

SECTION A – MATTERS FOR DECISION

Consultation under Section 36 of the Electricity Act

<u>APPLICATION NO:</u> P2016/0950	<u>DATE:</u> 26/10/16
PROPOSAL:	Consultation under Section 36 of the Electricity Act 1989 to vary the original S36 consent to provide a battery storage facility
LOCATION:	Pen Y Cymoedd ,South of the Heads of the Valleys Road (A465) between Neath and Aberdare to the North of Maerdy, Treorchy and Glyncorrwg and to the East of Tonmawr
APPLICANT:	Pen y Cymoedd Wind Farm Ltd
TYPE:	Section 36 Electricity Act
WARD:	Glyncorrwg

SITE AND CONTEXT:

The proposed development relates to the Pen Y Cymoedd wind farm, located on land to the south of the Heads of the Valley Road between Neath and Aberdare which straddles this Authority and the neighbouring Authority of Rhondda Cynon Taff. The proposal relates to works within Neath Port Talbot only.

BACKGROUND:

Pen y Cymoedd Wind Farm was granted consent under Section 36 of the Electricity Act 1989 on May 8th 2012 by the Secretary of State for Energy and Climate Change for a development up to 299 MW capacity comprising of wind turbine generators, anemometry masts, underground cabling, electricity substation, access tracks, borrow pits and ancillary buildings.

Section 36C of the Electricity Act provides a power for the Secretary of State to vary existing consents and as such the Authority is a consultee on an application made to the Secretary of State (for the Department for Business, Energy and Industrial Strategy (DBEIS), formerly known as DECC) for a battery storage facility to be located within the permanent storage compound within the consented development layout which is currently being used as a construction compound during the construction phase of the development and is located within the central area of the wind farm.

DESCRIPTION OF DEVELOPMENT:

The proposed battery storage facility would be no greater than 22 MW in capacity and would contain lithium-ion batteries housed in 5 shipping containers together with 2 electrical inverters and 1 transformer. Each container will measure approximately 12.2m length x 2.4m wide x 2.9 m high, painted matt colour. Each container will include an air conditioning unit placed on its roof. A transformer and 2 inverters would be sited adjacent to each container. The facility would be enclosed by a 2.4 metre high fence.

There will be a connection between the wind farm and the battery storage facility and it is proposed that the batteries could either be powered from the wind farm or directly from the grid.

Decommissioning works for this facility are proposed to be undertaken prior to or concurrent to decommissioning works for the wind farm.

PLANNING HISTORY:

P2009/1053 – Proposed wind farm S36 Consent – Approved by DECC 8/5/12

CONSULTATIONS:

Biodiversity Officer – Offers comments

Glamorgan Gwent Archaeological Trust – No objection

Land Contamination Officer – No objection.

POLICY CONTEXT:

The relevant national and local planning policies include the following

National

Planning Policy Wales, Edition 9 (2016)

TAN 12 Design

TAN18 Transport

Local

The Development Plan for the area comprises the Neath Port Talbot Local Development Plan which was adopted in January 2016, and within which the following policies are of relevance:

Strategic Policies:

- Policy SP1 Climate Change
- Policy SP2 Health
- Policy SP3 Sustainable Communities
- Policy SP4 Infrastructure
- Policy SP14 The Countryside and the Undeveloped Coast
- Policy SP15 Biodiversity and Geodiversity
- Policy SP16 Environmental Protection
- Policy SP17 Minerals
- Policy SP18 Renewable and Low Carbon Energy
- Policy SP19 Waste Management in New Development
- Policy SP20 Transport Network

Detailed Policies:

- Policy SC1 Settlement limits
- Policy I1 Infrastructure Requirements
- Policy EN6 Important Biodiversity and Geodiversity Sites
- Policy EN7 Important Natural Features
- Policy M3 Development in Mineral Buffer Zones
- Policy RE2 Renewable and Low Carbon Energy in New Development
- Policy TR2 Design and Access of New Development
- Policy BE1 Design

REPORT

Issues

Having regard to the nature of this consultation and the development in question, the main issues to consider relate to any impacts on ecology; landscape and visual impact; traffic and transport; cultural heritage; land contamination; residential amenity; and noise.

Impacts on Ecology

The Authority's Biodiversity Section has examined the submitted information and concluded that the level of information presented is acceptable and the proposal would not have any significant ecological impact. Accordingly no objection is raised to the proposal to vary the consent as set out in the submission as long as the identified ecological mitigation measures are implemented, which include:

- Works within peat shall be undertaken as set out in the Peat Management Plan to ensure peat is appropriately handled, stored and reinstated.
- Construction works shall be undertaken between Sept – December to avoid the bird nesting season (taking account of Crossbill that are early nesters). If construction cannot avoid the bird nesting season a breeding bird survey prior to the commencement of works shall be undertaken and appropriate mitigation applied where necessary (including appropriate exclusion zones and monitoring).
- Any excavations shall be closed at night or fitted with escape ramps to allow animals to escape if they fall in.
- An Ecological Clerk of Works shall oversee the implementation of ecological and environmental mitigation works.
- Appropriate pollution prevention measures shall be applied to ensure local watercourse water quality is not impacted by the works.

It is therefore considered that the proposed development would not have any unacceptable impact in relation to ecology and biodiversity.

Landscape and visual impacts:

A forest stands to the south and east of the construction compound, the substation and control building to the north and a peat receptor area and turbine to the west. Due to the scale and siting of the proposed facility within a permanent storage compound it is considered that the proposal would not alter significantly the nature of the views already experienced as it will form part of works for the wider wind farm landscape.

It is considered that the location of the proposed facility within a permanent storage compound would have a negligible landscape and visual impact.

Traffic and Transport:

As potential effects on traffic flows and road safety were not considered to be significant for the consented development, similar conclusions apply for the proposed amended scheme with fewer associated traffic movements. As a consequence it is considered that the proposal will not have an adverse impact on pedestrian or highway safety.

Impacts on Cultural Heritage:

The submitted information has been reviewed by Glamorgan Gwent Archaeological Trust (GGAT) who have confirmed that the area to which this proposal relates was covered by an archaeological watching brief and no archaeological resource was noted during the setting out of the compound. As a consequence they raise no objection to the proposal.

Land Contamination:

The Land Contamination Officer has raised no comments or concerns regarding the application as the proposal is for battery storage to be within containers and as such will not create pathways to contamination and the issue of unexpected contamination is adequately addressed by Condition 41 of the consent.

Impact on Residential Amenity:

With regard to residential amenity it is considered that the proposed development due to the separation distance of 2.2km to the nearest property would have no unacceptable impacts.

Noise Impacts:

The Authority's Environmental Health Officer (Noise) has examined the submitted documents at the pre consultation stage and agrees with the conclusions presented in the report.

CONCLUSION:

The conclusions of the report are that there will be no material impacts relating to highways, noise, ecology, cultural heritage, pollution, residential or visual amenity and as a consequence the Secretary of State be advised that Neath Port Talbot raises no objection to the proposed variation to the Section 36 Consent for a battery storage facility within the existing development site of Pen y Cynoedd Wind Farm.

RECOMMENDATION:

That the Secretary of State is advised that Neath Port Talbot County Borough Council raises no objection to the proposed variation of the existing S36 consent to include provision of a battery storage facility