

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0140/NCC 20.02.2017	Pearmat Solar 4 Ltd C/O Agent	Vary Conditions 5 (landscaping), 7 (habitat management), 8 (biodiversity monitoring), 9 (scheme for the protection of the retained trees), and 17 (approved plans) of planning application 15/0433/FULL (Create 4.1MW solar farm) Pen-y-fan Farm Grazing Land Manmoel Blackwood

**APPLICATION TYPE:** Development without complying with conds

#### SITE AND DEVELOPMENT

Location: Pen-y-fan Farm, Pen-y-fan Lane, Manmoel, NP12 OHZ. The site of the development is situated approximately 350m south-east of Pen-y-fan Farm, Manmoel Road, Blackwood. It is 0.4km to the west of the settlement of Pentrapeod and approximately 0.4km north-west of the Oakdale Industrial Estate, which is beyond the Pen-y-fan Pond Country Park.

Site description: The site is located on the eastern side of Manmoel Road and comprises seven agricultural fields. The fields are enclosed by fragmented hedgerows with mature hedgerow trees.

The site is gently sloping, rising up from approximately 305 metres (m) above Ordnance Datum (AOD) in the south-eastern corner to 330 m in the north-western corner.

Pen-y-fan Pond Country Park lies adjacent to the south-eastern boundary of the site and the area is traversed by a number of Public Rights of Way (PROW) that runs alongside and to the east of the proposed development. There is no PROW within the site. Pen-y-fan Caravan and Leisure Park is located approximately 220m to the north of the site on the opposite side of Manmoel Road.

The proposed development would be accessed from the north-west of the site via a turning off Manmoel Road through an existing gate which would require widening.

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Application No: 17/0140/NCC Continued

Development: Application for removal or variation of a conditions 5, 7 8, 9 and 17 following a grant of planning permission reference 15/0433/FULL to create 4.1MW solar farm, consisting of around 15,796 solar modules, on-site access tracks, substation, three combined inverter/transformer stations, underground cables, perimeter fencing and CCTV cameras at Pen-y-fan Farm, Pen-y-fan Farm Lane, Manmoel, Blackwood.

The background to this application is that trees at this site were felled prior to the commencement of development. The current proposals seek to compensate for that loss by submitting an amended landscaping scheme which results in an amendment to the following conditions:-

#### Condition 5

Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. Those details shall include:

(a) Proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and

(b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.); and

(c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The development shall be carried out in accordance with the agreed scheme and all planting, seeding, turfing/hard landscaping works comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: In the interests of the visual amenity of the area.

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Application No: 17/01740/NCC Continued

Condition 7

Prior to the commencement of the development hereby approved a nature conservation and landscape management plan shall be prepared and submitted to the Local Planning Authority for its agreement. The agreed plan shall be complied with during and after the completion of the development hereby approved.

REASON: To ensure adequate protection to protected species.

Condition 8

Within 6 months of the commencement of the development hereby approved, a monitoring programme for grassland habitats, invertebrates and bats shall be submitted to the Local Planning Authority for approval. The agreed management programme shall be implemented in accordance with the agreed details and copies of the monitoring reports submitted to the Local Planning Authority in accordance with an agreed time frame.

REASON: In the interests of biodiversity

Condition 9

No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:

a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,

b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,

c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,

d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,

e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),

f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,

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g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),

h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),

i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,

j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)

k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,

l) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,

m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site,

n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,

o) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837),

p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).

q) the timing of the various phases of the works or development in the context of the tree protection measures.

The development shall thereafter be carried out in accordance with the agreed details.

REASON: In the interests of visual amenity.

#### Condition 17

The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: drawing nos. 501 Rev A, 502 Rev A, 503 Rev A, 504 Rev A, 505 Rev A, 506 Rev A and 507 Rev A (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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The application has been supported by:

A Planning Statement prepared by Pegasus Group;

Planting Plan prepared by Pegasus Group comprising a:

'Detailed Landscape Proposals Phase 1 - Spring Planting Season 2017 drawing no:P16-1485\_01 Rev A,

'Detailed Landscape Proposals Phase 2 - Spring Planting Season 2017 drawing no:P16-1485\_01 Rev A,

Tree protection Plan drawing no:P16-1485\_06 Rev A (Sheets 1-4)

Supplementary Landscape and Visual Impact Assessment dated February 2017 prepared by Pegasus Group

An Arboricultural Statement dated 27.1.17,

Ecological Monitoring Programme dated January 2017, prepared by Clarkson & Woods Ecological Consultants.

The Planting Schedule submitted with the application shows the proposed hedgerows comprising a mix of beech, oak, field maple, common hawthorn, dogwood, hazel, common beech, holly, blackthorn, pedunculate oak of varying heights, girth and age. For all hedgerow planting, Hawthorn and Beech will form the mainstay of the hedgerow with the remaining species distributed randomly (i.e. not in sections of single species) with the aim of having at least 5 woody species represented in each 30m stretch.

#### PLANNING HISTORY 2005 TO PRESENT

15/0433/FULL - Create 4.1MW solar farm, consisting of around 15,796 solar modules, on-site access tracks, substation, three combined inverter/transformer stations, underground cables, perimeter fencing and CCTV cameras - Granted - 05.11.2015.

15/1261/COND - Discharge conditions 9 (Tree Protection Plan) and 10 (drainage) of planning consent 15/0433/FULL (Create 4.1MW solar farm, consisting of around 15,796 solar modules, on-site access tracks, substation, three combined inverter/transformer stations, underground cables, perimeter fencing and CCTV cameras) - Decided - 15.02.2016.

15/1181/COND - Discharge Conditions 3 (existing finishes), 4 (substation materials) & 5 (parts a and b) (hard and soft landscaping), 6 (construction environmental management plan), 7 (habitat management), 12 (noise), 18 (delivery management), 19 (scheme to prevent mud) and 20 (vehicular access) of planning consent 15/0433/FULL (Create 4.1MW solar farm, consisting of around 15,796 solar modules, on-site access tracks, substation, three combined inverter/transformer stations, underground cables, perimeter fencing and CCTV cameras) - Decided - 05.04.2016.

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16/0891/NMA - Seek approval of a non-material amendment to planning consent 15/0433/FULL (Create 4.1MW solar farm, consisting of around 15,796 solar modules, on-site access tracks, substation, three combined inverter/transformer stations, underground cables, perimeter fencing and CCTV cameras) to re-position approved substation - Granted - 09.11.2016.

17/0047/COND - Discharge conditions 10 (scheme for disposal of surface water and land drainage flows) and 24 (highway condition survey) of planning consent 15/0433/FULL (Create 4.1MW solar farm, consisting of around 15,796 solar modules, on-site access tracks, substation, three combined inverter/transformer stations, underground cables, perimeter fencing and CCTV cameras) - Decided - 08.02.2017.

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: In the open countryside with the south easternmost field of the site lying within the Pen-y-fan Pond and Meadows Site of Importance for Nature Conservation (SINC) (Policy NH3.49 of the LDP).

#### Policies:

SP2 - Development Strategy in the Northern Connections Corridor, SP6 - Place making, SP8 - Minerals Safeguarding, SP10 - Conservation of Natural Heritage, SP21 - Parking Standards.

#### Countywide Policies

CW2 - Amenity, CW3 - Design considerations - highways, CW4 - Natural Heritage Protection, CW5 - Protection of Water Environment, CW6 - Trees, Woodlands and Hedgerow Protection, CW15 - General locational constraints, CW19 - Rural Development and Diversification, CW22 - Minerals.

### NATIONAL POLICY

Planning Policy Wales, 7th Edition July 2014, TAN 5 - Nature Conservation and Planning (2011), TAN 6 - Planning for Sustainable Rural Communities (2010), TAN 8 - Renewable Energy (2005), TAN 12 - Design, Welsh Office Circulars 11/99 Environmental Impact Assessment, Circular 60/96 Planning and the Historic Environment: Archaeology, Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas. Welsh Assembly Practice Guidance Planning Implications of Renewable and Low Carbon Energy 2011.

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## ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No. It was concluded that the impact would not be significant for the purposes of the appropriate regulations.

## COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not an issue in respect of this application.

## CONSULTATION

Countryside And Landscape Services - The applicant has submitted a Landscape and Ecological Management Plan dated November 2015 which was updated in February 2017 following felling of the hedgerow trees. The earlier report is appended to the updated report and both reports are relevant to the discharge and proposed amendment of condition 7. The applicant has also submitted an Ecological Monitoring Programme dated January 2017 v1 which was updated on 26 Jan 2017 v2 and resubmitted in February 2017 in response to the tree felling and is relevant to the discharge and proposed variation of condition 7.

The Landscape and Ecological Management plan and its updated report sets out how it is proposed to retain protect, restore and manage existing grassland, and create and manage new species rich grassland across the site, and restore, create and manage hedgerows across the site. The proposals are acceptable, and will over time restore the habitat that has been recently removed.

The submitted Ecological monitoring programme (v2) which includes monitoring of vegetation, invertebrates and bats, will ensure that management over the first 10 years of operation can be monitored and if necessary adjusted to benefit wildlife.

Senior Arboricultural Officer (Trees) - Has agreed the tree related planning condition 9 may be discharged. He also agrees with the summary observations found in the Pegasus Group "Land at Pen-y-Fan Farm.... Arboricultural Statement..." dated 16/2/17 (revB) at paragraph 7.10 concerning stumps:

- "The felling works have removed all leaf bearing structure leaving stumps/stools 1 - 2.5m in height. It is likely remaining stumps/stools will not survive beyond the short term. Any that do survive will never fully recover the structure that has been lost".

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However, in the recommendations of the Pegasus report, at para 7.11, the author somewhat backtracks on their summary concerning the stumps and their worthiness for retention by stating that:

- "As a result of the removal works carried out it is recommended that:
  - The remaining stumps/stools are retained in situ for the remaining ecological benefit;
  - Stumps/stools are monitored over the next couple of growing seasons to monitor any regrowth and to manage the regrowth as appropriately for their conservation."
- "If this Council's Ecologist is in agreement that the stumps referred to are of sufficient ecological benefit to the immediate environment to warrant their retention then he is prepared to relax his earlier opinion that the stumps should all be removed (except hazels and those of bat roosting potential, as discussed previously) and endorse the Pegasus report's summary recommendations concerning the trees and the hedgerows."
- "In principle I have no objections to the Landscape Proposals as detailed. The current proposals detail that those trees (beech x24, and oak x7) be of 'Feathered' form, girth 10-12cm, height 300-350cm, and Root Condition B [bagged]. The supplied trees - to be planted as single specimens where indicated by the plans as detailed - must be no smaller than this."

Argoed Community Council - Has expressed concern about the destruction of trees and hedgerows on the land surrounding the development and trust the Council will do everything within its powers to penalise those responsible and ensure the trees and hedgerows are replanted.

### ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and neighbouring properties have been consulted.

Response: Three.

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Summary of observations:

- The area has enough solar panels and wind turbines.
- The solar panels are ruining the countryside and all the views.
- The area has lost a significant number of trees.
- The solar farms have resulted in the devaluation of properties.
- The felling of trees means that condition 9 cannot be complied with and questions why the LPA consider the development is being lawfully implemented.
- The LPA are more concerned with the developer 'walking away' from the development than with following procedure and protocol and questions the justification the LPA has given for this concern stating that NRW have power to ensure that replacement planting is carried out by the land owner.

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?

There are no specific crime and disorder implications material to the determination of this planning application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

The south easternmost field of the application site lies within Pen-y-fan Pond and Meadows Site of Importance for Nature Conservation (SINC) (Policy NH3.49 of the Local Development Plan). This SINC has been designated for its marshy grassland and flush vegetation; its semi-improved neutral grassland, acid grassland and heath, standing open water body and lesser horseshoe bat roost. The SINC field within the application site supported a diverse semi-improved neutral grassland community, although it appears that this field has been ploughed in the last 12 months and possibly top soil removed so that only remnants of the habitat remained along the edges of the field. The remaining fields within the application site are agriculturally improved grassland with the field in the south west corner being the most diverse, although this has also been ploughed in the past. It is not clear whether this ploughing has been undertaken to facilitate the development of the solar farm or as part of a general programme of agricultural improvement. However due to the very recent loss of this habitat it is considered that this loss of biodiversity should be taken into account and mitigated for as part of this proposal. The applicant has proposed to manage the two fields described as poor semi-improved grassland to increase the species richness of the current swards. This is to be welcomed but details will be required on the proposed management and monitoring of these grasslands and this may be addressed by attaching appropriate conditions to any consent.

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The applicant has also proposed to plant wildflower meadow and wild bird cover strips in the fields that are currently agriculturally improved which if managed appropriately will provide a net benefit for biodiversity. Details of the species composition, and subsequent management and monitoring of these new grasslands have not been provided to date and will need to be provided as a condition.

The Ecological report identified that the trees within the field boundaries have the potential to support roosting bats and breeding birds. The proposal will include the coppicing of two defunct hedges and removal of nine trees at the entrance of the site and one in the centre of the site. The impact of this on bats and birds has not been considered in the report, although during a site visit by this Council's Ecologist it appeared that these trees have the potential for nesting birds, and with the exception of several identified trees are unlikely to be suitable for roosting bats. However, to ensure that all species are protected during the construction period, the preparation a Construction Environmental Management Plan should be prepared and agreed with the Local Planning Authority as a condition.

#### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No.

#### ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance.

The application has been submitted by the developer of the Pen-y-fan solar farm to address, as far as possible, the loss of a large number of Beech trees and hedgerows removed within the approved solar farm site and in this respect the developer has confirmed that they are committed to a robust replanting scheme. The loss of these trees and hedgerows conflicts with the previously approved landscaping scheme for the site and landscaping conditions attached to the same which required the retention of trees and hedgerows to be enhanced by additional planting.

The Local Planning Authority (LPA) granted planning permission (our ref: 15/0433) subject to conditions for a solar farm at this site. The details required by conditions were submitted, and agreed by the Local Planning Authority in February 2016 (planning reference 15/1261/COND) and included a Tree Protection Plan. Therefore, the developer complied with the first part of condition 9 referred to above in that prior to the clearance of any vegetation, works or development a scheme for the protection of the retained trees was agreed in writing with the LPA.

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The purpose of the condition was clearly to protect trees in the interests of visual amenity and did not require the removal of trees, but it seems a third party, and not the developer, appears to have taken it upon himself to chop down the majority of trees at the centre of the site, most of which were mature. This Local Planning Authority do not know the reason for the felling of the trees but the removal of these trees were not required to facilitate the construction of the solar farm.

The trees weren't covered by a Tree Preservation Order, but whoever cut them down should have obtained a felling licence from Natural Resources Wales (NRW) before carrying out the work. The Local Planning Authority contacted NRW when they were aware of the removal of the trees, and NRW are carrying out their own investigations with a view to prosecution. The Local Planning Authority are ensuring that NRW are aware of anything agreed with the developers so that it does not jeopardise their investigations.

With regard to the planning implications, planning permission has been granted for a solar farm at this site, and it is considered by this LPA that it is being lawfully implemented. Rather than just wait for NRW to conclude their investigations, the local planning authority has engaged with the developer to secure not only additional planting around the periphery of the site as agreed as part of the planning consent, but also replanting of trees to replace those that were felled. The developers were entitled to implement their permission, but if the LPA had erroneously served a stop notice to cease works on site, the developer may well have walked away from the scheme, periphery additional planting would not be taking place and the LPA would have lost the opportunity to seek the developer's co-operation in securing replacement planting .

As advised the LPA have been in discussions with the developers who have expressed their wish to work with the Local Planning Authority to carry out replanting , and in this respect they have submitted this planning application to vary the landscaping conditions on the original planning consent to voluntarily enhance the approved planting plan and ecological management plan to mitigate and compensate against third party tree felling and pruning activity which occurred prior to the applicant taking control of the site.

- The Arboricultural Statement submitted with the application identifies at paragraph 8.1 that "Following a site visit, it was determined that out of 235 survey items (identified in the Arbec Tree Protection Plan), a total of 83 survey items have been removed (approximately 35% of total items) including 80 trees, two hedgerows and one group. These removals were concentrated within the interior of the site. Of the removed trees 26 were high quality (Category A), also 40 moderate quality (Category B), 13 low quality (category C) and 1 was poor quality (Category U). One low quality (category C) group was removed along with two low quality (category C) hedgerows.

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- 8.2 A further 12 trees were subject to canopy pruning, of which 9 were moderate quality (Category B) and three were high quality (Category A).
- 8.3 In light of the felling and pruning, remaining stumps/stools of affected trees may not survive the works and any that do are likely to struggle to survive beyond the short term."

The report concluded that new planting is undertaken to re-instate affected field boundaries and that remaining tree stems/stools could be retained in situ with new infill and hedgerow planting but that the exact specification for new planting should be agreed with the LPA as part of a detailed landscaping plan and ecological/landscape management plan.

Pending the determination of this current planning application, the developer has been carrying out works legitimately allowed by the original planning permission. The developer appointed their own qualified Arborist in February 2016, who has worked with officers of this Council to ensure that existing trees and hedgerows which are an intrinsic part of the Manmoel Landscape were protected on site during the development of the site. The developer's Arborist produced an Arboricultural Watching Brief Final report dated April 21st 2017, following site visits conducted in March and April which involved a walk over, visual inspection of the barrier fencing, boundary fencing and any other tree issues with the aim to provide information for the purposes of signing off planning conditions in relation to the trees. The Arboricultural Watching Brief is also based upon the Tree Survey, Arboricultural Implications Assessment, and Arboricultural Method Statement submitted with the application and referred to above. The developer's arborist has worked closely with this Council's Arborist, Ecologist and Countryside Officers in this respect. Outstanding works described in the Arboricultural Watching Brief Report comprise hedge replacement planting. Ground levels are to be made good with topsoil where tree stumps have been identified to be removed and planted in accordance with an approved Landscape Plan.

The felled and stacked branch/ wood/timber and stumps which are situated on Pen-y-fan Farm are deemed by the developer to be the property of the land owner and is retained on site in non-operational areas.

This Council's Landscape Architect has considered the landscape proposals and the Tree Protection Plan as acceptable. However, whilst the timing of the proposed landscaping works is split between the March 2017 and the next planting season which covers the winter spring season 2017-18, it is noted that planting in March this year could not be undertaken due to poor ground conditions caused by inclement weather. This fact is supported by written justification from the appointed landscape contractor.

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In addition, notwithstanding the recommendations of the Arboricultural Statement dated February 2017 that the remaining stumps/stools are left in situ for ecology benefit, and monitored for regrowth over the next couple of years, he disagrees with this:

- on visual grounds owing to the size of the stumps/stools and the image they portray of the site in views from Pen y fan pond and Manmoel Road.
- -the size and number of stumps within hedge lines will severely compromise the area of ground available for replanting.
- -it is not considered the cut stumps/stools will regrow/shoot to an extent where they would return to being a viable visual asset to the hedge.
- -there is a risk of pathogens infecting the cut stumps/stools which in time could affect the replacement planting within the hedgerow.
- it will become increasingly difficult to remove the stumps in future years without risk to the solar panels, site infrastructure and replacement planting within the hedgerows.

The extensive felling of mature trees in January 2017 resulted in significant loss of bat foraging and commuting routes, and nesting opportunities for birds. The remaining stumps have all been inspected by the Council's Ecologist for potential as bat roosts, and those with potential to support bats were identified and marked on site. In addition, all those felled trees that have the potential to recover and regenerate, were also identified and marked on site for retention so that these would form part of a new hedge. The majority of the mature beech however were considered to be unlikely to regenerate sufficiently to contribute to the structure of a new hedgerow and were therefore identified for removal. Whilst these stumps would provide a deadwood habitat for invertebrates and fungi as they decay, they would prevent the rapid establishment of a new healthy hedgerow, and on balance it was agreed that unless these stumps provided existing ecological value for either bats or birds they should be removed, to allow the new hedgerows to establish as quickly as possible to provide a strong hedgerow in the future for foraging, nesting and shelter opportunities.

It should be noted that in this respect stumps/stools previously surveyed with officers of this Council have either been removed or are pending removal in preparation for planting or retained for ecological reasons as agreed.

The Landscape and Ecological Management Plan dated February 2017 is considered acceptable. However, it is considered appropriate to attach a condition to any consent requesting details of the company who will carry out the management works, including a meeting to be scheduled between the Council and the operators representatives two years following completion of the planting to review establishment and future maintenance.

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The Supplementary Landscape and Visual Impact Assessment dated February 2017 has been considered and in summary it is agreed that whilst the removal of trees and hedgerows within the site has had an immediate detrimental impact on the landscape elements and character of the site itself, the effects are localised to the site and its immediate surroundings and are not discernible from the wider surrounding landscape.

In conclusion it is considered the proposed development is entirely appropriate for the site and accords with the relevant local planning policies together with national planning guidance which identifies how the planning system should contribute to and enhance the natural and local environment. In this respect given the unlawful felling of the large number of trees at the site by a third party it is considered the Council has chosen the most effective way forward to address the unauthorised tree felling through negotiation and with the voluntary co-operation of the developer. The proposed landscape and ecological enhancements will bring about a benefit to the biodiversity elements associated with the overall site and mitigate tree felling and pruning undertaken by a third party and will provide betterment in terms of both the visual and ecological rural characteristics of this area.

It should be noted that this is a Section 73 planning application to vary conditions 5 (Landscaping) 7 (Habitat Management) 8 (Biodiversity) 9 (Scheme for the protection of the retained trees) and 17 (Approved plans) of planning approval reference 15/0433/FULL. Where consent is granted under a Section 73 application, all other conditions attached to the original consent are replicated in any new consent. However, it should be noted that conditions 2, 3, 4, 5, 6, 7, 8, 9, 12, 18, 20, have previously been discharged under planning application reference 15/1181/COND granted in March 2016 and conditions 10 and 24 under previous planning application reference 17/0047/COND in February 2017. The current application submitted provides enhancements to the approved Planting Plan, Tree Protection Plan and Landscape and Ecological Management Plan and are considered acceptable and as such the conditions have been varied to reflect the information submitted and condition 7 removed to avoid duplication.

Comments from Consultees: The concerns of the consultees referred to above may be addressed by attaching appropriate conditions to any consent.

Comments from public: The concerns of the objectors have been considered above. In addition the objection raised regarding the devaluation of property is not a planning matter.

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Other material considerations: The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

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) At least 5 working days' notice in writing shall be given to the Local Planning Authority in respect of the commencement of works.  
REASON: To enable the Local Planning Authority to ensure construction works take place in a timely manner and to minimise disturbance to neighbouring amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010.
- 03) Notwithstanding the submitted plans, details of the colours of the external finishes of the Transformer and Inverter Cabinets together with the CCTV poles and associated attachments shall be submitted for consideration and approval in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the first use commencing.  
REASON: In the interests of visual amenity.
- 04) This consent does not extend to the details submitted in respect of the external wall materials of the substation indicated on the approved drawing no. 506 Rev. A. Revised details shall be submitted for consideration and approval in writing with the Local Planning Authority, which provide for a pitched roof building with either a stone/timber clad or rendered finish to the external walls. The development shall be carried out in accordance with the agreed details prior to the first use commencing.  
REASON: In the interests of visual amenity.

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- 05) The development shall be carried out in accordance with the Landscape and Ecological Management Plan and updated report prepared by Pegasus Group and Clarkson & Woods, February 2017 and Detailed Landscape Proposals Phase 1 - Drawing no:P16-1485\_01 Sheet 1 Revision A and Detailed Landscape Proposals Phase 2 - Drawing no: P16-1485\_01 Sheet 2 Revision A.  
REASON: In the interests of the visual amenity of the area.
- 06) Prior to the commencement of the development hereby approved a Construction Environmental Management Plan shall be prepared and submitted to the Local Planning Authority for its agreement. The agreed plan shall be complied with during and after the completion of the development hereby approved.  
REASON: To ensure adequate protection to protected species.
- 07) The development hereby approved shall be carried out fully in accordance with the Ecological Monitoring Programme prepared by Clarkson & Woods Ecological Consultants dated January 2017.  
REASON: In the interests of biodiversity.
- 08) The development hereby approved shall be carried out in accordance with the Arboricultural Statement prepared by Pegasus Group dated February 2017 and Tree Protection Plans drawing no's P16-1485\_06 Revision A, Sheet 1/4,2/4,3/3 and 4/4.  
REASON: In the interests of visual amenity.
- 09) No development shall commence until details of a scheme for the disposal of surface water and land drainage flows from the site has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.  
REASON: To ensure the development is served by an appropriate means of drainage.
- 10) Construction, movement of materials and decommissioning works shall take place only between the hours of 0800 - 1800 Mondays to Fridays and 0800 - 1300 Saturdays and not at all on Sundays or Public Holidays.  
REASON: In the interests of residential amenity and to minimise disturbance to foraging/commuting bats and other nocturnal animals.

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- 11) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.  
REASON: In the interests of the amenity of the area.
- 12) 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.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without prior planning permission from the Local Planning Authority, except for those works permitted by this consent.  
REASON: To protect the landscape character of the area in accordance with Policies CW4 of the LDP.
- 14) 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 solar PV panels, frames, foundations, inverter housings and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall be subsequently restored in accordance with a scheme, the details of which shall be submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production.  
REASON: In the interest of visual amenity.
- 15) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed 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.

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- 16) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: drawing nos. 501 Rev A, 502 Rev A, 503 Rev A, 504 Rev A, 505 Rev A, 506 Rev A and 507 Rev A (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 17) The development hereby approved shall not commence until after a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall provide details on the proposed size/number/frequency of delivery vehicles associated with the construction of the solar park and any mitigation measures proposed to safely manage deliveries to and from the site. The works thereafter shall be carried out in accordance with the agreed plan.  
REASON: In the interests of highway safety.
- 18) 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.
- 19) The development shall not commence until a means of vehicular access has been constructed in accordance with details that shall have first been submitted to and agreed in writing with the Local Planning Authority.  
REASON: In the interests of highway safety.
- 20) The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from the solar farm. Written confirmation of the first export date shall be sent to the Local Planning Authority within one month of the first export date.  
REASON: In order to retain effective control over the development.
- 21) Within 25 years from the date when electricity is first generated to the grid, or within six months of the cessation of electricity generation by the solar farm facility, whichever is sooner, the solar farm and all associated works/equipment shall be dismantled and removed from the site and the land restored to its former condition in line with a restoration scheme, details of which shall be submitted and approved in writing by the Local Planning Authority.  
REASON: In the interests of visual amenity.

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- 22) Within the year prior to decommissioning of the site, and during the appropriate survey period prior to decommissioning, a full ecological survey of the site shall be undertaken to inform decommissioning, as required by Condition 22). A survey report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning and then implemented as approved. The report shall include ecological mitigation measures, as appropriate, based on the ecological assessment findings to be followed during commissioning and beyond.

REASON: In the interests of visual amenity and biodiversity.

- 23) Prior to the delivery of any components a highway condition survey along Manmoel Road shall be carried out and agreed in writing with the Local Planning Authority the agreed survey shall include a scheme and timetable for the repair of any damage caused to the highway by delivery vehicles associated with this development. The development shall thereafter be carried out in accordance with those agreed details.

REASON: In the interests of highway safety.

#### Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3.

The applicant is advised of the comments of this Council's Landscape Architect.

