signs on each exit to remind drivers clean their vehicles and ensure that mud is not deposited on the highway;
- Appoint a Local Sweeper Company that can attend site in sufficient time in order to deal with incidents;
- The site contractor identify a site operative that will take responsibility for mud on toad issues that the public and the Authority can contact immediately if or when there are issues; and
- The site contractor will clean all loose stones from the highway each time a vehicle exits.

7.63 It is assumed that the CTMP will form part of the planning conditions to assist with the management of the construction vehicles including restricting the delivery route, arrival and departure times and on – site vehicle management. The CTMP will include the following:

- As part of the plan, there will be a letter drop to residents and farmers. This will notify the local people about how the HGV construction traffic will be managed within the local highway network and how the expected impact will be minimised;
- A condition survey will also take place to identify any damage to the local highway network infrastructure caused as part of the construction phases of the development;
- All construction traffic will have to follow a specific route to access the site. This prevents any large HGVs from routing down narrow and highly residential roads which may create safety concerns from a highways perspective. All vehicles will access the site from the B2465 and onto Rockshead Lane;
- Deliveries will be restricted to take place between 0800 hours and 1800 hours so that no HGVs will be travelling to the site out of normal working hours;
- Deliveries will arrive and depart in 30 minute time slots to stagger and control the number of HGVs at the site at one time; and
- Dedicated staff parking and compound areas.

7.64 In conclusion, the proposed development can be accommodated on the adjacent highway network without any significant negative impact. As such, it is considered that the proposed development meets the objectives of Policy 18 of Future Wales, PPW and Strategic Policy SP7 and Local Policy MD2.

### **Hydrology and Flood Risk**

7.65 TAN 15 (updated in December 2021) and its accompanying Development Advice Map indicates that the Site is located entirely in Flood Zone A (from all sources of flooding, i.e., surface, fluvial, reservoirs or tidal) which is classified as a 'low risk' of flooding. In other words, TAN 15 and PPW sets out that Flood Zone A classifies land as having no constraints relating to flooding from rivers of the sea. Additionally, due to the nature of the development, TAN 15 classifies the development as a 'Less Vulnerable Development'.

7.66 Notwithstanding the above, a Flood Risk Assessment (FRA) and Drainage Strategy (DS) has been prepared, to demonstrate that the proposed development has an acceptable risk of flooding over the development's lifetime, whilst taking climate change into account. The FRA assesses the risk of flooding from all sources in accordance with TAN 15.

- 7.67 The surface water drainage strategy proposes to utilise sustainable drainage systems (SuDS), which will ensure a sufficient level of water quality treatment is provided to make sure that the proposed development does not have any adverse impact on the receiving network. To replicate pre-developed conditions, it is proposed that run off from the solar panels will infiltrate directly into the ground and the access tracks will be permeable to allow surface water to discharge directly to the ground at the natural infiltration rate. It is proposed runoff from the proposed voltage power stations, one customer switchgear substation and DNO substation will discharge into infiltration trenches located alongside the aforementioned buildings.
- 7.68 Taking the above into account, the assessment concludes that the site can accommodate the development in compliance with PPW, TAN 15, the Welsh Government Sustainable Drainage Systems Standards for Wales and LDP Policy MD7 (Environmental Protection).

### **Compliance with Planning Policy**

- 7.69 This policy appraisal has considered the key planning issues associated with the proposed development. The principle of development is unequivocally supported by national and local planning policy.
- 7.70 Policy 17 of Future Wales provides strong support for the principle of developing renewable and low carbon energy and requires decision makers to give significant weight to the need to meet Wales' international commitments, and the target to generate significant weight to the need to meet Wales' international commitments, and the target to generate 70% of consumed electricity by renewable means by 2030.
- 7.71 Proposals for renewable and low carbon energy projects qualifying as DNS will be permitted subject to Policy 17 of Future Wales and the criteria set out in Policy 18 of Future Wales, which are summarised below.

<b>Criterion</b>	<b>Summary</b>
1	The development will result in adverse effects ranging from moderate adverse to negligible beneficial on landscape and visual receptors at Year 1. These effects are localised, with the landscape and visual impact of the development reducing rapidly with distance from the Site. The design of the development has been guided by an iterative landscape and visual mitigation by desk rationale developed in tandem with the appointed ecologist and at Year 15, the majority of the effects are anticipated to be neutral or beneficial in nature.
2	Overall, the visual impact on nearby sensitive receptors, including residential properties from the development is not considered to be unacceptable.
3	The proposed development will not have an unacceptable adverse impact on the integrity of internally designated sites.
4	The proposed development will not have an unacceptable adverse impact on the integrity of nationally designated sites.

5	The proposed development has the potential to employ enhancement measures to benefit habitats and protected species, as set out in paragraph 7.31 of this document.
6	A Heritage Statement has been completed and assesses the proposed development's impact on the historic environment, and with the proposed mitigation measures in place, there will be no unacceptable adverse impacts on protected built heritage assets.
7	Due to the nature of the proposed development, there will be no unacceptable impacts in relation to shadow flicker, air quality or electromagnetic disturbance.  The NIA demonstrates that the noise levels as a result from the proposed development will be low at the receptors and as such any impact will be low and therefore, considered not be significant.
8	A moderate impact upon residential amenity is predicted upon two dwellings, for which mitigation has been recommended in the form of screening to make the effects potentially acceptable. No significant impacts upon aviation activity associated with Cardiff Airport and St Athan or road safety are predicted, and therefore, no further mitigation with respect to these receptors is recommended.  Defence facilities and operations are not applicable due to distance between the Site and the closest facility. Therefore, there are no unacceptable impacts with respect to these facilities and their associated operations.
9	The Transport Statement concludes that the local highways network operates safely and there are no highway safety concerns which are likely to be exacerbated by the proposed development and associated traffic that will be generated as a result. Rockshead Lane will not be utilised as access into the site during construction as it is unsuitable of HGVs. This is due to the restricted widths, many bends and the rural nature of the carriageway (in both directions). Solar farms do not generally generate large amounts of traffic even during the installation phase. The submitted Transport Statement sets out measures that could readily implemented through the implementation of a Construction Traffic Management Plan (to be secured via a condition). Therefore, there will be no unacceptable impacts on the transport network as a result of the proposed development.
10	The general principles of waste minimisation are to design proposals sustainably, to reduce the amount of waste generated, conserve natural resources and re use waste materials and recycle materials where possible. The proposed development has been through an iterative design process and as a result, incorporates suitable measures to minimise the generation of waste. It is also considered that once the photovoltaic panels have been removed from the site, these can be recycled for other development and uses. The proposed machinery and equipment that comprises the development has been strategically chosen due its sustainability, and ability to be recycled following the decommissioning of the development. Suitable mitigation measures during the construction and operational phases will be implemented to ensure that wastage of materials will be minimised. A final Construction Environmental Management Plan will be secured via a condition which will set out actions to meet the waste hierarchy, including details of the types and quantities of waste that will be produced by the Contractor as part of the construction phase.
11	The proposed development shall cease operating 40 years after the date on which electricity is first exported to the National Grid.

7.72 In addition to the criteria in Policy 18, the proposed development is also considered to accord with other policy considerations including PPW and the adopted LDP.

7.73 In light of the preceding planning assessment, it is considered that the proposed development complies with all criteria set out in Policy 18 of Future Wales, which provides the decision making framework for renewable and low carbon technologies. The proposed development is

therefore clearly acceptable in relation to the policy tests set by Future Wales and should be approved accordingly.

### **Compliance with the Well-being of Future Generations (Wales) Act 2015**

7.74 The proposed development would improve the economic, social, environmental and cultural well – being of Wales, in accordance with the sustainable development principle, under Section 3 of the Well – Being of Future Generations (Wales) Act 2015, and is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers’ well being objectives set out as required by Section 8 of the Well – Being of Future Generations (Wales) Act 2015.

7.75 In addition to the benefits of energy generation and carbon savings associated with the proposed development, the proposed development will generate a range of wider benefits which include:

- Carbon savings of over 7,161 tonnes in CO2 emissions each year;
- Energy generation output capacity of circa 35MW, which would generate the equivalent to the domestic electricity requirements of 11,630 homes based on annual average household consumption;
- Opportunity for local communities to invest in the project;
- Community Benefit Fund of £2,800 per MW installed as a one off payment upon commissioning of the solar farm;
- Local economic impact of between 120 and 150 jobs created or safeguarded during the installation phase and a further 2 maintenance jobs during the operational phase.
- Contribution to local services and infrastructure;
- Provision of education packs as an education resource on climate change and renewables that could be offered to schools;
- Enhancement to biodiversity, including to habitats and species.

7.76 Section 5 of PPW explains ways in which places can contribute to each of the seven goals of Well – being of Future Generations Act (page 74 of PPW, Edition 11), including:

- Achieved through...increased economic activity across all sectors and at all scales. This is realised through [...] investment in renewable and low carbon energy sources...’ (A Prosperous Wales);
- Supported by [...] renewable energy generation. (A Resilient Wales);

- Achieved through the reduction in emissions and air pollution as a result of generating energy from non carbon sources. Greater distribution of our economic wealth can also help alleviate poverty which is a key determinant of health. (A Healthier Wales);
- Achieved through promoting sufficient employment and enterprise opportunities for people to realise their potential and by recognising and building on the existing economic strengths of places to assist in delivering prosperity for all. (A More Equal Wales);
- Supported by the provision of jobs and economic activity...(A Wales of Vibrant Culture and Thriving Welsh Language); and
- Promoted by reducing our carbon footprint through [...] the promotion of renewable energy over carbon emitting sources and resource choices through which multiple benefits can be realised. (A Globally Responsive Wales).

7.77 As such, through the benefits of the proposed development (including renewable energy generation, decarbonisation, economic impact, and job creation / safeguarding for the local workforce), the proposed development is considered to be in accordance with all seven of the well – being goals set out in the Well – being of Future Generations Act.

## 8.0 CONCLUSION

- 8.1 This PDAS supports a planning application submitted on behalf of Low Carbon UK Solar Investment Ltd for the following development:

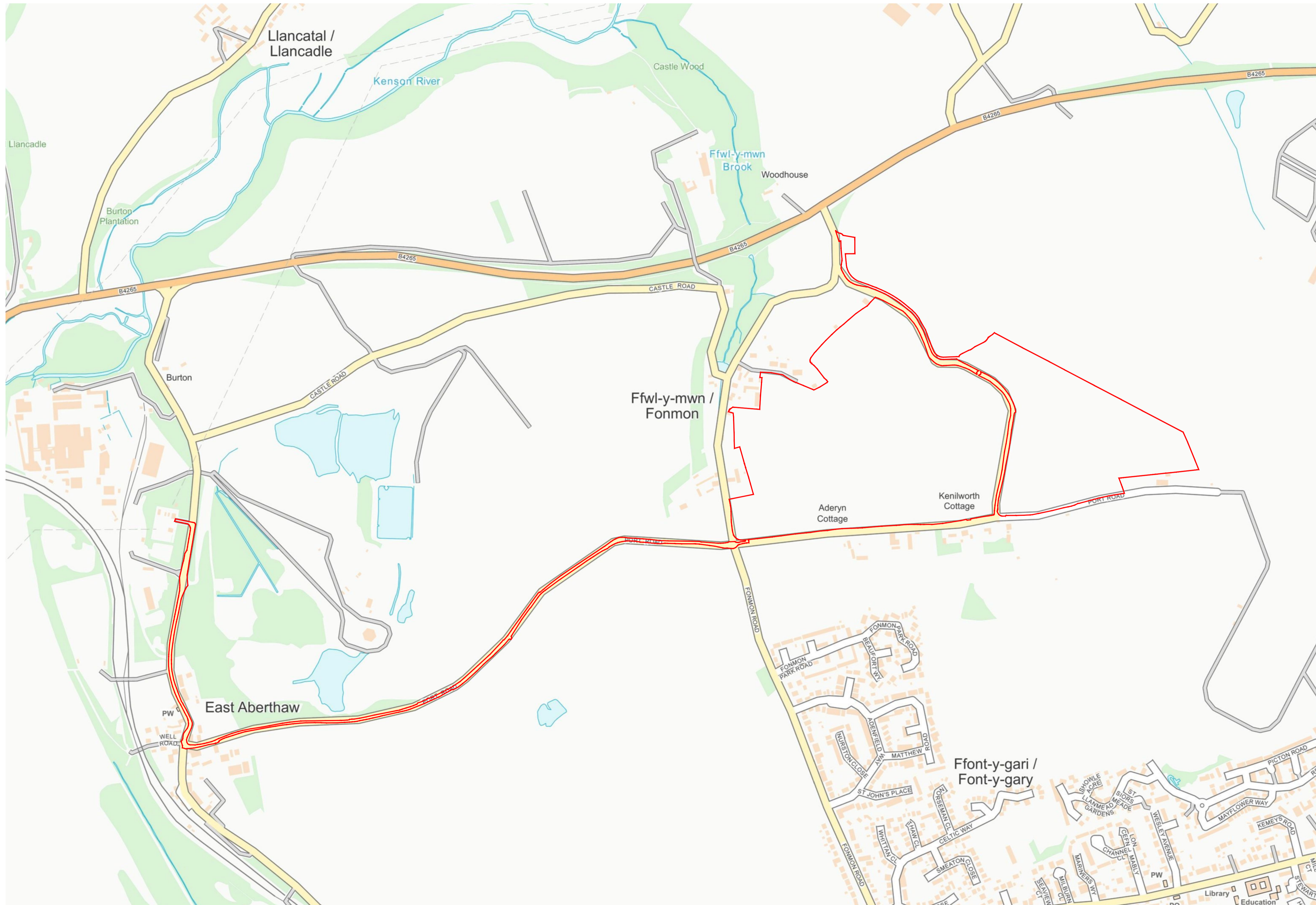
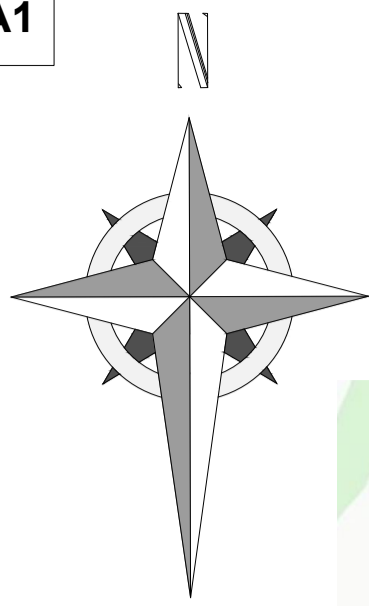
*'Ground mounted photovoltaic solar farm with an electrical generating capacity of up to 35MW together with associated equipment, infrastructure and ancillary works'*

- 8.2 As the proposed development comprises an electricity generating station with an installed generating capacity of between 10 and 350MW, it falls within the definition of a 'Development of National Significance' (DNS) under regulation 4 of the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016, for the purposes of s62(D) of the Planning Wales Act.
- 8.3 The policy appraisal has considered the key planning issues associated with the proposed development.
- 8.4 Future Wales is clear that decision makers must give significant weight to Wales' need to meet its international commitments, and its target of generating 70% of consumed electricity by renewable means by 2030 (currently being consulted on revised energy target (100% by 2035)). Future Wales is the latest expression of national planning policy and therefore has precedence over the adopted LDP (VGC). Due to the contribution that the proposed development will make to meeting Wales' renewable energy targets and net zero objectives, it is considered to be fully compliant with Policy 17 of Future Wales. Planning permission should therefore be granted accordingly.



**Appendix A**

**Site Location Plan**



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Scaled dimensions must not be taken from this drawing. All dimensions are to be confirmed on site prior to commencement of work.

Revisions:

Revision	Date	Revision Notes	Drawn	Inspected
01	08.11.21	First Issue	PL	IL
02	14.11.22	Red Line Revised	JF	IL
03	02.12.22	Red Line Boundary Amended	GM	LM
04	08.12.22	Red Line Revised	JF	LM
05	03.01.23	Red Line Revised	JF	LM

LEGEND:  
 PROPOSED SITE

Status: **PLANNING**

Project: **Fonmon, Old Port Road, Nurston, Rhose CF62 3BH**



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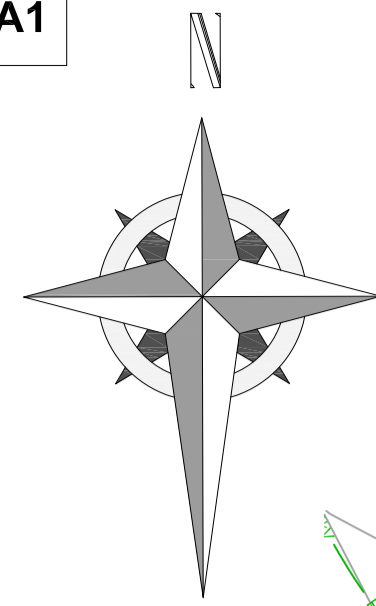
Drawing Title: **Fonmon Site Location Plan**

Drawn: PL	Checked: LM	First Issued: 08.11.2021
Project Code: Drawing Number: <b>LCS025- SP-01</b>		
Sheet Size: <b>A1</b>	Scale: <b>1:5000</b>	Revision: <b>05</b>



**Appendix B**

**Site Layout Plan**



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Scaled dimensions must not be taken from this drawing. All dimensions are to be confirmed on site prior to commencement of work.

Revisions:

Revision	Date	Revision Notes	Drawn	Inspected
01	27.04.20	First Issue	PL	IL
02	27.11.20	Revised	PL	IL
03	19.12.20	Revised	PL	IL
04	08.01.21	Revised	JF	LM
05	19.01.21	Layout Amended	JF	LM
06	08.11.21	Layout Amended	JF	LM
07	11.11.21	Layout Amended	JF	LM
08	14.11.22	All Panels & Fields Amended	JF	LM
09	02.12.22	Red Line Boundary Amended	GM	LM
10	08.12.22	Red Line Revised	JF	LM
11	03.01.23	Red Line Revised	JF	LM

**LEGEND:**

- PROPOSED SITE
- DNO ACCESS
- SITE ACCESS
- CONSTRUCTION AND MAINTENANCE ACCESS
- TEMPORARY ROAD
- BRIDLEWAY
- FOOTPATH
- PERIMETER FENCELINE
- EXCLUSION ZONE
- TEMPORARY CONSTRUCTION ZONE

**SOLAR SITE INFRASTRUCTURE:**

- SECURITY GATE
- MEDIUM VOLTAGE POWER STATION
- CUSTOMER SWITCHGEAR
- DNO SUBSTATION
- SOLAR PANELS
- CCTV

**VEGETATION:**

- EXISTING VEGETATION

Total Red Line Boundary = 96.24 acres / 38.95ha				
Inter-row Spacing = 3.2m				
Overall panel counts and acreage				
Field Number	Acres	Useful Acres	Panel count	Megawatts
1	3.96	3.3100	3292	1.45
2	11.44	9.6900	9796	4.31
3	7.47	6.2400	6080	2.67
4	4.26	3.6900	3760	1.65
5	8.67	6.7300	6716	2.95
6	4.3	3.7700	3688	1.62
7	14.77	12.1100	11552	5.08
8	6.63	5.97	6952	3.06
9	7.69	7.18	7904	3.43
10	12.83	11.12	11096	4.88
<b>Total:</b>	<b>82.02</b>	<b>69.81</b>	<b>70736</b>	<b>31.10</b>

Status: **PLANNING**

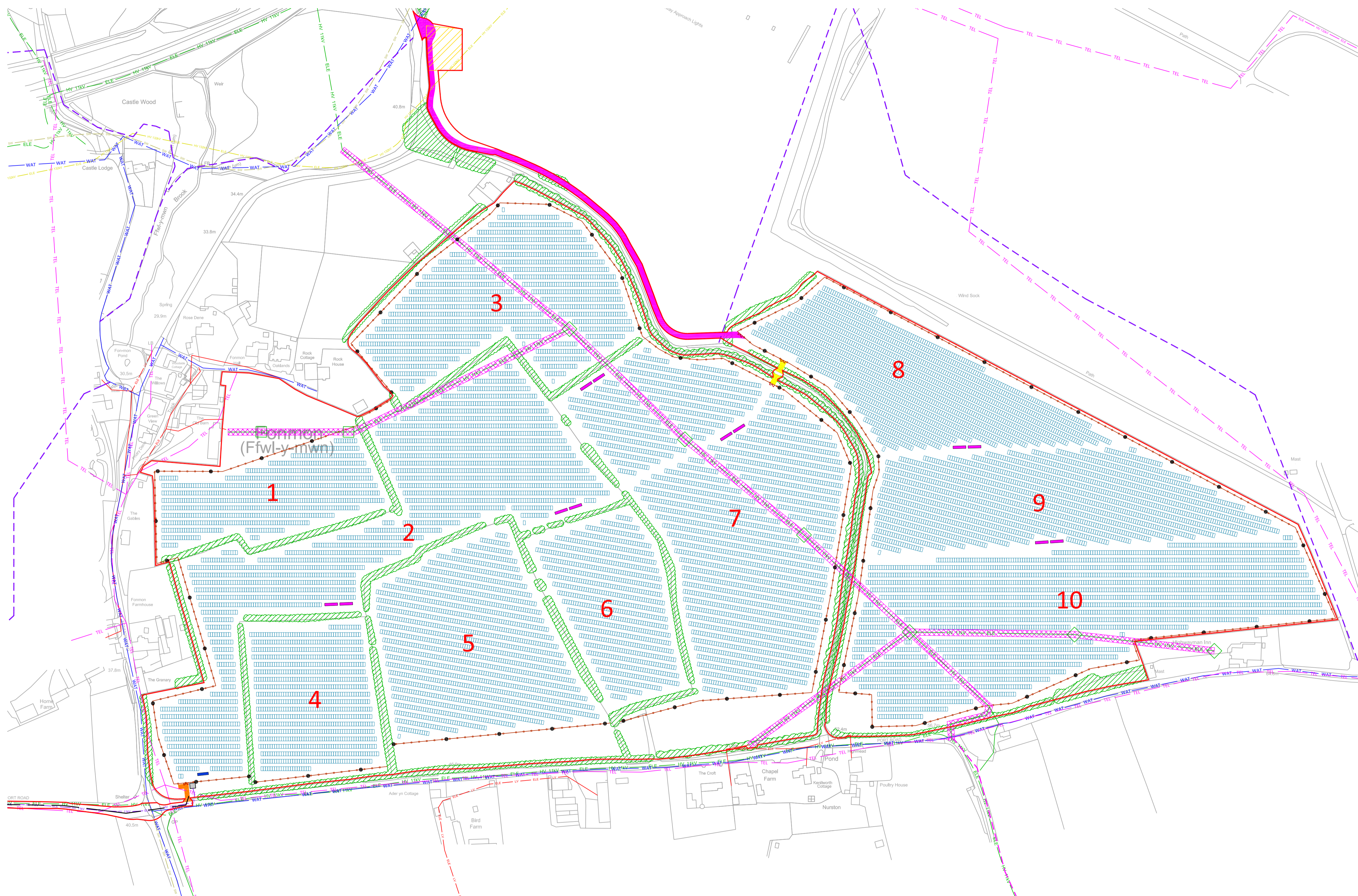
Project: **Fonmon, Old Port Road, Nurston, Rhoose CF62 3BH**



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Drawing Title: **Fonmon Master Plan**

Drawn: PL	Checked: LF	First Issued: 24.04.2020
Project Code: LCS025-	Drawing Number: MP-01	
Sheet Size: A1	Scale: 1:2000	Revision: 11



# FONMON MASTER PLAN

Scale: 1:2000@A1

1



**Appendix C**

**Vale of Glamorgan Pre Application Response**

Date/Dyddiad: 31 January 2022

Ask for/Gofynwch am: Miss Chloe Jones

Telephone/Rhif ffon: (01446) 704659

Your Ref/Eich Cyf:

My Ref/Cyf: P/DC/2021/00210/PRE

e-mail/e-bost: Planning@valeofglamorgan.gov.uk

The Vale of Glamorgan Council  
Dock Office, Barry Docks, Barry CF63 4RT  
Tel: (01446) 700111

Cyngor Bro Morgannwg  
Swyddfa'r Doc, Dociau'r Barri, Y Barri CF63 4RT  
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[www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)



Ifan Gwilym  
Barton Willmore  
Studio 117,  
The Creative Quarter  
Cardiff  
CF10 1AF

Dear Sir,

**Town and Country Planning Act, 1990 (as amended)  
Application No. 2021/00210/PRE**

**Proposal: Development of National Significance for proposed ground mounted photovoltaic solar farm with an electrical generating capacity of approximately 35MW together with associated equipment, infrastructure and ancillary works**

**Location: Land at Fonmon, West of Cardiff Airport, Rhoose**

I refer to your correspondence received on 6 December 2021, concerning the above and your request for statutory pre-application advice. Having considered the nature of submission in detail, I respond as follows.

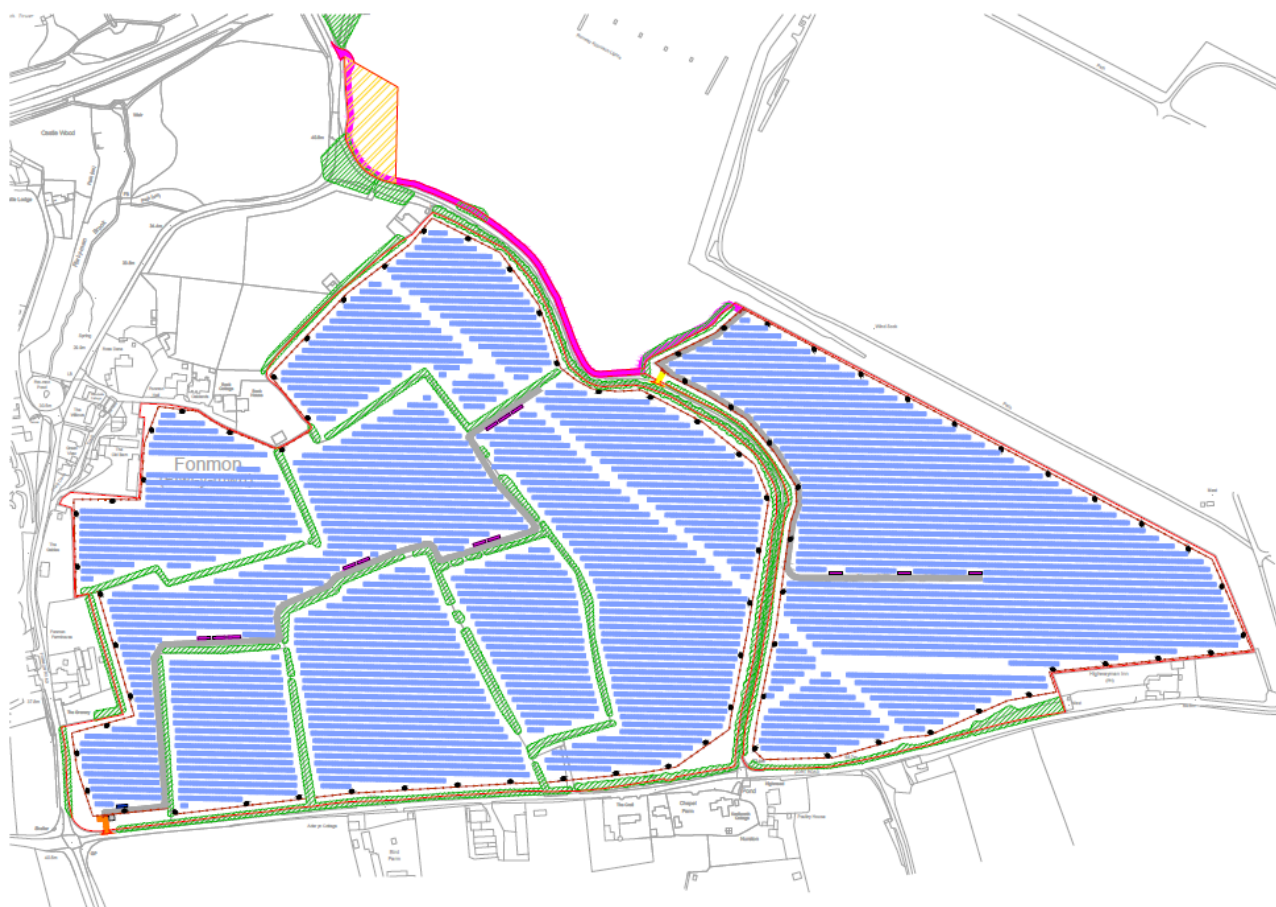
Proposal

The proposed development is for the erection of a solar farm and associated works. The solar arrays would be approx. 3m tall and generate in excess of 35MW of energy and as such would meet the threshold of a 'Development of National Significance'. The site may encompass solar arrays across approx. 40ha of land. Limited details have been provided to accompany the application submission, however it is understood from the supporting covering letter that the scheme will comprise of the following components:

- Photovoltaic modules on a simple metal framework ('frame') pile driven into the ground, voiding the need for substantive foundations;
- Each photovoltaic panel within the frame would typically measure 2m (L) x 1m (W) x 0.05 (D);
- Gravel access roads (minimum of 3.5m in width) connecting inverter / transformers units;
- Erection of Post and wire security fencing;
- CCTV cameras, facing inwards on circa 3m high columns;
- Inverters / transformers would be situated across the site and contained within GRP enclosures;
- A Distribution Network Operator (DNO) substation would be located within the site;
- A substation compound would be located near the substation;

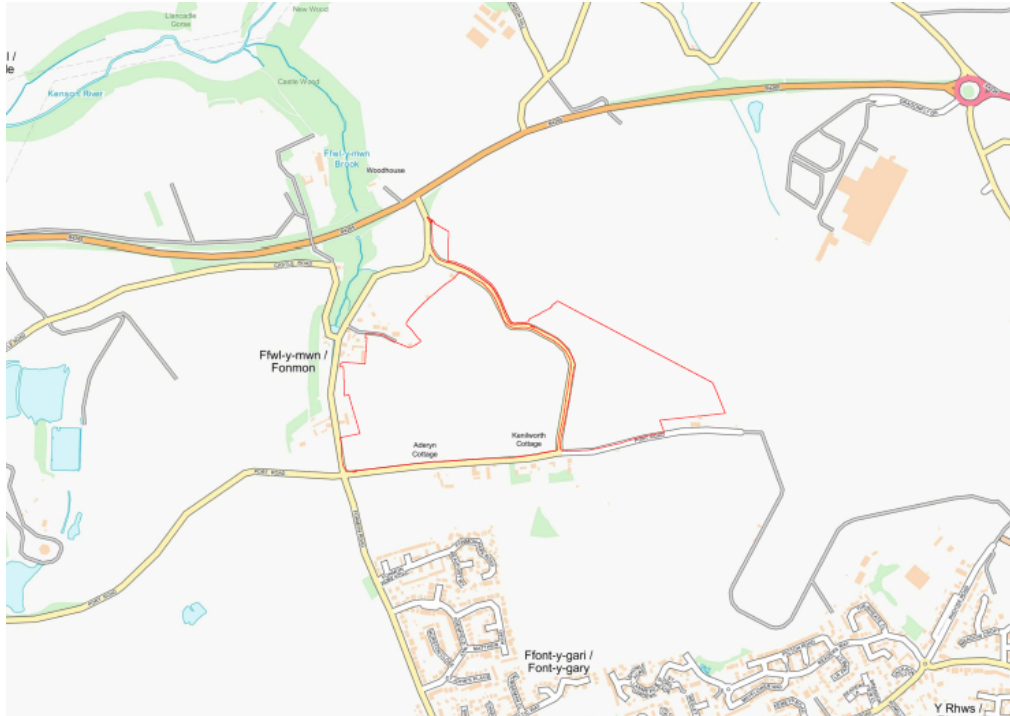
- Storage container for spare parts; and
- Associated communication and monitoring equipment, comprising a satellite disk, pyranometers, weather stations and communications cabinet.

The site layout is shown below:



### Local Context and Constraints

The site is located on farmland at Fonmon, West of Cardiff Airport. It is to the north of the settlement of Rhoose and to the east of Fonmon. The site area is approximately 40ha and is within the designated 'Green Wedge' (with the exception of the eastern parcel), outside any defined settlement boundary of the adopted Vale of Glamorgan Local Development Plan (LDP). There are a number of residential properties in the vicinity of the site, the nearest being those within Nurston, to the southern extent of the site and those immediately adjacent to the north west of Fonmon. The site location is depicted below:



Planning constraints that are known to existing immediately adjoining or in the vicinity of the site are as follows:

- Green Wedge Designation – between East Aberthaw and Rhoose (with the exception of the eastern parcel).
- Mineral Safeguarding Areas – Limestone Category 2.
- A number of archaeological records are located on the site and surrounding the pre-application site.
- Listed Buildings including Grade II Fonmon Well, Grade II Walls Surrounding Fonmon Pond including the Bridge and Weir and Well and Grade II East Hall.
- Special Landscape Area – Nant Llancarfan.
- Conservation Areas – Llancadle, East Aberthaw, Penmark and Rhoose.
- Aviation Safeguarding Zone.
- Cardiff Airport and Enterprise Zone.
- Ancient Monuments – Llancadle Deserted Medieval Village & East Orchard Manor House.
- CADW Registered Park/Areas – Fonmon Castle.
- Sites of Interest for Nature Conservation (SINC) – including Castle Wood.
- Public Rights of Way near the site including P4/9A/1, P4/4/1 and P4/19/1.



## Relevant Planning History

From an examination of our records, the application site has no relevant planning history.

## Relevant Planning Policies

### **Local Development Plan:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy  
POLICY SP7 – Transportation  
POLICY SP9 – Minerals  
POLICY SP10 – Built and Natural Environment

### **Managing Growth Policies:**

POLICY MG17 – Special Landscape Areas  
POLICY MG18 – Green Wedges  
POLICY MG19 – Sites and Species of European Importance  
POLICY MG20 – Nationally Protected Sites and Species  
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species  
POLICY MG22 – Development in Minerals Safeguarding Areas  
POLICY MG30 – Local Search Areas for Solar Energy

### **Managing Development Policies:**

POLICY MD1 - Location of New Development  
POLICY MD2 - Design of New Development  
POLICY MD7 - Environmental Protection  
POLICY MD8 - Historic Environment  
POLICY MD9 - Promoting Biodiversity  
POLICY MD19 - Low Carbon and Renewable Energy Generation

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

### **Future Wales: The National Plan 2040:**

Future Wales – the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process.

The following chapters and policies are of particular relevance:

## Policy 17 – Renewable Energy

- Support for developing renewable and low carbon energy from all technologies and at all scales.
- Significant weight to the need to meet Wales' international commitments and the target to generate 70% of consumed electricity by renewable means by 2030 to combat the climate emergency.
- All proposals for large scale wind and solar developments should demonstrate that they will not have an unacceptable adverse impact on the environment and describe the net benefits it will bring.

## Policy 18 – Renewable and Low Carbon Energy Developments of National Significance

The policy states:

Proposals for renewable and low carbon energy projects (including repowering) qualifying as Developments of National Significance will be permitted subject to policy 17 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. *there are no unacceptable adverse visual impacts on nearby communities and individual dwellings;*
3. *there are no adverse effects on the integrity of Internationally designated sites (including National Site Network sites and Ramsar sites) and the features for which they have been designated (unless there are no alternative solutions, Imperative Reasons of Overriding Public Interest (IROPI) and appropriate compensatory measures have been secured);*
4. *there are no unacceptable adverse impacts on national statutory designated sites for nature conservation (and the features for which they have been designated), protected habitats and species;*
5. *the proposal includes biodiversity enhancement measures to provide a net benefit for biodiversity;*
6. *there are no unacceptable adverse impacts on statutorily protected built heritage assets;*
7. *there are no unacceptable adverse impacts by way of shadow flicker, noise, reflected light, air quality or electromagnetic disturbance;*
8. *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);*
9. *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;*

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

*11. 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. The cumulative impacts of existing and consented renewable energy schemes should also be considered.*

## **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application:

### Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

### Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Previously Developed Land
- The Best and Most Versatile Agricultural Land
- Development in the Countryside
- Supporting Infrastructure

### Chapter 4 - Active and Social Places

- Transport
- Living in a Place
- Recreational Spaces

### Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)
- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)

- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

## Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

### **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 18 – Transport (2007)

### **Welsh National Marine Plan:**

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

### **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Biodiversity and Development (2018)
- Conservation Areas in the Rural Vale
- County Treasures
- Design in the Landscape
- Minerals Safeguarding (2018)
- Renewable Energy (2019)
- Trees, Woodlands, Hedgerows and Development (2018)

In addition, the following background evidence to the Local Development Plan is

considered relevant to the consideration of this application insofar as it provides a factual analysis and information that is material to the issues addressed in this report:

- Designation of Landscape Character Areas (2013 Update)
- Designation of Special Landscape Areas (2013 Update)
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update)
- SLAs Integration with Adjoining Local Authorities (2013 Update)
- Green Wedge Background Paper (2013)
- Cardiff Airport and St Athan Enterprise Zone - Strategic Plan 2015
- Minerals Planning revised background paper (2014) (Also see LDP Hearing Session 13, Action Point 1, 3 and 4 response)
- Renewable Energy Assessment (2016 Update) (Also see LDP Hearing Session 18, Action Point 8 and 9 response)

**Other relevant evidence or policy guidance:**

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 11/99 – Environmental Impact Assessment
- Welsh Office Circular 13/97 - Planning Obligations
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- Energy Wales: A Low Carbon Transition (2012)
- Energy Wales: A Low Carbon Transition Delivery Plan (2014)
- Practice Guidance – Planning Implications of Renewable and Low Carbon Energy (2011)
- Ministerial Letter Ref: MA-P/CS/1303/16
- Energy Generation in Wales (2018)
- Welsh Government Response to Energising Wales publication A plan for Wales' renewable energy future: Essential actions to re-energise Wales by 2035

- Cadw: Setting of Historic Assets in Wales (2017)
- Renewable and Low Energy Toolkit for Planners (2015)

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

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### Analysis of Proposal

#### Background

Having regard to the main planning policy context in respect of renewable energy development, it is considered that a DNS application would be considered primarily against the criteria of Policy 18 of Future Wales (outlined above). These criteria are underpinned by Policy 17 which (akin to the national and local planning policy framework) recognises the importance of low carbon electricity generation in meeting ambitious national targets for the generation of renewable energy.

These targets are:

- *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 from 2020.*

Policy 17 also states that *"The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales... ...and all proposals should demonstrate that they will not have an unacceptable adverse impact on the environment."*

*Proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities."*

It is therefore evident that renewable energy proposals are favoured in principle, due to the recognised benefits in de-carbonising energy generation and wider benefits to tackling climate change. Sites in National Parks and Areas of Outstanding Natural Beauty are considered unsuitable for large-scale wind and solar. However, outside of these areas a 'positive policy framework' exists.

The policy also favours schemes with an element of local ownership. It isn't specified within the pre-application documents how (as inferred by the supporting text below) the scheme would bring any direct benefits to the local community, although it is indicated that these matters will be addressed within a planning statement that will accompany the formal submission.

*“Large-scale renewable and low carbon energy schemes can generate direct social and economic benefit to local communities. Developers should explore how infrastructure improvements associated with a development (including transport infrastructure and communications systems) may be utilised by the host communities to bring additional, non-planning related benefits. Although not a planning consideration, local ownership of projects, in whole or part, can ensure these benefits are accrued over the long-term.”* (page 97 Future Wales).

I would recommend that this is clearly addressed within supporting documentation.

### The role of the Local Planning Authority

Section 5.2 of Appendix 5: Local Impact Reports of Developments of National Significance - Procedural Guidance Version 2.2 (produced by The Planning Inspectorate) states that it is a formal requirement of the DNS process that any relevant LPA must submit a Local Impact Report (LIR), giving details of the likely impact of the proposed development on the authority's area.

In accordance with The Order (Developments of National Significance (Wales) Regulations 2016 (as amended), an LIR includes an analysis of likely impacts and an assessment of how these relate to local planning policies, a description of the planning history of the site, the identification of local designations, and recommendations for planning conditions (and, if considered necessary, planning obligations).

In accordance with guidance issued by PEDW, the Local Planning Authority would not examine the relationship with national policy and guidance in the LIR, but instead would focus specifically on establishing the degree of local impact in relation to the principal planning issues, having regard also to the local planning policy context. This scope of this pre-application response is tailored accordingly.

The DNS procedure does nonetheless allow for the Vale of Glamorgan Council, as a local stakeholder, to make a separate representation in relation to the merits of to the application.

I also note your intention to proceed directly to the EIA scoping stage and as noted such request should be made directly to Planning Environment Decision Wales (PEDW).

### Local Planning Policy and Guidance

The full list of applicable policies and guidance have been outlined above. However the following, being of particular relevance, are discussed in greater detail below.

The proposed development would represent a significant contribution to energy generation from a renewable source within the Vale of Glamorgan. LDP Policy MD19 – Low Carbon and Renewable Energy Generation supports proposals for renewable energy generation where it can be demonstrated that there is no unacceptable impact on the interests of:

- Best and most versatile agricultural land;
- Aviation safeguarding;
- Electrical, radio or other communication systems;
- Landscape importance;
- Natural and cultural heritage;

- Nature conservation;
- Residential amenity; and
- Soil conservation.

Policy MG30 has also identified areas of search with potential for 'local authority wide' scale solar energy schemes (i.e. for schemes up to 50 MW of installed capacity).

The application site falls outside of the areas referred to within Policy MG30 and shown on the proposals map that accompanies the written statement of the LDP.

This policy aims to identify land within the Vale of Glamorgan which had capacity for schemes up to 50MW on unconstrained sites. The areas identified were based on the guidance produced by Welsh Government known as the Renewable and Low Energy Toolkit for Planners (2015). Policy MG30 identifies 6 areas which are considered to be appropriate for solar energy as they are free from the listed constraints which may hinder solar developments and the orientation and elevation of the land is beneficial for solar gain.

The 6 local search areas identified under Policy MG30 only provide an indication of solar energy potential and it is accepted that other appropriate sites may be located within the Vale of Glamorgan. However, In this case, the application site abuts, but is not identified within, a local search area.

The Vale of Glamorgan's Renewable Energy SPG (2019) contains additional design principles and mitigation for consideration (under Section 7) on renewable developments.

These include:

- Retaining existing habitat features,
- Avoid construction during breeding seasons of relevant species,
- Translocation of sensitive species if appropriate,
- Increasing separation of solar panels,
- Including wildlife highways,
- Avoid excessive security lighting,
- Locating plant and ancillary buildings away from sensitive receptors,
- Covering excavation works,
- Providing escape ramps for wildlife,
- Use of speed limits on site,
- Undertaking clearance work outside of breeding season (March-August),
- Protecting watercourses and maintaining hydrological regimes,
- Minimising the area of impermeable surfaces,
- Reinstating vegetation where possible,
- Providing storage and attenuation ponds in line with sustainable drainage techniques (SuDs),
- Using appropriate culverts and drains to maintain existing hydrological regimes,
- Use of removable mats as access tracks,
- Use of ground screws to secure PV panels,
- Avoidance of soil compaction and contamination,
- Allowance for low intensity grazing through scheme.



## Assessment

As noted, the determination and assessment of a DNS application would be a matter for the Planning Inspectorate and Welsh Ministers. Nonetheless, with view of the LPA's role in producing the LIR, I provide the following advice in relation to the environmental impacts of the developments, with reference to local policy and guidance.

### Green Wedge

The site is located within the Aberthaw and Rhoose Green Wedge (Policy MG18(7)) designation and comprises the majority of the northern section of it, which is approximately 30% of the total area of the Green Wedge. Policy MG18 states that: '*within these areas development which prejudices the open nature of the land will not be permitted*'. As summarised, the supporting text of MG18 identifies that Green Wedges are allocated in sensitive locations in the open countryside that are most susceptible to change. That is because they are likely under pressure to be urbanised and thus must require additional protection. The policy goes on to state that within these areas, development which prejudices the open nature of the land will not be permitted.

The Green Wedge Background Paper identifies that the land between Aberthaw and Rhoose Green Wedge exists: to prevent urban coalescence between and within settlements; to ensure that development does not prejudice the open nature of land; to protect undeveloped land from speculative development; to maintain the setting of built up areas and for boundary justification. Of note in the supporting text for the Between Aberthaw and Rhoose Green Wedge allocation, it is identified that: '*the countryside to the north of Rhoose and around the village of Fonmon is considered to be important to their settings which warrant protection.*'

PPW strongly supports the protection of such designations emphasising that:

*'When considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply. Substantial weight should be attached to any harmful impact which a development would have on the purposes of Green Belt or green wedge designation. Policies should be devised to outline the circumstances when development would be permitted in these areas where the openness of the Green Belt or green wedge will still be maintained' (Paragraph 3.73 refers).*

However, PPW does recognise that certain other forms of development may be appropriate in the Green Belt or green wedge provided they *preserve its openness* and do not conflict with the purposes of including land within it. These are:

- *mineral extraction;*
- **renewable and low carbon energy generation;**
- *engineering operations; and*
- *local transport infrastructure (Paragraph 3.77 refers).*

Although the location of the site is within an adopted local planning policy designation, that does not infer that solar development will necessarily be unacceptable; the proposals would however need to demonstrate that the *development would not prejudice the open nature of the land*, in accordance with LDP Policy MG18 – Green Wedge Designation. The benefits and policy promotion of low carbon energy development are noted and it is recommended that sufficient information and evidence is provided to demonstrate the need outweighs the protection/designation, together with meeting the essential requirement of *preserve its openness* as highlighted by both local and national planning policy.

### Aviation Safeguarding

As identified, the site is located immediately adjacent to Cardiff Airport. As such, this land is located within an Aviation Safeguarding Zone. Ensuring aviation safeguarding is identified in the Policy MD19 of the LDP and criterion 7 of Policy 18 FW as a criteria to assess renewable energy proposals against. Whilst the Council has not received formal comments from Cardiff Airport (which will be forwarded on when sent in), subject to their comments it is strongly recommended that consultation with the Civil Aviation Authority/ NATS and Cardiff Airport is recommended as part of any future PAC process/application.

Furthermore, in line with other local solar developments, and whilst noted in the covering letter, it is strongly suggested the application is accompanied by a Glint and Glare Assessment.

### Agricultural Land Classification

The majority of the site is identified as Grade 3b agricultural land under the Predictive ALC (2) map produced by Welsh Government.

<http://lle.gov.wales/catalogue/item/PredictiveAgriculturalLandClassificationALCMap2/?lang=en>

It is possible that this type of development would permanently sterilise the land for agricultural purposes given its limited timescale and suggested reversibility. It is acknowledged that the covering letter provided indicates that an Agricultural Land Survey will be submitted and this is welcomed as part of the DNS application to determine the actual quality of the agricultural fields within the site, and inform whether the proposal would have an unacceptable impact on BMV land. However, I am aware of other cases (outside of the Vale of Glamorgan) where this issue has been a barrier to a solar development and I would request that any subsequent application contains an assessment to demonstrate that the development would not prejudice BMV land.

This is recommended in order to demonstrate accordance with Criterion 9 of LDP Policy MD1; and LDP Policy MD7 – Environmental Protection, which states, “*development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from either:...7. The loss of the best and most versatile agricultural land...where impacts are identified the Council will require applicants to demonstrate that appropriate measures can be taken to minimise the impact identified to an acceptable level. Planning conditions may be imposed, or legal obligation entered into, to secure any necessary mitigation and monitoring processes*”.

## Minerals Safeguarding

The proposed development is also located in an area identified as a mineral safeguarding area under LDP Policy MG22 – Development in Mineral Safeguarding Areas. The mineral safeguarding areas are based upon the British Geological Survey (BGS) Aggregate Safeguarding Map for South East Wales which identifies the entire development site being situated within Limestone Category 1 and 2 and Sand and Gravel Category 2 areas. Category Two resources have been selected as those resources that are considered to be of more than local importance and may have some regional significance but are less important nationally than the Category One resources.

Policy MG22 sets out the following criteria for new developments in mineral safeguarding areas by demonstrating that:

1. Any reserves of minerals can be economically extracted prior to the commencement of the development;
2. or development would have an unacceptable impact on environmental or amenity considerations; or
3. the development would have no significant impact on the possible working of the resource by reason of its nature or size; or
4. the resource in question is of poor quality / quantity

It is recommended that a Ground Conditions and Minerals Statement be submitted as part of any application. The Vale of Glamorgan Council's Mineral Safeguarding SPG (2018) provide guidance on how developers should consider each criterion under Section 5 of the SPG. The proposal should set out how the development meets one (or more) of the criteria in accordance with the guidance outlined in the Mineral Safeguarding SPG.

It is nonetheless recognised that in this matter, PEDW and Welsh Ministers will need to balance the need for the development, the likely temporary impact to the availability of the resource/ the scope for site restoration (criterion 3), as well as the feasibility of mineral working given the high heritage landscape value of the area (criterion 2).

## Impact to agricultural holding / tenancy/ rural enterprise dwelling

Following our discussions, it is unclear whether all of the site(s) fall within a single land ownership, although appear to form part of an agricultural holding(s). Whilst there is no specific policy within the LDP relating to the matter, the impact to agricultural tenants, in particular, and the viability of agricultural holdings have been afforded weight in previous applications to develop farmland for alternate uses.

I would therefore suggest that an application be supported by sufficient information to allow assessment of the impact to the viability of the existing holding and any associated impacts, given the significant extent of agricultural land that would be lost.

## Ecology

Criteria 3, 4 and 5 of Policy 18, Future Wales, state that there should be no adverse effects on the integrity of internationally designated sites, no unacceptable adverse impacts on national statutory designated sites for nature conservation, protected habitats and species; and that the proposal should include biodiversity enhancement measures to provide a net benefit for biodiversity.

LDP Policies MG19, MG20 and MG21 serve to similarly protect designated sites, habitats and species. In addition, Policy MD9 – Promoting Biodiversity requires proposals to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that both of the following criteria apply:

- “1. The need for the development clearly outweighs the biodiversity value of the site; and*
- 2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.”*

The Council’s Ecologist has been consulted as part of the pre-application enquiry and has responded as follows:

*“The proposal is to convert a number of pasture fields to a solar farm with ancillary and supporting infrastructure.*

*It will be important to undertake a full Preliminary Ecological Appraisal using all the available data and commissioning surveys where the data is deficient or out of date to the standard set by CIEEM. Whilst there is always a focus on protected species there may be opportunities to add suitable habitat for much more common species.*

*A perusal of existing data indicates a wide range of farmland birds in the area such as skylark, yellowhammer, lapwing, meadow pipit and linnet. Many of these are in serious decline and the introduction of structures within existing fields, a monoculture of mainly grasses and the reliance on sheep for grassland management on solar farms can exacerbate their decline. Mitigation proposals must be for the species adversely affected.*

*Solar farms can be beneficial in terms of the management of hedgerows allowing lengthier rotational cutting over a 3-year cycle, cutting to an A shape and a higher level of maturity than on commercial farms. However, the proximity to Cardiff International Airport will mean that there will be pressure to not support or attract additional birds which are view as a hazard to aircraft.*

*In looking at the overall allocation of the site to solar arrays it would be beneficial to allow areas that can be managed differently, for some areas to be ‘untidy, scrubby’ and for the hedgerow network to form corridors within and offsite especially for mammals and bats.*

*The site is close to the Castle Wood Site of Importance for Nature Conservation which is designated as a native lowland mixed deciduous woodland. The citation sheet is attached.*

*Finally, the site is 900 metres from the Kenson River where otters and water voles, both protected species, have been recorded. A dead otter was recorded from the approach road to the airport as recently as 2021. There is a tributary of the Kenson leading south from the river through Fonmon and then bordering the south of the proposed site giving direct access”.*

This advice should be considered in preparation any further subsequent PAC or application to allow the biodiversity impacts of the proposals and associated mitigation/enhancement measures to be fully assessed.

## Transportation

Criterion 6 of Policy MD2 of the LDP requires that development proposals should '*have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree.*'

The Highway Authority have been consulted on this basis and have responded as follows:

*'Proposed access arrangements for the construction phase and then post construction/ future maintenance and DNO access.*

- *Visibility shown on a plan for all junctions.*
- *From the adopted highway first 10m of access road/track should be completed in tarmac to prevent mud/debris entering the highway.*
- *Proposals for any temporary access post construction, i.e. works to close off or stop up.*

*CTMP to be provided. Please include the following:*

- *Haulage routes shown on a plan, site opening and closing times and any restrictions to times of deliveries HGV traffic.*
- *Length of construction period.*
- *Envisaged trips for HGV's and other construction traffic during the construction phase.*
- *Wheel washing facilities*
- *Compound information including Storage of plant, materials and parking for construction traffic.*
- *Condition surveys along the haulage route will be required pre and post construction and any works required by the highway engineer deemed reasonable and as a result of extra-ordinary traffic will need to be carried out.*

*Any impact on the adopted highway should be fully indicated, i.e. any new cabling which will need to be installed and need for additional passing places etc.*

*In the vicinity of the junction of Rockshead Lane and B4265 there has been a cluster of accidents over the last 5-year period including 2 serious incidents and 1 fatal. Any Transport Statement should fully consider the safety at this junction and the surrounding area when proposing to intensify the use of this junction'.*

This advice should be considered in preparation or any further subsequent PAC or application.

## Heritage (Listed Buildings and Historic Park & Gardens)

LDP Policies SP10 – Built and Natural Environment and Policy MD8 – Historic Environment are of particular relevance, which collectively ensure development proposals protect the qualities of the built and historic environment in the Vale of Glamorgan. Policy MD8 criteria 2 and 3 state that

*2. For listed and locally listed buildings, development proposals must preserve or enhance the building, its setting and any features of significance it possesses;*

*3. Within designated landscapes, historic parks and gardens, and battlefields, development proposals must respect the special historic character and quality of these areas, their settings or historic views or vistas;*

The pre-application is not supported by an individual heritage and archaeology assessment, albeit the covering letter identifies that there are a number of designated historic assets located in the wider surroundings. This includes two scheduled monuments and eight listed buildings and states that a Heritage Impact Assessment (HIA) would be provided in support of the application. A number of these listed buildings fall within the identified Fonmon Castle Historic Park and Garden and advice from Cadw should be sought with regard to the particular impacts of the proposals upon historic gardens, listed building and any ancient monuments as part of any PAC process and subsequent application.

Without the submission of a robust assessment it is difficult to come to any particular conclusions with regard to the likely impact of the proposals upon the identified heritage assets. Any HIA would need to be sufficiently robust to allow an assessment of the heritage impacts of this development, including any potential cumulative impact upon their setting in terms of assumptions with regard to eye, building and vegetation height in considering any such impact. It is likely to be visible over an extensive distance, and so, the proposals would inevitably have some impact on the settings of a wide variety of historic assets.

A detailed assessment would likely be required at application stage to test the robustness of this analysis should follow the guidance prepared by Cadw available at the following link [Setting of Historic Assets in Wales](#) and it would be for PEDW and Welsh Ministers to conclude upon the planning balance and impact upon these heritage assets.

### Ancient Monuments

In respect of the setting of local Scheduled Ancient Monuments (SAM), please note Cadw will need to be consulted as part of the PAC process and that their views will be a material consideration in the determination of the application.

In consideration of the guidance contained within the annex of the document Setting of Historic Assets in Wales (as per above link), Cadw are a statutory consultee for planning application for developments over 1.ha in area and within 3km of a SAM. I would therefore recommend that the extent of the search area is also confirmed directly with Cadw.

It would expected that a 'stage 1' assessment be carried out for all of the designated heritage assets in this zone, which will determine the need, if necessary, for stages 2 to 4 to be carried out for specific historic assets.

### Archaeology

Glamorgan Gwent Archaeological Trust (GGAT) provides the Vale of Glamorgan Council with detailed advice on planning applications and issues briefs for works, checks specifications, monitors fieldwork and approves the resulting reports whether undertaken in advance of determination or as a result of a condition attached to planning consent.

The application site is located within an area of high archaeological potential, situated between the Iron Age/Roman settlement at Nurston and the 12th century Fonmon Castle. There are a number of archaeological records on the application site, together with those being in close proximity. The trust have been consulted on as part of this pre-application submission and recommend that all archaeological work is undertaken by a Chartered Institute for Archaeologists Registered Organisation (RO) or a full accredited Member (MCIfA) of ClfA. The assessment will need to conform to the relevant ClfA Standards and Guidance and will need to be carried out to an agreed Written Scheme of Investigation (WSI). It should also be noted that the desk-based assessment forms the first phase of the archaeological work and it is likely that further mitigation will be required, either pre or post any determination. This advice should be considered in preparation any further subsequent PAC or application.

### Local Amenity

Although a national policy, please note Criterion 2 of Policy 18, Future Wales states that there should be *no unacceptable adverse visual impacts on nearby communities and individual dwellings*. Indeed this is also reflected within PPW (11<sup>th</sup> edition) 5.9.20 that indicates *'the need to minimise impacts on local communities, such as from noise and air pollution, to safeguard quality of life for existing and future generations.'*

Local policies MD2 and MD19 of the LDP both make reference to the requirement of development to safeguard residential amenity. This is supported by the criteria based Policy MD7 that development proposals will be required to demonstrate they will not result in an unacceptable impact on people and residential amenity, including by criterion *'4. Noise, vibration, odour nuisance and light pollution.'*

Although the proposed development is located within the open countryside, there are a number of residential properties within close proximity to the site (listed within the consultation at the end of this report). Solar farms generally do not create large amounts of noise, operationally, or require significant lighting and so scope exists to mitigate noise nuisance at construction stage by conditions or Construction Environmental Management Plan. The arrays themselves are unlikely to cause significant detriment to residential amenity, based on impacts such as shading or noise, although an assessment of likely glint and glare from the submissions should be provided in support of any future submissions (as noted within the covering letter). Consideration should be given to the impact upon residential properties and it is considered that potentially a Noise Impact Assessment may be required in support of any application.

### Surface Water Drainage

LDP Policy MD7 (Environmental Protection) requires development proposals to *'demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from... 5. flood risk and its consequences'*. The policy goes further to state that *'in respect of flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN15.*

This site of the proposed array is not located within a Development Advice Map (DAM) zone at risk of tidal or fluvial flooding. The maps prepared as part of the emerging/delayed TAN15 also recognise that commensurate areas are identified as being at risk from river flooding. NRW flood maps indicate the majority of the site to be

of low risk of surface water flooding. The covering letter supported with the application indicates that a Flood Consequence Assessment/Drainage Strategy will be submitted in support of the application which is welcomed.

Although comments were sought from the Council's Drainage Section, no comments have been received at the time of writing this report. Nevertheless, you are advised that SuDS are intended to maximise the opportunities and benefits that can be provided by the effective management of surface water. This can only be achieved when the principles of SuDS are considered at the outset of the development process. The SuDS approach to surface water management will direct the development process and shape the layout of new developments around site drainage.

Limited details of the proposed drainage of the site has been provided in support of this application, although it is assumed that a SuDS strategy would be the preferred method of disposal. Please note that the development will also need Sustainable Drainage Approving Body (SAB) approval for a detailed design. This is a non-secondary consent that will be required to be made directly to the SAB. Applicants should aim to 'twin-track' any related consents with the DNS application.

A SAB application must demonstrate compliance with the statutory standards, following a set of principles in the design of the system and satisfy the standards in relation to runoff destination, hydraulic control, water quality, amenity, biodiversity, construction, operation and maintenance. The SAB approval process is separate from the planning process. An application for approval for a surface water drainage scheme may be made to the SAB separately from.

Prior to the submission, applicants are also strongly advised to make a separate Pre-Application submission to the SAB based on a further developed design. There is no pre-application fee applicable at the time of writing. Further advice can be found at:

<http://www.valeofglamorgan.gov.uk/en/living/Flooding/Flood-and-Coastal-Erosion/Sustainable-Drainage-Systems.aspx>

## Landscape

The site is not located within, but is close to the Nant Llancarfan Special Landscape Area. In this respect, a detailed visibility analysis is clearly required and it is noted that a full robust Landscape and Visual Impact Assessment will be carried out in preparation of any formal submission. Any appraisal should consider the neighbouring Special Landscape Area and show how the scheme will not adversely impact on the identified character of the area in accordance with LDP Policy MG17 – Special Landscape Areas.

Furthermore, whilst it is expected that the ZTV will provide a high-level assessment of potential visual impacts, the more localised impact of the proposals, including from immediately adjacent PROWs and the local highway network, should not be discounted solely owing to a smaller number of origin points than may be visible from a suggested viewpoints. The magnitude of impacts may be significant even if a smaller number of origin points are visible, whilst ancillary works such as removal of hedgerow to facilitate access or creation of dropdown areas can individually and cumulatively increase potential impacts of development.

As noted within the submission a Glint and Glare Assessment should also be produced to assist with consideration of any associated visual impacts.



## Cumulative impact

Policy 18 of Future Wales identifies that the impacts of existing and consented renewable energy schemes should be considered. PPW 11 Para. 5.9.20 lists a number of considerations for planning authorities to consider and identifies that cumulative impacts should be taken into account.

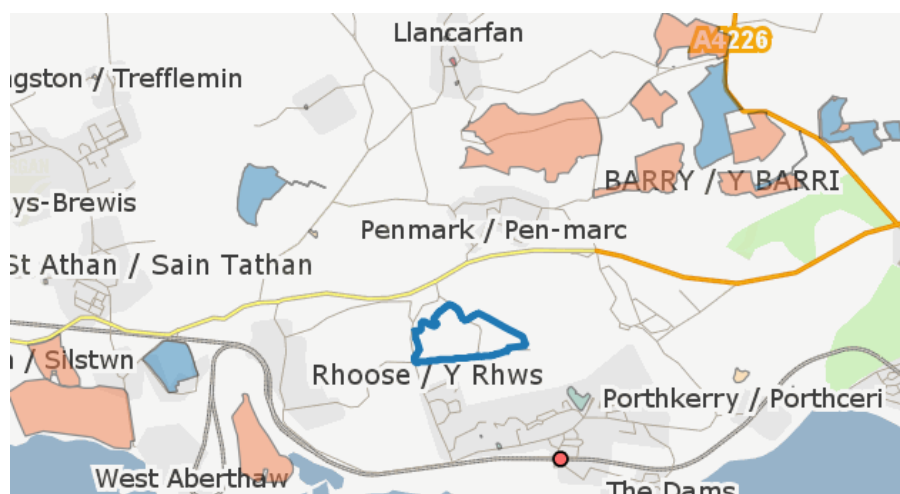
In the LDP, Policy MD19 identifies that the cumulative impacts of re schemes will be an important consideration and the supporting text of Policy MG17 (SLAs) identifies that cumulative impacts of large-scale solar farms should be considered (para 6.1.20). The supporting text of MD19 (para. 7.92) goes on to state the following: *‘Over time the cumulative effects of these structures may have unacceptable impacts on the visual quality of the wider area’.*

The Council’s Renewable Energy SPG provides guidance in paragraphs 7.3.5 and 7.3.6 that identifies specific concern in relation to cumulative impacts on sensitive landscape areas and the potential for solar farms to add to the urbanisation of the countryside.

The development would include a substantial land take of circa 40 hectares. It is acknowledged that the Local Planning Authority have previously granted planning permission for and received enquiries relating to a number of sites within the vicinity of the site (including):

- Cenin Renewables Limited – Land east of Five Mile Lane (2014/00798/FUL)
- INRG Solar – Land adjacent to Sutton Mawr Farm, Barry (2013/00617/FUL)
- Cwm Derwyn Farm, Weycock Road, Barry (2015/00632/FUL)
- Elgin Energy Co – Land off Weycock Cross, Weycock Road, Barry (2014/00081/FUL)
- Llancadle Farm, Llancadle - (2014/01490/FUL)
- Land at the Garn, St Hilary – (2012/01224/FUL)

The site is identified below, outlined in blue, along with and solar farms that benefit from consent (highlighted blue) and the Council have provided observations on (highlighted orange):



One of the potential effects of the cumulative impact of Solar Farms on the landscape is the creeping urbanisation of the countryside as the regular pattern of PV panels and the associated infrastructure needed to support development covers large areas of land and do not reflect the typical characteristics of a rural area. Consequently, it is important to consider the cumulative impacts with the identified developments. However, it does not appear that the site is likely to have a direct cumulative impact with other approved solar farms.

### Other Considerations

At this stage, and subject to the comments above, the LPA would agree with the suggested supporting documents and surveys being submitted in support of any subsequent submissions, in addition to those noted by consultees within the comments listed above.

### Secondary consents:

In addition to the above, you may wish to consider the need to apply for secondary consents via the DNS process.

Ancient Monuments and Archaeological Areas Act 1979 - Section 2	Control of works affecting scheduled monuments, grant of scheduled monuments consent.
Commons Act 2006 - Section 38	Sections 16 & 17 – exchange of common land; Section 38 - works on common land.
Highways Act 1980 - Section 178	Restriction on placing rails, beams etc. over highway (consent).
Planning (Hazardous Substances) Act 1990 - Sections 4, 13 and 17	Section 4 - application for hazardous substance consent; Section 13 - applications for consent without condition attached to previous consent; Section 17 - application to continue consent on change of control of land.
Planning (Listed Buildings and Conservations Areas) Act 1990 - Sections 8 & 74	Section 8 - authorisation of work, listed building consent; Section 74 - control of demolition in conservation areas.
Town and Country Planning Act 1990 - Section 57, 247, 248 & 251	Section 57 - planning permission required for development Section 247 - stopping up or diversion of highway; Section 248 - highways crossing or entering route of proposed new highway Section 251 - extinguishment of rights of way over land held for planning purposes

### Consultation Requirements for DNS

Please note Local Council elections are due in May 2022 and as such this could be subject to change.

### **Local Ward Councillors:**

Rhoose Ward - Andrew R.T. Davies  
07701 372643

[artdavies@valeofglamorgan.gov.uk](mailto:artdavies@valeofglamorgan.gov.uk)

Gordon C. Kemp  
Flaxland Fach  
Walterston  
Llancarfan  
CF62 3AS  
07701 372547

[gckemp@valeofglamorgan.gov.uk](mailto:gckemp@valeofglamorgan.gov.uk)

### **Contact details of any specialist consultees – External**

CAA- [CAAerodromeStandardsDepartment@caa.co.uk](mailto:CAAerodromeStandardsDepartment@caa.co.uk)

Cardiff Airport - [safeguarding@cwl.aero](mailto:safeguarding@cwl.aero)

NATS - [NATSSafeguarding@nats.co.uk](mailto:NATSSafeguarding@nats.co.uk)

Natural Resources Wales – [southeastplanning@cyfoethnaturiocymru.gov.uk](mailto:southeastplanning@cyfoethnaturiocymru.gov.uk)

Cadw (Ancient Monuments) – [cadwplanning@gov.wales](mailto:cadwplanning@gov.wales)

Glamorgan Gwent Archaeological Trust - [planning@ggat.org.uk](mailto:planning@ggat.org.uk)

### **Contact Details of any Specialist Consultees - Internal**

VoGC Highways Officer  
[jaitken@valeofglamorgan.gov.uk](mailto:jaitken@valeofglamorgan.gov.uk)

VoGC SAB/ Drainage  
[sab@valeofglamorgan.gov.uk](mailto:sab@valeofglamorgan.gov.uk)

VoGC Public Rights of Way Officer  
[gwteague@valeofglamorgan.gov.uk](mailto:gwteague@valeofglamorgan.gov.uk)

VoGC Ecologist  
[crcheesman@valeofglamorgan.gov.uk](mailto:crcheesman@valeofglamorgan.gov.uk)

VoGC Conservation Officer  
[pdjthomas@valeofglamorgan.gov.uk](mailto:pdjthomas@valeofglamorgan.gov.uk)

Shared Regulatory Services  
[AdminSupport-srswales@valeofglamorgan.gov.uk](mailto:AdminSupport-srswales@valeofglamorgan.gov.uk)

VoGC Public Rights of Way Officer  
[SAThomas@valeofglamorgan.gov.uk](mailto:SAThomas@valeofglamorgan.gov.uk)

### **Neighbouring Properties**

The following list provides a list of properties the LPA would likely consult if dealing with the application:

- Highmead, Nurston, Barry, CF62 3BJ
- Highwayman Inn, Nurston, Barry, CF62 3BJ

- Telefonica Uk Ltd, Mast 76m From Highwayman Inn, Highwayman Inn, Port Road, Nurston, CF62 3BJ
- Rose Cottage, Nurston, Barry, CF62 3BJ
- Chapel Farm, Nurston, Barry, CF62 3BJ
- The Croft, Nurston, Barry, CF62 3BJ
- Unit 3, Nurston, Barry, CF62 3BJ
- Unit 3, Nurston, Barry, CF62 3BJ
- Aderyn Cottage, Nurston, Barry, CF62 3BJ
- Street Record, Fonmon Road, Fontygary, Rhoose CF62 3BJ
- The Granary, Fonmon Road, Fonmon, Barry, CF62 3BJ
- Fonmon Farmhouse, Fonmon Road, Fonmon, Barry, CF62 3BJ
- Home Farm, Fonmon Road, Fonmon, Barry, CF62 3BJ
- The Gables, Fonmon Road, Fonmon, Barry, CF62 3BJ
- PRIORITY DENE, Fonmon Road, Fonmon, Barry, CF62 3BJ
- Greenview, Fonmon Road, Fonmon, Barry, CF62 3BJ
- Sgubor, Fonmon, Barry, CF62 3BJ
- Forge Cottage, Fonmon Road, Fonmon, Barry, CF62 3BJ
- The Willows, Fonmon, Barry, CF62 3BJ
- Stores, Chapel Of Rest At The Yard, Fonmon Road, Fontygary, Rhoose, Barry, CF62 3BJ
- Woodside Cottage, Fonmon Road, Fonmon, Barry, CF62 3BJ
- East Hall, Fonmon, Barry, CF62 3BJ
- Fonmon Hall, Fonmon, Barry, CF62 3BJ
- Oaklands, Fonmon, Barry, CF62 3BJ
- Rockshead, Fonmon, Barry, CF62 3BJ
- Rock House, Fonmon, Barry, CF62 3BJ
- Rock Cottage, Fonmon, Barry, CF62 3BJ
- The Lodge, Castle Road, Fonmon, Barry, CF62 3BJ

In addition to the above, whilst not constituting direct neighbours to the development site, given the size and location of the array, it is likely to be prominent from a number of properties including those on Readers Way in Rhoose to the south and Fonmon Road, Rhoose to the southwest. Noting this I would strongly advise consideration be given to wider publicity in these areas, such as site notices.

### **Nearest Community Buildings**

With regard to local buildings that may be suitable for the display of PAC documents, may I suggest the following:

Rhoose Community Hall, Stewart Road, Rhoose, CF5 3EZ  
 Fontygary Leisure Park, Rhoose, Barry, CF62 3ZT  
 Rhoose Library Fontygary Road, Barry CF62 3DS

### **Section 106 Planning Obligations**

The Council's Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated.

The Council's SPG is available to view/ download at: -  
<http://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/SPG/Planning-Obligations-SPG-2018.pdf>

It is considered unlikely that financial planning obligations will be sought relating to renewable development at this time.

### Requests for Further Advice

In accordance with the Council's Guidance Note on 'charging for pre-application advice', any further requests for pre-application advice will attract payment of a further fee, and should be made in writing with appropriate supporting documentation.

### Development Team Approach – Building Control

Please note if you decide to employ the Councils Building Control team in respect of the proposed development for which you have sought advice, any fees you have paid in respect of this guidance will be taken into account in assessing the relevant Building Regulations fee. All Building Regulations fees are now based on a standard hourly rate with the final fee payable worked out on a risk assessed basis. Accordingly as the Councils officers will have been involved in the project from the earliest stages this will be considered in the final risk assessment based fee for Building Regulations.

Should you have any further questions regarding the above, please contact Miss Chloe Jones on the above number.

Yours faithfully

Miss Chloe Jones  
**for Operational Manager Development Management**

#### **Please Note:**

The advice offered in this response represents an informal opinion, provided in accordance with the Council's Guidance Note on 'charging for pre-application advice'. In particular, it is emphasised that while this pre application advice will be carefully considered in reaching a decision or recommendation on an application, the final decision on any application that you may make can only be taken after we have consulted local people, statutory consultees and any other interested parties. It does not, therefore prejudice any decision which the Local Planning Authority may make should the matter come before them in a formal context.