

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0823/NCC 03.10.2019	Mr D Meehan C/O Agent	Vary condition 3 of planning consent 18/0626/DNS (Welsh Ministers Consent DNS3213639) (Provide solar park, access and ancillary development) to amend the wording of the condition Land At Grid Ref 313169 206548 Wauntysswg Farm Abertysswg Rhymney Tredgar

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

#### SITE AND DEVELOPMENT

Development: Planning permission was granted by the Welsh Minister for Housing and Local Government in July 2019 for a 30 MW solar park, access and ancillary development at Wauntysswg Farm, Abertysswg. As a development of national significance (DNS), the application was made to Welsh Government rather than the local planning authorities. The site straddles the boundary between Caerphilly and Blaenau Gwent boroughs, with the access in this borough off the B4256 some 700m to the north east of the access to the golf club. The solar farm would be within Blaenau Gwent, with only the access and a temporary site compound within this borough.

The following condition was imposed on the permission.

"This planning permission shall endure for a period of 30 years from the date when electricity is first exported from the solar farm to the electricity grid ('First Export Date'). Written notification of the First Export Date shall be provided by the developer to the Local Planning Authority no later than 1 calendar month after that event."

This reflected the Minister's view that the scheme was temporary, and that its landscape and visual impacts, as well as its adverse impact on the setting of an Scheduled Ancient Monument, would be fully reversible.

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The applicants have now applied to vary that condition to allow a temporary period of 40 years. In their view the solar panels would last for 40+ years if properly maintained, rather than the 30 years that was the industry norm when the application was submitted in 2018. A supporting letter from the agents states that the additional 10 years would provide the following benefits:

- Safe, stable and affordable electricity for approximately 8,250 homes;
- The abatement of approximately 640,000 tonnes of CO2 total instead of 480,000 (from the original 30 years) over the lifetime of the project;
- Rural diversification and increased revenue from the energy sector to be spent in the local economy for a longer duration of time;
- The maintenance of the site will generate further opportunities for employment;
- Net gain in biodiversity through the ecological mitigation put in place and the reduced intensity of agricultural use.

At the end of the operational period, the solar farm and its ancillary equipment will be removed, and the site reinstated to the satisfaction of the local planning authority (LPA). It is estimated that decommissioning of the solar farm will take approximately 4 to 6 months to complete. In addition, the applicant agreed to provide a community benefit fund of a one-off payment of £3,000 per MW (£90,000) following the grant of the DNS planning permission. Should the variation of condition application be granted this would be increased to £5,000 per MW (£150,000 total).

#### PLANNING HISTORY 2005 TO PRESENT

18/0626/DNS - Provide solar park, access and ancillary development - Granted - 01.08.2019.

#### POLICY

##### LOCAL DEVELOPMENT PLAN

Site Allocation: The part of the development within Caerphilly borough is within a Visually Important Local Landscape, and a Coal Safeguarding Area.

Policies: One of the aims of the LDP is: To ensure that new development minimises emissions of greenhouse gases as far as is practically possible in order to mitigate the effects of climate change (para 0.92).

One of the key objectives is to: Improve energy, waste and water efficiency while promoting environmentally acceptable renewable energy to maintain a cleaner environment and help reduce our impact on climate change (para 0.94).

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One of the eight key components of the LDP's strategy is to reduce the impact of development on the countryside (para 1.19), and in respect of renewable energy it states as follows.

"1.54 Energy conservation makes a positive contribution to the protection of the environment through a reduction in the release of harmful emissions into the atmosphere. In addition, renewable energy technologies such as microgeneration have an important role to play in the built environment. However, there are a number of renewable energy sources that have the potential to have an adverse impact on valued aspects of the countryside, for example the potential impact of wind generated energy on the landscape. The energy provision benefits of renewable energy schemes therefore need to be balanced against the potential impact of such development on the landscape and on sites of ecological interest."

The site of the solar farm is within Blaenau Gwent Borough, but adjacent to the area defined in the LDP as the Heads of the Valleys Regeneration Area. The following considerations are to be taken into account in respect of renewable energy.

"3.11 The Upper Rhymney Valley offers the most significant potential in terms of energy production within the county borough due to the presence of coal resources at Nant Llesg and the potential of the Upper Rhymney Valley area in terms of renewable energy generation. However, the area is also a principal gateway to the northern end of the County Borough and is particularly prominent when viewed from the A465 Heads of the Valleys Road. The Plan seeks to balance the merits of renewable energy schemes and the safeguarding and potential development of minerals in this area against the objective of safeguarding the landscape from further degradation and, where possible, securing landscape enhancement. Due to its prominence, any proposals for development associated with energy generation within the Upper Rhymney Valley will need to recognise that development must be undertaken in an environmentally acceptable manner. Development proposals should, where appropriate, secure effective landscape rehabilitation and enhancement as an integral part of the scheme. Proposals will also need to be consistent with the wider regeneration strategy and enhanced recreational and tourism role envisaged for this part of the Plan area.

Policy SP5 (settlement Boundaries) of the LDP states that: The Plan defines settlement boundaries in order to: D Prevent inappropriate development in the countryside.

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Policy CW15 (General Locational Constraints) restricts development in the following manner.

"Development proposals will be considered against the following criteria, where they apply: ...

C Outside settlement boundaries proposals will not be permitted unless the proposed development is either: ...

iv Associated with the provision of public utilities, infrastructure and waste management facilities that cannot reasonably be located elsewhere ..."

The main site of the proposed solar farm is adjacent to a Visually Important Local Landscape (VILL) within Caerphilly County Borough.

Policies CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection), and CW22 (locational Constraints - Minerals) are also of relevance.

NATIONAL POLICY Planning Policy Wales 2010 contains considerable support for renewable energy, and states, "Planning authorities should facilitate all forms of renewable and low carbon energy development." (para 5.9.1).

#### ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? The original development was screened by Welsh Government, and it was concluded that the proposal was not EIA development. The current application relates to the access only, but it leads to the larger part of the development in the neighbouring borough. It is still concluded that the scheme is not EIA development because the impacts will not change, only their duration. This does not prejudice Blaenau Gwent Borough Council consideration of this matter.

#### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No.

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### CONSULTATION

Transportation Engineering Manager - No objections.

Rights Of Way Officer - No objections.

Ecologist - No objections.

Landscape Architect - No objections.

Glam/Gwent Archaeological Trust - No objections subject to a change in the wording of the archaeology conditions.

### ADVERTISEMENT

Extent of advertisement: Site notices were posted at the site, and on Hill Street.

Response: No comments have been received.

### 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?  
None.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

### ANALYSIS

Policies: There is support for renewable energy development in local and national policies. Planning permission has previously been granted for this development by the Welsh Minister, and the only matter now under consideration is whether the extension of the temporary period from 30 to 40 years is acceptable from a planning point of view.

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This Council did not raise any formal objections to the original scheme, although officers, in preparing a Local Impact Report as part of the determination process did draw attention to the adverse impacts of the development on the landscape, historic environment, and nature conservation matters. Blaenau Gwent Borough Council objected to the scheme. The inspector who conducted the inquiry, which was part of the DNS process, recommended that the application should be refused, but the Minister came to the opposite conclusion.

The part of the development within Caerphilly borough will accommodate the access road, and a temporary compound during construction. On balance, any adverse impacts of this minor part of the development will not be significantly increased as a result of the extended temporary period. The Minister concluded that all of the adverse impacts were reversible and that will remain the case after 40 years. It is recommended that planning permission should be granted subject to the conditions that apply to the part of the development within this borough.

Comments from Consultees: No objections are raised by consultees.

Glamorgan Gwent Archaeological Trust have requested that the wording of archaeology condition be changed to reflect the guidance in Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management, because the conditions imposed by the Minister do not state that it is the responsibility of the developer to engage the archaeological contractor to produce a written scheme of mitigation, and that the mitigation work will be undertaken to an agreed methodology. However, the Council cannot reconsider the original application, and although section 73 of the Town and Country Planning Act 1990 allows the LPA to impose differing or additional conditions, they have to be fairly related to the issue currently under consideration. In this case, there is no relationship between the temporary period for which the permission is granted and the archaeological implications of the scheme.

Comments from public: None received.

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.

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RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development to which this permission relates must be begun not later than the expiration of 5 years beginning with the date on which the permission is granted.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the details of the following approved plans and documents, except where amended by conditions attached to this planning permission:
  - i. Drawing reference: JPW0888-DNS-005 DNS Site Application Plan;
  - ii. Drawing reference: JPW0622-WAU-002 Rev I Site Layout Plan;
  - iii. Drawing reference: 17/611/01 Tree Location and Constraints Plan;
  - iv. Drawing reference: 17/611/02 Rev A Tree Protection Plan;
  - v. Drawing reference: JNY8819-01 Junction Layout and Visibility Splays.REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) This planning permission shall endure for a period of 40 years from the date when electricity is first exported from the solar farm to the electricity grid ('First Export Date'). Written notification of the First Export Date shall be provided by the developer to the Local Planning Authority no later than 1 calendar month after that event.  
REASON: In the interests of visual amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) If the solar park associated with the development hereby permitted ceases to export electricity to the grid for a continuous period of 12 months the developer shall notify the Local Planning Authority in writing. A scheme shall be submitted to the Local Planning Authority for written approval within 3 months of the end of the 12-month period, for the repair or removal of all infrastructure. The scheme shall include, as relevant, a programme of remedial works where repairs to infrastructure is required. Where removal is necessary the scheme shall include a programme for removal of all infrastructure approved under this permission, including details of site restoration measures following the removal of infrastructure. The scheme shall thereafter be implemented in accordance with the approved details and timetable.  
REASON: In the interests of visual amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 05) Not later than 12 months prior to the end of this permission, a Decommissioning Management Plan shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for, inter alia, the removal of all infrastructure approved under this permission and the restoration of the site. The approved scheme shall be fully implemented within 6 months of the expiry of this planning permission.  
REASON: In the interests of visual amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) All electrical cabling between the solar park and the grid connection shall be installed underground. Prior to the commencement of any works associated with this part of the development, details of the routes of underground cabling shall be submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of visual amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) No development shall take place until a written scheme of historic environment mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the programme of work will be carried out in accordance with the requirements and standards of the written scheme.  
REASON: In the interests of the archaeological and historical heritage of the Borough.
- 08) No development or site clearance shall commence until the Local Planning Authority has been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the Local Planning Authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the archaeological fieldwork being completed.  
REASON: In the interests of the archaeological and historical heritage of the Borough.
- 09) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The submitted scheme shall include:
- i. Indications of all existing trees (including spread and species) and hedgerows on the land clearly identifying those to be lost or retained;
  - ii. Measures for the protection of retained trees or hedges throughout the course of development;
  - iii. Details of ground preparation, planting plans, number and details of species;

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iv. Maintenance details for a minimum period of 5 years; and

v. A phased timescale of implementation.

The landscaping scheme shall be carried out as approved.

REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 10) All planting or seeding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development or any alternative timescale that may be approved in writing by the Local Planning Authority before works commence on site. Any trees, shrubs or plants which within a period of 5 years from implementation of the planting scheme die, are removed or become seriously damaged or diseased, shall be replaced by one of the same species and size in the next available planting season.

REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 11) No development shall take place (including ground works or vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following:-
- i. A risk assessment of any potentially damaging construction activities;
  - ii. Identification of "biodiversity protection zones";
  - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
  - iv. The location and timing of sensitive works to avoid harm to biodiversity features;
  - v. The times during construction when specialist ecologists need to be present on site to oversee works;
  - vi. Responsible persons and lines of communication;
  - vii. The role and responsibilities on site of an Ecological Clerk of Works or similarly competent person; and
  - viii. The use of protective fences, exclusion barriers and warning signs.

The CEMP shall be strictly implemented and adhered to throughout the construction period in full accordance with the approved details.

REASON: In the interests of the amenity of the occupiers of the development in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 12) Prior to its construction, details of the access road for the development shall be submitted to and agreed in writing by the local planning authority. Those details shall include materials and the method of drainage. The access road shall be constructed in accordance with the agreed details prior to the commencement of any other part of the development.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) Prior to the first use of the access to the development hereby approved, the first 10 metres shall be surfaced in accordance with the details approved under Condition 17.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 14) Prior to their construction, details of the temporary compound, car parking, turning area and wheel washing facilities shall be submitted to and agreed in writing by the local planning authority. The details shall include materials, structures, boundary treatment, means of drainage, surfacing, plant and machinery, lighting, and any storage including liquids. The compound, car parking and turning area shall be constructed in accordance with the agreed details.  
REASON: In the interests of visual amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) Prior to the construction of the temporary compound, car parking and turning area, details of the mitigation of the impact of those facilities on the existing habitat and species, and method and timing of restoration following their removal from site shall be submitted to and agreed in writing with the local planning authority. The agreed details shall be complied with and the site restored in accordance with the agreed details.  
REASON: To ensure adequate protection of species and habitat in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 16) Prior to its construction, details of the bridge crossing the Nant Tysswg shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed scheme.  
REASON: To ensure adequate protection of species and habitat in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 17) Prior to the commencement of development, details of any temporary lighting for the construction period shall be submitted to and approved in writing by the Local Planning Authority. The temporary lighting shall be installed in accordance with the approved details for the duration of the construction period only. With the exception of the temporary lighting, no floodlights or any other form of external lighting shall be installed at the site.  
REASON: In the interests of visual amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

This permission relates solely to that part of the solar farm development within the boundaries of Caerphilly County Borough.

**WARNING:  
SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO  
COMMENCEMENT OF THIS DEVELOPMENT.**

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511  
Email: [drainage@caerphilly.gov.uk](mailto:drainage@caerphilly.gov.uk)  
Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

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