PLANNING (SITE VISITS) SUB COMMITTEE

30TH JUNE 2014

ENVIRONMENT SERVICES

REPORT OF THE HEAD OF PLANNING – N. PEARCE

PART 1 – Doc.Code: PSVS-300614-REP-EN-NP

SECTION A – MATTER FOR DECISION

1. PLANNING APPLICATION RECOMMENDED FOR APPROVAL

1.1	APP NO: P/2013/1087	TYPE: Full Plans	Page Nos: 4-31	Wards Affected: Bryn & Cwmavon
PROPOSAL:	Installation of a ground mounted photovoltaic (solar electricity) plant, including the erection of a control room, switching room, inverter stations and other equipment, tracks, drainage, fencing, landscaping and all associated building and engineering operations, for use for a period of up to 25 years			
LOCATION:	Tyle'r Fedwen Farm, Tyle'r Fedwen Farm Access Road, Cwmavon, Port Talbot, SA12 9YA			

Background Information

At the Planning and Development Control Committee on 17th June 2014 the application was **DEFERRED FOR A SITE VISIT** to allow Members to assess the suitability of the proposed construction access route having regard to highway safety.

To assist Members, a plan illustrating the construction route through Cwmavon is appended to this report

Planning History:

Application P2013/542 – Request for screening opinion – decision 18/7/2013 Environmental Impact Assessment not required.

Publicity and Responses if applicable:

Site notices have been displayed, the application has been advertised in the press as a major development, with one property directly notified by letter.

To date, one objection has been received, which in summary states that it will be an eyesore in the countryside.

Head of Engineering and Transport (Highways): No objections subject to conditions.

Head of Engineering and Transport (Drainage): No objections subject to conditions.

Public Rights of Way Footpaths: No objections subject to conditions.

Contaminated land: No objections subject to conditions.

Biodiversity: No objections subject to conditions

Natural Resources Wales: No objections subject to conditions

Gwent Glamorgan Archaeological Trust: No objections

CADW: No objections.

Description of Site and its Surroundings:

The site is located below the elevated ridge of Mynydd y Gaer which runs from to east to west within open countryside approximately 2 kilometres to the north east of the M4 and to the north of the minor road running between Baglan and Cwmafan. The site slopes steeply from south to north gaining approximately 100 metres in height over a distance of 400 metres and consists largely of semi improved grassland and rough grazing with a combined site area of approximately 34.4 hectares (82.5 acres). Agricultural land and forestry surrounds the site on all boundaries with the exception of the extreme eastern boundary which adjoins the minor Baglan to Cimla road.

The nearest settlements are Baglan approximately 350 metres to the southwest and Cwmafan approximately 800 metres to the south east. The nearest residential property is Bwlch Farm is which is located

approximately 100metres from the southern boundary of the site. The site is partly bounded by forestry plantations to the north east and northwest whilst the remainder of the site is bounded by open ground.

Brief description of proposal:

Members are advised that during the course of the planning application the scheme was amended. Whilst the site boundary has not been altered the applicant was requested to reduce the footprint of the solar array. The amended layout has resulted in a reduction of the footprint of the solar array from approximately 26% 8.5 hectares (21acres) of the site to approximately 20% or 6.8 hectares (17 acres)

As amended, the proposed development now involves the installation of 45,912 ground mounted solar panels (was 53,112) capable of producing in excess of 11.47 megawatts-peak (MWp) (reduced from the initial 13.27 MWp) with an operational life of up to 25 years.

The development would consist of the following elements:

- The creation of two access points, to facilitate access to the site for construction vehicles and construction workers.
- The solar panels are approximately 1656mm x 995mm. They would be orientated to the south at a fixed angle of 15 degrees. The maximum height of the panels when installed would be 2.09m. The panels would be mounted on a metal framework supported on steel posts, which would be driven into the ground to a maximum depth of 1.9m. The area of panels covers approximately 18% of the site.

- The construction of 10 inverter cabins, each measuring 12.21m long x 2.44m wide x 2.9 m high.

- The construction of a switching room measuring 9.4m long x 4.52m wide x 3.2m high.

- The construction of a control room, measuring 6.5m long x 2.5m wide x 2.9m high.

- The construction of a switchroom measuring 11.5m long x 5.3m wide x 3.725 m high.

- The panels would be connected to the inverters and sub-stations by

underground cables installed in trenches to a depth of 1.2m.

- The installation of a security fence, 2.4m high, dark green in colour, around the perimeter of the development with gates.

- The plant would not be illuminated, but would be protected by CCTV cameras mounted at corners and at 50m intervals.

- The construction of access tracks 3.0-3.5m wide and drainage swales.

The plant would be connected to the National Grid. The connection would be approximately 400m north-west of the site boundary, where there is an existing 132kV transmission line which crosses the site from north-west to south-east.

Material Considerations:

The material planning considerations with regard to the application are the prevailing national and development plan policies, visual amenity, ecology, access, drainage, traffic generation and sustainability. There are no known statutory or non statutory planning or environmental constraints on the application site. It does not lie within a "sensitive area" as defined by the EIA regulations and is not located within an historical landscape or conservation area or other designated area.

EIA Screening opinion:

With regards to Environmental Impact Assessment the proposal is of a type that requires a decision as to whether an Environmental Impact Assessment needs to accompany the application. This is called a 'Screening Opinion'. A screening opinion has been undertaken (P2013/542) and it was concluded that the development is not likely to have significant environmental impacts by virtue of factors such as nature, size or location. It was determined under delegated powers that an Environmental Impact Assessment was not required.

Policy Context:

The application is considered with reference to both national and local planning policies. The policies referred to below form the framework within which the planning application will be considered.

Planning Policy Wales (Edition 6) (PPW) states that:

An objective of the Welsh Government relating to this form of planning application is highlighted in Planning Policy Wales (PPW6) this refers to the promotion of the generation and use of energy from renewable and low carbon energy sources at all scales and to secure an appropriate mix of energy provision which maximises benefits to our economy and communities whilst minimising potential environmental and social impacts. Paragraph 4.6.4 sees the countryside as a sustainable energy source and solar is recognised as a source of renewable energy.

Section 12 (Infrastructure and Services) of PPW provides the following guidance: -

12.8.1 The UK is subject to the requirements of the EU Renewable Energy Directive. These include a UK target of 15% of energy from renewables by 202011. The UK Renewable Energy Roadmap sets the path for the delivery of these targets, promoting renewable energy to reduce global warming and to secure future energy supplies12. The Welsh Government is committed to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of our approach to tackling climate change (see 4.5) whilst enhancing the economic, social and environmental wellbeing of the people and communities of Wales in order to achieve a better quality of life for our own and future generations. This is outlined in the Welsh Government's Energy Policy Statement *Energy Wales: A Low Carbon Transition* (2012)13.

12.8.8 The Welsh Government is committed to using the planning system to:

– optimise renewable energy generation;
– optimise low carbon energy generation;
– facilitate combined heat and power systems(and combined cooling, heat and power) where feasible; and
– recognise that the benefits of renewable energy are part of the overall commitment to tackle climate change by reducing greenhouse gas emissions as well as increasing energy security.

12.8.9 Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy to help to tackle the causes of climate change.

Specifically, they should make positive provision by:

- considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;

- ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations;

- recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability; and

- ensuring that all new publicly financed or supported buildings set exemplary standards for energy conservation and renewable energy production.

12.10.1 In determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:

- the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;

- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;

- the impact on the natural heritage, the Coast and the Historic Environment;

- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;

- ways to avoid, mitigate or compensate identified adverse impacts;

- the impacts of climate change on the location, design, build

and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts;

- grid connection issues where renewable (electricity) energy developments are proposed; and

- the capacity of and effects on the transportation network relating to the construction and operation of the proposal.

There is therefore explicit, in principle national planning policy support for renewable energy development that will contribute to meeting legal obligations and policy objectives to significantly increase energy production from renewable sources.

Technical Advice Notes (TANs):

TAN 6 - Planning for Sustainable Rural Communities considers farm diversification, and advises as follows:

3.7.1 When considering planning applications for farm diversification projects, planning authorities should consider the nature and scale of activity taking a proportionate approach to the availability of public transport and the need for improvements to the local highway network. While initial consideration should be given to converting existing buildings for employment use, sensitively located and designed new buildings will also often be appropriate.

3.7.2 Many economic activities can be sustainably located on farms. Small on-farm operations such as food and timber processing and food packing, together with services (e.g. offices, workshop facilities, equipment hire and maintenance), sports and recreation services, and the production of non-food crops and renewable energy, are likely to be appropriate uses.

Technical Advice Note (TAN) 8: Planning for Renewable Energy (2005):

Within TAN 8, it is recognised that the planning system has an important role to play in achieving the Assembly Governments commitment to enabling the deployment of all forms of renewable energy technologies in Wales. In addition TAN 8 gives guidance on relevant criteria and issues that are specific to renewable energy developments. In particular,

relevance to this application, TAN 8 paragraph 3.15 which states

3.15 Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported.

The TAN also gives guidance on relevant criteria and issues that are specific to renewable energy developments. Planning implications include visual intrusion, traffic, local and ecology.

Other National Guidance / Statements:

"A Low Carbon Revolution – The Welsh Assembly Government Energy Policy Statement – March 2010"

"Energy Wales: A Low Carbon Transition - March 2012" : sets out what the Welsh Government intend to do to drive the change to a sustainable, low carbon economy for Wales. It also emphasises that Wales has significant assets in virtually every energy source, including one of the best solar resources in the UK.

Welsh Government Practice Guidance: "Planning Implications of Renewable and Low Carbon Energy - February 2011"

Neath Port Talbot Unitary Development Plan:

The adopted development Plan comprises the Neath Port Talbot Unitary Development Plan within which the following Policies are of relevance:-

- Policy 1 Countryside
- Policy 2 Ecology
- Policy 6 Historic Environment
- Policy 9 Economy and Employment
- Policy 19 Infrastructure and Energy
- GC1 New buildings, structures and changes of use
- GC2 Engineering works and operations
- ENV1 Development in the countryside
- ENV 3 Impacts upon the landscape
- ENV 5 Nature conservation
- ENV17 Design
- T1 Location Layout and Accessibility

- IE2 Infrastructure facilities
- IE6 Renewable energy

In assessing the principle of the development on the site consideration must be given to Policies ENV3, ENV1 ENV 13, IE6 of the Neath Port Talbot Unitary Development Plan

Policy ENV1 states (inter alia)

A proposal for development in the countryside will not be permitted unless: -

h) it is development necessary for communications, telecommunications and other forms of infrastructure provision, renewable energy generation, waste treatment or disposal, derelict or contaminated land reclamation, or minerals extraction; and in all cases the development would not create unacceptable impacts upon the character or appearance of the countryside, biodiversity, the amenities of neighbouring residents or other land users, traffic generation or highway safety.

The development falls within the exemptions outlined in paragraph (h) and therefore accords with the development plan subject to an assessment of its impacts (having regard also to Policy IE6 below).

Policy IE2 states

Where proposals for new infrastructure facilities are being considered, the following shall be adequately taken into account:

A) the use of existing facilities and the opportunities to co-ordinate different types of infrastructure has been considered and maximised;
B) the location and design minimise risk to human health, the environment and highway safety and pays adequate regard to the landscape, seascape, townscape and biodiversity and ensure that unacceptable impacts would not be created.

Policy IE6 states

Proposals for the creation of renewable energy will be supported provided their impacts are acceptable and where appropriate they include measures to reinstate the land.

With regard to the above policies, the proposed development of the solar

farm is a renewable energy source, the principle of which should be viewed favourably provided unacceptable impacts would not be created including impacts upon landscape, biodiversity, archaeology, mineral resources and safety issues. The impacts of the development are considered in detail below, having particular regard to Policies ENV 1, IE2 and IE6, and policies including GC1 New buildings, structures, ENV 3 Impacts upon the landscape, ENV 5 Nature conservation, ENV17 Design, ENV 22 Archaeological remains and T1 Location Layout and Accessibility.

Landscape Impact / Visual Amenity:

Planning Policy Wales (Section 12.8-10) makes it clear that renewable energy projects should generally be supported by Local Planning Authorities provided environmental impacts are avoided or minimised, and nationally and internationally designated areas are not compromised.

The importance of renewable energy schemes in Wales, and the need for consistency in dealing with applications for such developments, is indicated by the Welsh Government Practice Guidance – "Planning Implications of Renewable and Low Carbon Energy – issued in February 2011. This advice includes guidance in respect of solar arrays, and advises (at para 8.4.9) that "designated landscapes such as National Parks and AONBS are likely to be particularly sensitive in respect of one or more of these types of visual effect. Extreme care therefore needs to be taken to ensure the siting of solar arrays does not affect the special qualities of designated landscapes".

Nevertheless, at 19.2.4 it is generally acknowledged that designated areas and in particular protected landscapes have a vital role to play in contributing towards reducing carbon emissions. The reference to 'protected landscapes' relates primarily to national designations, which is pertinent insofar as, at a local level, the application site falls outside of any such protected landscape.

In terms of local Policy, the visual impact of the proposed development upon the countryside proposal will be considered within the following policy framework:

Policy ENV3: Proposals that would create unacceptable impacts on the landscape will be resisted.
Particular emphasis will be placed on protecting :-
1) significant skylines, views and panoramas

2) features which are important in terms of contributing to the character of the local landscape.
3) landscape, parks and gardens which are of special historic interests.

Policy GC1 identifies specific criteria which are to be complied with by all new structures, buildings and changes of use. Whilst the criteria are broad ranging in scope, a number of them relate to the visual impact of a development and its impact upon the wider landscape.

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA), which includes the use of LANDMAP methodology to identify and assesses the significance of the likely impacts of the proposed development upon the surrounding area including residential amenity, the adjacent footpath network and Landscapes of Special Historic Interest or other designated landscape areas.

With regard to the latter areas it is noted that the application site is not located within or immediately adjacent to any nationally designated landscape sites. Open access land is located to the east at Foel Fynyddau, Mynydd Dinas approximately 1 km to the south and Mynydd Emroch approximately 1.5 km to the south east. The Margam Mountain Landscape of Special Historic Interest is located approximately 2.6 km to the south eastern boundary of the site and Margam Park approximately 3.5 km to the south east. Jersey park is located approximately 1.2 km to the north west. CADW and NRW have confirmed that there are no objections with regard to the impact of the proposal on the local landscape.

The submitted Zone of Theoretical Visibility (ZTV) identifies areas from where the majority, moderate and small parts of the site will be visible. 15 viewpoints are indicated on plan number LA 06, six of these are within the 1 km circle of the site and nine are within the 2.5 km circle or just outside. The pattern of visibility is located mainly to the south east and south west of the site and includes the lower lying areas of Cwmafan, the elevated areas of Mynydd Emroch and Mynydd Bychan. In addition the lower lying areas of Baglan offer views up the valley to the site and there are several elevated areas to the north which offer limited views.

The LVIA concludes that the landscape impact of the development is, on balance, considered to be slight/moderate on the adjacent footpath network and there is no significant adverse effect on residential receptors. It is therefore considered that it is unlikely that the scheme would result in any significant adverse effect on the wider area.

To summarise, views of the site are available from three main directions, either where relative elevation allows views over intervening features or where there are no intervening features to obscure views and in addition near views. The key areas of visibility are:

- **Views from the north** of the site, from elevated ground in Neath
- **Views from the southeast** from Cwmafan, Mynydd Emroch and Mynydd Bychan
- **Views from the southwest** from the coastal plain in Sandfields, the valley between Baglan and Cwmafan.
- **Near views from the south,** from Bwlch Road, the minor road to the south of the site.

It is clear that this proposal represents the introduction of a significant change to the traditional agricultural landscape. Nevertheless, having regard to the policy presumption in favour of renewable energy, this in itself does not make the development unacceptable, rather it is dependent on the siting and scale of the development.

Indeed, when assessing the visual impact of such development, the nature and scale of the structures should be borne in mind. In this respect, whilst the development relates to an area of approximately 34 ha, the form of the development would follow the contours of the ground and, given the spacing between panels, the panels would cover only 18% of the site (approx), with each array of panels having a maximum height of 2.09m. The dark appearance of these south facing panels is likened at para.8.4.7 of TAN 8 to straw bales wrapped in black plastic.As assessed below, the impacts of the development also vary according to distance and orientation.

In addition, other than the sub station, the proposed structures are below 2.5m in height the highest building being 3.75 metres in height. In relation to the scale of the wider landscape, there are also forestry plantations located immediately to the north east, north and south west with tree heights of approximately 10m plus.

<u>Views from the north and west</u>

Due to the location of the proposal on the southern slopes of Mynydd y Gaer view points from the north within the 2.5 km circle of the site indicate that very small proportions of the site will be visible from the southern settlement limits of Cimla, with only the upper edge of the site

visible along with existing forestry. A view from Briton Ferry located to the north west of the site and at a distance of approximately 2.4 km presently shows a small section of the northern edge of the site between the existing forestry plantation and the mound of Buarth Y Gaer. The assessment shows the proposal will result in a small area of security fence surrounding the solar array being visible on the horizon line.

These impacts are considered to be minor and acceptable.

From the south east and south west

The main visual impact and impact upon the landscape will be in views from the south, south east and at greater distance from the south west of the site. Sections of the development will be visible from the lower lying residential areas of Cwmafan, those located on rising the ground in Ynysygwas and sections of the B4282 road from Bryn and the A4107 Afan Valley Road.

As indicated above there are partial views within 1 km – 1.5 km distance from the settlement of Cwmafan many of which are obscured by surrounding buildings, vegetation and the orientation of the dwellings many of which face the south east. In relation to the effect upon sensitive receptors, the LVIA has selected Penlyn within the settlement of Cwmafan. The view is of high sensitivity due to the prominence of the site from front and rear gardens and potentially from windows in the dwellings although the dwellings primary views are facing southwest away from the site. From this viewpoint the solar array and security fence would be visible from the road at a distance of approximately 1.5 kilometres. The scale of change resulting from the proposed development has been assessed as small and slight to adverse impact due to the proportion of the view occupied by the site and the change in appearance of the site associated with the introduction of the development.

From the residential areas adjacent to the Afan Valley in the vicinity of Hawthorne Close and Ynys Lee the development will be readily visible as a darker area immediately below the ridge however, significant areas of the ridge line are already dominated by the darker areas of well defined forestry plantations.

There are a number of areas where intervening features do not obscure the views, in particular from the main roads including the A4107 Afan Valley Road and higher sections of the B4282 Bryn Road, where the site

will be intermittently visible at a distance of between 2 km and 2.7 km, however depending on the speed of travel the development would only be in the field of view for a relatively short periods of time.

With regard to longer distance views including Lletyharri and Sandfields to the south and south west the development is largely restricted by surrounding buildings and vegetation and while the solar array is visible at this distance it is intermittent and is unlikely to affect the visual amenity of residents in these areas.

Accordingly, while there are views of the site as described above, it is considered that these impacts would be local (as opposed to landscape changes on a regional or more widespread scale) and when viewed within the context of a more expansive rural landscape would not be unacceptable, having regard to the national and local policy context.

Closer views

The main receptors within the immediate surrounding area are likely to be people using the local footpaths, bridleways and highway network.

Bwlch road is an unclassified largely single track road serving local farms and dwellings, and while it is used for access between Cimla and Cwmavon, it is in general lightly trafficked.

A visual impact assessment has been carried out on the view taken from the public byway which connects Bwlch Road with Heol Y Graig (byway 111), the view from which is considered to be of medium sensitivity as experienced by users of the footpath. It concludes that the scale of change resulting from the proposed development would result in a moderate adverse impact. The site will also be visible from footpath 107 which is located at a lower level to the south of the site again this will result in a moderate adverse impact.

The central section of the solar array is located immediately below the ridge of Mynydd y Gaer and will be seen from a number of points along the Bwlch Road, which lies approximately 120 metres to 80 metres lower than the site to the south. The proposed development from this viewpoint would create regular pattern of solar panels spread over approximately 24 hectares of open countryside interspersed by ancillary buildings and access tracks. The site will be viewed intermittently from the road by car borne receptors at distances of approximately 400 m to 800m when travelling from Baglan to Cwmavon. When travelling in the opposite

direction the solar array is rarely in direct line of sight.

Due to the colour and regular pattern of the panels the character would be markedly different from the grass and scrub vegetation which presently covers the site and would introduce an unfamiliar element into the landscape. However, the predominant features of the view including the field patterns and areas of rough grazing immediately below the site and the darker areas of forestry on the ridgeline to the east and west will compete with the readily discernable areas of solar panels.

Finally, it is considered that the ancillary associated equipment (the substation, inverter cabinets etc.) and enclosures are of a relatively modest scale and it is considered that these aspects of the development, which would be viewed in the direct context of the solar park, would in their own right not impact significantly on the character of the land.

Accordingly, while it is accepted that the development will materially change the character of the site, given the relatively local nature of such impacts it is concluded that any harm arising from the development in landscape terms will be local and would not unacceptably undermine the character of the countryside or be so severe that it outweighs the benefits in terms of renewable energy production.

In view of the above, it is accepted that the development will materially change the character of the site and that the proposal would have a moderately harmful visual affect and as such the proposal does not fully accord with Policy ENV 1, IE2 and IE6 of The Neath Port Talbot Development Plan. Nevertheless, it is emphasised that the solar park with a capacity of 11.47 MWp would make a significant contribution to meeting targets for renewable energy, with the resultant contribution to the reduction of greenhouse gases according with the government's aims concerning climate change, while also having energy security benefits. These are all important considerations that appeal Inspectors have recently emphasised should be given considerable weight in the overall planning balance. In this respect, they emphasise that landscape and visual impacts are only one part of the assessment, and must be considered alongside the wider environmental, economic and social benefits that arise from renewable projects. Accordingly, notwithstanding the impacts described above, the impact upon the landscape is considered to be acceptable.

Archaeology and impact upon the historic environment

With respect to archaeological issues the applicant has submitted an archaeological desktop study which identifies the hill forts described above. Gwent Glamorgan Archaeological Trust acknowledge that the 50m buffer zones allowed will ensure that there will be no disturbance of the identified sites and accordingly have no objection. With regard to the setting of the monuments GGAT defers to CADW comments.

With regard to impacts upon Scheduled Ancient Monuments and registered Historic Landscapes, Parks and gardens, it is noted the proposed development is located in the vicinity of the scheduled ancient monuments of Buarth y Gaer hill fort and Craig Ty Isaf fort, with special regard to be given to the need to protect their settings.

The proposed development is located on the south facing slope with Buarth Y Gaer 50m off the northern boundary and Craig Ty Isaf 50 m off the southern boundary. CADW have commented that there would be no direct impact upon the sites and that there would be only minor adverse impact in terms of impact upon the settings of the monuments and as such raise no objections to the development. CADW have also commented that the development will not have any detrimental impact upon the registered historic landscape of Margam Mountain. Natural Resources Wales have confirmed that there would be no detrimental impact upon the setting of Margam Mountain Landscape of Special Historic Interest.

Accordingly the development is considered to have no unacceptable impacts on the historic environment, and thus accords with Policy ENV 22 of the Neath Port Talbot Unitary Development Plan.

Residential Amenity:

Bwlch farm and the associated neighbouring dwelling are the nearest residential properties to the proposed development, with the solar array located within approximately 100 metres, immediately to the rear of these dwellings on steeply rising ground. It is noted that the main habitable rooms of the dwellings are orientated towards the south and this orientation, together with the location of the panels on steeply rising ground and the proposed planting scheme to the perimeter of the development, will ensure that the panels will not be in direct view and despite their proximity will not have any unacceptable overbearing or overshadowing impact upon the residents of these dwellings.

Additional dwellings in the area include Blaen Baglan farm and Tyler Fedwen which are located within approximately 800m to the south west and 400metres to the south east respectively. Both these properties are again orientated in a south westerly direction and will therefore not overlook the proposal although parts of the scheme will be visible from other points within the curtilage of the properties. It is considered that whilst sections of the proposal would be visible from these properties it would appear unlikely that due to the distance and orientation with the site that the development would unacceptably affect the visual amenity of the residents.

This assessment continues to be made in light of the strong emphasis on providing such renewable energy infrastructure in countryside locations, and given the conclusions reached above on landscape impact, it is considered that the degree of visual intrusion would not be so harmful that it unacceptably impacts upon the living conditions of the occupiers.

Power connection:

The plant would be connected to the National Grid. The connection would be approximately 400m north-west of the site boundary, where there is an existing 132kV transmission line which crosses the site from north-west to south-east. The applicant has confirmed that this element of the proposal does not form part of this application and would require a further planning application.

Mining Consultation:

A coal mining report has been carried out for the site which raises no objections however, in view of the past mining circumstances it is recommended that advice is obtained before beginning work on the site and no development should be undertaken that intersects disturbs or interferes with any coal or mines of coal without permission from the Coal Authority. The applicant is also made aware that there is a requirement for effective measures to prevent gases entering public properties either during investigation or after development.

Highway Safety, Access:

Access to the application site is via Bwlch Road an unclassified road which links Baglan, Cimla and Cwmavon. The application identifies two site accesses one located to the south of the site and one to the west.

It is noted that the site entrance to the west is only accessible via a section of poorly maintained road over a culvert. While the location of the access is considered to be acceptable, a condition is attached requiring the applicant to carry out repairs to this section of road to an adoptable standard prior to work commencing on site. In addition The Head of Engineering and Transport has confirmed that a road condition survey is undertaken of the unclassified highway network in order to identify any damage which may occur as a result of the proposal should planning permission be granted.

The applicant has submitted a Transport Construction Method Statement as part of the application. The strategy sets out the route to be used during the construction phase and the vehicle numbers and types of vehicles together with the timing of deliveries. A vehicle tracking and swept path analysis has also been undertaken for the types of vehicles involved. The proposed route follows the existing route used by bus service 1, commencing from the A4241 along Tabernacle Terrace, Heol Y Parc turning onto Camlais Road onto Cefncoed Road then turning onto Heol Y Bwlch and on to the proposed development site.

The Transport Construction Method Statement details the following.

Weeks 1 and 2 will involve initial deliveries to the site including site security measures such as site security fencing and establishment of a site construction compound. It is estimated that the security fencing and construction compound will result in approximately 24 - 27 HGV deliveries with another 4 - 5 HGVs associated with hedgerow and tree planting. There will be a number of other deliveries to the site including the cabling, machinery and temporary site welfare office. These are expected to total approximately 13 HGV deliveries. This equates to between 3 and four deliveries per day.

Following Week 2, delivery of items such as the inverters, transformers, control room and solar panel support frames (estimated at 1350 frames per lorry load) will result in an estimated 20 deliveries.

Typically, about 360 solar panels can be transported on an HGV. On this basis, delivery of approximately 45,912 panels will result in approximately 128 deliveries to the site.

Spread over 10 weeks (Week 3 – Week 12) this will result in approximately 12 - 13 deliveries per week.

Weeks 13 to 14 would involve commissioning and testing of the works, and the removal of the site compound and temporary welfare. This would result in no more than about 13 HGVs entering the site to remove the items.

In total, construction of the solar park will result in approximately 226 HGV deliveries to the site spread over the 14 week construction period. Therefore, even at the most intense period of construction when solar panels and frames are being delivered, there would not be more than 3 - 5 HGV deliveries per day. In addition the applicant has confirmed that no deliveries will take place between 08:15 – 09:00 and 15:00 – 15:45 (school hours).

Whilst it is acknowledged that there are sections of the road which are subject to on street parking at all times of the day it is noted that in item 2.1.2 of the construction method statement reference is made to rigid lorries up to 11.0 metres in length for which swept path analysis has been carried out. These vehicles are no larger than buses and it is reasonable to assume the vehicles presently use the existing highway to serve farms in the locality. The Head of Engineering and Transport has confirmed that this type of vehicle is the preferred option for all deliveries, it is therefore intended should planning permission be granted that a condition is imposed that unless otherwise agreed in writing (to cover a one off delivery via articulated lorry) the size of delivery vehicles would be limited to 11.00 metres in length.

It is considered that providing appropriate conditions are imposed there would be no detrimental impact upon highway safety.

Ecology (including trees & protected species):

An extended Phase 1 habitat survey was carried out in December 2013. No evidence of protected species was recorded on the site, it was concluded that the site was of low ecological and biodiversity value and that there would be no loss of protected habitats or species. The report recommends, however, that all retained habitats should be protected in line with best practice guidance and that foraging habitats for badgers be maintained. Natural Resources Wales (NRW) have welcomed the commitment to retain all areas of marshy grassland and scrub and to provide a buffer of native species at the north eastern boundary. It is likely that the land will continue to be used for rough grazing.

The biodiversity section has responded with no objections to the proposal

providing suitable conditions are imposed should planning permission be granted.

Land Drainage:

A significant proportion of the application site is located on sloping or steeply sloping topography with an under lying clay boulder substructure. The applicant submitted a surface water impact assessment which detailed the drainage works required for the development. In response the authorities' drainage engineers expressed concern with regard to surface water run off especially the intensification of run off from the lower edges of the solar panels onto steeply sloping ground and requested further detailed designs for drainage channels and ditches. Subsequently a revised scheme was submitted based on these comments, the details included redesigned drainage channels utilising additional materials and construction techniques. The Head of Engineering and Transport considers that the revised scheme has significantly addressed the issues raised, although it is intended to impose a condition should permission be granted requiring details of the scheme to be submitted prior to the commencement of works on site.

Decommissioning and Restoration

In accordance with Policy IE6 at the end of the operational life of the development, the plant would be decommissioned and the site restored in accordance with a Restoration Plan to be approved by the local planning authority. Restoration would entail:

- removal of the solar panels, mounting framework and their supports;
- removal of the inverters, switch rooms, control room and all other above
- ground infrastructure;
- removal of the perimeter security fence and CCTV;
- reinstatement of the land to full agricultural use.

Objections

One objections has been received which states that the proposal will be an eyesore in the countryside. It is considered that this response has been fully addressed in the above report.

Community Involvement and Benefits

TAN 8 Renewable Energy (2005) considers "Community Involvement and Benefits" and recognises the opportunities that large developments provide in making contribution that benefit the community, and experience has shown that there are opportunities to achieve community benefits through major renewable energy developments including solar.

These include where developers offer benefits not directly related to the planning process. However such contributions should not impact on the decision making process, and should not enable permission to be given to a proposal that otherwise would be unacceptable in planning terms.

Having regard to the above, and to the Authority's recent success in ensuring other such large-scale renewable energy proposals directly benefit the community from hosting such development, the applicant has offered to provide a community benefit contribution of £10,400 per annum over the lifetime of the development of 25 years.

It should be noted however, that the community benefit is not put forward as mitigation and must not be taken into consideration in the decision of the planning application.

Conclusion:

This application has been assessed with reference to both national and local policies. The national policies are strategically aimed at increasing renewable energy production, in order to achieve reductions in carbon emissions and reducing greenhouse gases. However, these objectives have to be balanced against the impact of such developments upon a number of criteria including primarily visual impacts ecology, the effects on communities within the local area and the visual impact.

In view of the above, it is accepted that the development will materially change the character of the site and that the proposal would have a moderately harmful effect on the character and appearance of their rural surroundings. However, it is concluded that the impact would not be of such a significant impact as to cause undue harm to the visual amenity of the area and would not be unacceptably detrimental to the character of the local landscape in accordance with policies ENV1, ENV3, ENV 13, IE6 of the Neath Port Talbot Unitary Development Plan and Welsh Government Technical Advice Note (TAN 12).

Impacts upon ecology are minimal and no objections have been received from either Natural Resources Wales and the Authority's biodiversity section, it is considered that this is a benign form of development, there are no industrial emissions or by products and ultimately the site can be reinstated after the 25 year operational period. Therefore the proposal accords with policies Policy 1, Policy 2 and ENV5 of the Neath Port Talbot Unitary Development Plan.

The Head of Engineering and Transport has responded with no objections with regard to access during the construction or operational phases the proposal is therefore in accordance with Policy T1 of the Neath Port Talbot Unitary Development Plan.

Bearing in mind the overarching national commitment for the generation of electricity from renewable sources it is considered that these material considerations outweigh any detrimental impacts in terms visual impact. It is noted that there have been no objections from the statutory consultees with regard to impacts upon historic or designated landscapes. It is accepted that both national and local policies offer support to renewable projects and that the criteria detailed in Local and national policies have been met in terms of policies including Planning Policy Wales (PPW6) and Technical Advice Note (TAN 8) it is therefore recommended that the proposal is approved subject to conditions.

Recommendation: Approval subject to s106 agreement

CONDITIONS

(1)The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason

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

(2) The development hereby permitted shall be carried out in accordance with the amended plan REV 1 submitted on 22/4/2014.

Reason

In the interests of clarity

(3) Within 25 years and six months following completion of construction of the development, or within six months of the cessation of electricity generation by the solar photovoltaic facility, or within six months following a permanent cessation of construction works prior to the solar photovoltaic facility coming into operational use, whichever is the sooner, the solar photovoltaic panels, frames, foundations, and all associated structures and fencing hereby approved shall have been 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 subsequently be 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 or within 25 years of the completion of construction, whichever is the sooner.

Reason:

In the interests of visual amenity

(4) A Decommissioning Plan shall be submitted to and approved in writing by the local planning authority prior to the first beneficial use of the development for the generation of electricity. The Decommissioning Plan shall include details of the works necessary to revert the site to its original condition, including the method for the removal of all the solar panels, cabins, structures, enclosures, equipment and all other apparatus above and below ground level from the site and details of their destination in terms of waste/recycling, and details of how the site is to be restored to its original condition.

Reason:

In the interests of visual amenity

(5) Prior to the erection of the security fence hereby approved a plan detailing the location of badger gates shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented as approved prior to first beneficial use of the development for the generation of electricity.

Reason

In the interests of biodiversity

(6) The development hereby permitted shall be carried out in accordance with the Transport Construction Method Statement submitted on 7/5/2014.

Reason

In the interests of highway safety

(7) No development shall commence on site until the culvert/road repairs identified in the Addendum to the flood consequences statement dated 10th April 2014 have been completed in accordance with a scheme shall first have been submitted to and approved in writing by the Local Planning Authority, such scheme including:- A minimum pipe diameter of 600mm; Inlet & outlet headwalls; Retaining works; and Reinstatement details.

Reason

In the interests of highway safety and the satisfactory drainage of the site

(8) Prior to work commencing on site a condition survey of the existing unclassified highway network from the junction of the B4286 and Tabernacle Terrace to the site access points shall be submitted to and approved in writing by the Local Planning Authority. On completion of the installation works within the site, a further inspection of the route shall be undertaken and any damage identified as attributable to the development shall be repaired in accordance with a scheme and agreed timetable which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety

(9) Prior to the installation of any solar panels, a scheme at a scale of 1:500 shall be submitted to and approved in writing by the Local Planning Authority detailing the following:-

a) Location of berms and ditches.

bTypical construction details.

c)Access tracks details and locations

The scheme shall be implemented as approved prior to the first generation of electricity and shall be retained as such until the cessation of electricity generation.

Reason

To ensure the adequate drainage of the land

(10) Prior to first benefical use of the development for the generation of electricity a drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the LPA, and the development shall thereafter be operated in accordance with such approved plan.

Reason

To ensure the adequate drainage of the land

(11) No development approved by this permission shall be commenced until a Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The Method Statement shall identify as a minimum:

1) Storage facilities for all fuels, oils and chemicals

2) Construction compounds, car parks, offices etc

3) Details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off

4) Details of measures to ensure no polluting discharge from haul roads/disturbed areas

5) Details of the nature, type and quantity of materials to be imported on to the site

6) Measures for dealing with any contaminated material (demolition waste or excavated waste)

7) Identification of any buried services, such as foul sewers, so that they are protected

8) Details of emergency contacts, for example the Environment Agency Pollution hotline 0800 807 060

The development shall be undertaken in accordance with the approved Method Statement, which should be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

Reason

To prevent pollution to controlled waters.

(12) No development shall be commenced until details of the means of connection to the electricity grid from the site have been submitted to and approved in writing by the local planning authority. The grid connection shall be implemented in accordance with the approved details.

Reason

In the interests of clarity

(13) Prior to work commencing on site a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, which shall include details of locations of all existing trees and hedgerows within the site and those to be retained, and details of the composition and specific location of the new hedgerows to be provided within and along the boundaries of the site and additional tree planting within the boundaries. The planting scheme shall be implemented during the first planting season following the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaces the next planting season with others of a similar size and the same species unless the Local Planning Authority gives written consent to any variation.

Reason:

In the interests of visual amenity

(14) No development shall commence until such time as full details of the proposed site compound - to include details of any site office, parking, manoeuvring areas, enclosures and storage areas - and the precise route and any alterations to facilitate the temporary access to the site, have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity

(15) Within two months of the completion of construction of the development, the temporary construction compound and access (where such access route included a new route or hard surfacing) shall be removed from site and the land restored in accordance with a scheme, the details of which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity.

(16) No construction work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours: Monday to Friday 0800 – 1800; Saturday 0800 – 1300; Unless such work:

a) is associated with an emergency (relating to health and safety or environmental issues);

(b) is carried out with the prior written approval of the Local Planning Authority.

Reason:

To safeguard the amenities of local residents.

REASON FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

This application has been assessed with reference to both national and local policies. The national policies are strategically aimed at increasing renewable energy production, in order to achieve reductions in carbon emissions and reducing greenhouse gases. However, these objectives have to be balanced against the impact of such developments upon a number of criteria including primarily visual impacts ecology, the affects on communities within the local area and the visual impact. In view of the above, it is accepted that the development will materially change the character of the site and that the proposal would have a moderately harmful effect on the character and appearance of their rural surroundings however it considered that the impact would not be of such a significant

impact as to cause undue harm to the visual amenity of the area would not be unacceptably detrimental to the character of the local landscape in accordance with policies ENV1, ENV3, ENV 13, IE6 of the Neath Port Talbot Unitary Development Plan and Welsh Government Technical Advice Note (TAN 12).

Impacts upon ecology are minimal and no objections have been received from either Natural Resources Wales and the Authority's biodiversity section, it is considered that this is a benign form of development, there are no industrial emissions or by products and ultimately the site can be reinstated after the 25 year operational period. Therefore the proposal accords with policies Policy 1, Policy 2 and ENV5 of the Neath Port Talbot Unitary Development Plan.

The Head of Engineering and Transport has responded with no objections with regard to access during the construction or operational phases the proposal is therefore in accordance with Policy T1 of the Neath Port Talbot Unitary Development Plan.

Bearing in mind the overarching national commitment for the generation of electricity from renewable sources it is considered that these material considerations outweigh any detrimental impacts in terms visual impact. It is noted that there have been no objections from the statutory consultees with regard to impacts upon historic or designated landscapes. It is accepted that both national and local policies offer support to renewable projects and that the criteria detailed in Local and national policies have been met in terms of policies including Planning Policy Wales (PPW6) and Technical Advice Note (TAN 8) it is therefore recommended that the proposal is approved subject to conditions.