

| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
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| 14/0512/FULL 29.07.2014 | MTS Hill Farm Solar Ltd C/o Pegasus Planning Group Ltd Mr C Virtue First Floor South Wing Equinox North Great Park Road Almondsbury Bristol BS32 4QL | Install ground mounted photo voltaic solar arrays to provide circa 8.5MW generation capacity together with power inverter systems, transformer stations, internal access tracks, landscaping, deer fencing and associated access gate Penrhiwarwydd Farm Mynyddislwyn Mountain Road Mynyddislwyn Newport NP11 7BB |

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Penrhiwarwydd Farm, Ynysddu, is on the northern side of the Sirhowy Valley above Nine Mile Point.

Site description: The application site is agricultural fields in pasture and predominantly surrounded by open countryside. The site is located entirely within the Mynyddislwyn Special Landscape Area, and land to the east of the site is a Site of Interest for Nature Conservation.

Development: It is proposed to erect an 8.5 megawatt solar farm which would consist of approximately 30,294 Photovoltaic (PV) panels laid out in rows running east to west across the site. A 2m high deer fence will be erected along the site's perimeter prior to construction to restrict access to the site. Four transformer centres are also proposed at various locations through the site. Several CCTV cameras are also located throughout the development.

Dimensions: The site has an area of 18.9 hectares and covers an area to the north, west and south of Penrhiwarwydd Farm, with a buffer zone to the west and south of the existing farm buildings. The maximum height of each block of panels is 2.15 metres above ground level. The deer fence measures 2 metres in height. Each transformer centre has a footprint measuring 6.58 metres x 4.42 metres, with a maximum height of 3.94 metres.

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The deer fence measures 2 metres in height. Each transformer centre has a footprint measuring 6.58 metres x 4.42 metres, with a maximum height of 3.94 metres.

Materials: The solar panels would be mounted on steel beams that are inserted into the ground (no concrete foundations required). The security fence is of a deer proof type. Outbuildings are proposed to house equipment associated with the solar farm.

Ancillary development, e.g. parking: None is proposed.

PLANNING HISTORY

2/12134 Extension and repair works - Granted 05.12.1994.

P/02/0064 Erect 3 new digital radio antennas, 1 No. 0.3m dish mounted on new steel lattice tower and new equipment cabin - Withdrawn 05.03.2002.

07/0682/COU Convert redundant agricultural barn to a dwelling - Granted 31.08.2007.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Agricultural land outside the settlement in the Mynyddislwyn Special Landscape Area, adjacent to Nant Hafod Tudor Site of Interest for Nature Conservation.

Policies: CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection) and CW19 (Rural Development and Diversification).

NATIONAL POLICY

Welsh Assembly Practice Guidance Planning Implications of Renewable and Low Carbon Energy 2011, Planning Policy Wales 2014, Technical Advice Note 8 Planning for Renewable Energy July 2005.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes.

Was an EIA required? No.

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Application No. 14/0512/FULL Continued

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COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? - Yes. A Coal Mining Investigation has been submitted.

CONSULTATION

Countryside And Landscape Services - No objection subject to conditions.

Rights Of Way Officer - No objection subject to advice regarding possible footpath diversion.

National Air Traffic Services - No response.

Transportation Engineering Manager - No comments at date of report but a traffic management plan has been submitted following extensive discussions with the applicants.

Senior Engineer (Land Drainage) - Provide advice to developer.

Dwr Cymru - No comments.

Natural Resources Wales - No objection subject to condition.

ADVERTISEMENT

Extent of advertisement: Four neighbouring properties were consulted and a site notice was displayed at the access to the farm.

Response: Two objections were received.

Summary of observations:

1. Loss of agricultural land;
2. Impact on Special Landscape Area;
3. Inability of existing highway network to cope with HGV's delivering panels and equipment.
4. Increased traffic from work force during works and impact on highway safety.

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Application No. 14/0512/FULL Continued

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SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Conditions will be attached to the permission in the interests of protected species and biodiversity.

Is this development Community Infrastructure Levy liable? No. Renewable energy schemes are not CIL liable.

ANALYSIS

Analysis: CW19 - Rural Development and Diversification. This policy is aimed at rural building conversions and more local considerations than this proposal which is for the production of sustainable energy that has much wider implications. It is the case though that Welsh Assembly Practice Guidance Planning Implications of Renewable and Low Carbon Energy 2011 part 8.4.16 does predict that a "significant proportion of proposals for solar PV arrays will be on agricultural land" and as such can support farm diversification (as per Planning Policy Wales 2012 part 7.3). That practice guidance explains that whilst many solar proposals will be on agricultural land it is not expected that such land should be of a high grade. The application site is not high grade in accordance with that expectation.

CW3 (Design Considerations - Highways). An amended traffic management plan has been submitted by the applicant. At the time of writing the report the comments of the Transportation Engineering Manager were not available and will therefore be reported verbally at Planning Committee.

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CW2 (Amenity) requires that development should not have an adverse effect upon adjacent properties. The nearest neighbours that will be able to see the development is Ty'r Waen Farm to the north west. A condition has been requested the Council's Landscape Architect to increase the amount of planting around parts of the development to screen it from such affected properties. A Landscape and Visual Impact Assessment was submitted as part of the application. The Council's Landscape Architect has analysed this document and concludes that the potential for visual impact is generally limited to either close or distant views, from locations of similar elevations, and that views from the settlements on the valley floor are severely restricted by the topography of the valley and the built form of the settlement. In terms of the views of the site from within the Special Landscape Area, the Landscape Architect agrees with the statement that these are frequently curtailed by topography and the abundance of hedges, and small woodland copses.

Planning permission was recently granted for a 21.12, 10 megawatt solar park approximately 1.8 kilometres north of the site at Cwmcaesingrug Farm (Planning Ref: 14/0276/FULL). Although a cumulative impact assessment for both solar parks has not been undertaken, the Council's Landscape Architect does not believe the proposal would lead to a significant cumulative effect.

Comments from Consultees: Countryside and Landscape Services: The Council's Landscape Architect has considered the methodology used to undertake the Landscape and Visual Impact Assessment is in accordance with what is currently regarded as best practice. No objection is raised subject to conditions relating to increased planting/screening, and the use of appropriate materials for the proposed outbuildings.

Ecology - currently awaiting comments from Council's Ecologist.

Highways - currently awaiting comments from the Transportation Engineering Manager on the latest Traffic Management Plan.

Council's Rights of Way Officer - confirms that a diversion is not required as the new layout does not directly affect the line of the footpath onsite.

No objection subject to conditions has been received from the Senior Engineer (Land Drainage).

Comments from public: Loss of countryside - Use of low grade agricultural land for renewable energy is supported by National Planning Policy. Furthermore a condition will be attached granting a 25 year consent after which the land will be returned to agricultural use.

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Highway implications - Awaiting comments of Transportation Engineering Manager.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) Within 25 years and 6 months following completion of construction of development, or within 6 months of the cessation of electricity generation by the solar PV facility, whichever is the sooner, the panels, their supporting structures and associated stations and control buildings together with the security fencing, ground equipment, cabling, access paths and plant, shall be removed from the site and the site shall be subsequently restored in accordance with a scheme the details and timing of which shall have been submitted to and approved in writing by the Local Planning Authority.
REASON: To retain effective control in the interest of visual amenity.
- 03) No external lighting shall be installed or operated during the operation of the site.
REASON: In the interests of nearby amenity and to safeguard the ecological interests of the site in accordance with Policies CW2 and CW4 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 04) Prior to the commencement of the development hereby approved a construction phase management plan relating to the temporary construction access shall be submitted to and agreed in writing with the Local Planning Authority. The construction phase management plan shall include details of the access measures to control construction traffic into and out of the site in relation to both the adopted highway and public footpaths. The access shall be managed in accordance with the agreed plan during the construction phase and thereafter its use in association with the production of solar energy and maintenance of the panels and associated plant and structures shall cease.
REASON: To ensure the safe use of the access during the construction phase.

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- 05) Prior to the construction of the sub-stations, transformers and other apparatus details of the external finishes shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be completed and maintained thereafter in accordance with the agreed finishes.
REASON: In the interest of visual amenity.
- 06) A scheme of non-mains surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out prior to the first production of electricity by the development hereby approved.
REASON: To ensure the development is served by an appropriate means of drainage.
- 07) No works shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall provide a detailed report on the proposed route to be taken to the application site to include the adequacy of the route and details of any necessary improvements required to the highway network to allow the movement of the delivery vehicles. The Plan shall indicate the proposed delivery times, the size and number of delivery vehicles to be used together with details of a public awareness exercise to inform local residents and businesses in the area. The construction of the development hereby approved shall be carried out in accordance with the approved revised Construction Traffic Management Plan.
REASON: In the interest of highway safety and the free flow of traffic.
- 08) Prior to the commencement of the development hereby approved a Condition Survey of the construction traffic route shall be carried out and submitted to and agreed in writing with the Local Planning Authority. A further survey of that route shall be carried out on completion of the development and submitted to and agreed in writing with the Local Planning Authority.
REASON: In the interest of highway safety.
- 09) Notwithstanding the submitted plans the development shall not commence until construction details of the site access to serve the development during the production of electricity has been submitted to and approved in writing by the Local Planning Authority. That access shall thereafter be completed in accordance with the agreed details prior to the production of solar energy commencing.
REASON: In the interests of highway safety.

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- 10) Prior to the commencement of works on site, a scheme to prevent mud and other debris being deposited on the public highway shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed scheme.
REASON: In the interests of highway safety.
- 11) Prior to the commencement of the development hereby approved details of a temporary construction phase car park shall be submitted to and agreed in writing with the Local Planning Authority. The details to be agreed shall include the post construction restoration of the land. The agreed temporary construction phase car park shall be maintained free of obstruction for parking use during the construction phase and thereafter it shall be removed and the land restored to the agreed condition.
REASON: To ensure adequate parking provision during construction.
- 12) Works of site or vegetation clearance associated with the development hereby approved shall not take place during the bird-breeding season, March to August inclusive in any given year, unless otherwise approved in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 13) The means by which the electricity supply will be connected to the national grid shall be via underground and not overhead cables. The route of these cables shall be agreed in writing with the Local Planning Authority prior to the commencement of works and shall be installed in accordance with the agreed details.
REASON: In the interests of visual amenity.
- 14) A scheme shall be submitted to and agreed in writing by the Local Planning Authority showing a reduction in the area of proposed development along the sites north western and south western boundaries of the site.
REASON: To allow the proposed hedgerow planting a greater opportunity of providing a reasonable degree of screening within the life of the proposed development.

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- 15) A scheme shall be submitted to and agreed in writing with the Local Planning Authority detailing how the existing damaged section of field boundary wall along the south western boundary of the site be repaired, and additional hedgerow planting be included along full length of exposed stockproof fence boundary to provide a degree of screening for the panels in the adjacent field prior to the commencement of works onsite.
REASON: In the interests of visual amenity.
- 16) A scheme shall be submitted to and agreed in writing with the Local Planning Authority showing additional hedgerow planting at the entrance to the farm. The agreed details shall be implemented prior to the commencement of works on site.
REASON: To strengthen the existing vegetation screen to the panels in the field to the south of the site entrance in the interests of visual amenity.
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