

CHAIRMANS URGENT ITEM

THE VALE OF GLAMORGAN COUNCIL PLANNING COMMITTEE

: 24th JUNE, 2021

REPORT OF THE HEAD OF REGENERATION AND PLANNING

MATTER WHICH THE CHAIRMAN HAS DECIDED IS URGENT BY REASON OF THE NEED TO MAKE A DECISION BEFORE THE NEXT COMMITTEE

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is of a scale and / or nature that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

The submission proposes the installation of a solar farm with a 25 MW output for a temporary period of 40 years, including battery storage units and associated infrastructure, including stock-proof fencing (2m in height), CCTV, a stone track and suggested ecological enhancements.

The site primarily relates to 9 field parcels comprising 78.7 acres (31.9ha) of agricultural land at Brynwell Farm. The red line boundary also includes further land to the south including part of the local road network connecting the site with Leckwith in Cardiff to facilitate connection to grid infrastructure.

Owing to the scale of the proposal, it is classified as a Development of National Significance (DNS), a type of planning application for large infrastructure project of national importance. Instead of the Local Planning Authority (LPA) making a decision, an Inspector examines the application and makes a recommendation to the Welsh Minister.

The following Local Impact Report has been prepared in accordance with the guidance within section 5.2 of Appendix 5: Local Impact Reports of Developments of National Significance- Procedural Guidance Version 2.2 produced by The Planning Inspectorate that states that it is a formal requirement of the DNS process that any relevant LPA must submit a Local Impact Report (LIR). Such a report must give details of the likely impact of the proposed development on the authority's area that will be considered by the appointed Planning Inspector in consideration of the merits of the proposal.

The following report, prepared in conjunction with consultees within the Vale of Glamorgan Council therefore is limited to an objective view of the submissions with regard to Local Planning Policy and designations only. It is not intended to provide a balancing exercise or formal conclusion on the merits of the proposal, but instead provides an opinion of the likely impacts and whether these would be positive, neutral or negative for each identified issue.

Having considered the proposal it is indicated that there are omissions from the proposals including those relating to landscape and visual impacts, highways, ecology and impact upon the historic environment. To this end and in the absence of this additional

information, it is indicated that the proposals could have a negative impact upon these issues.

Members should note that the report has been submitted to PINS by the required deadline of 23rd June 2021 (to prevent a fee refund penalty) with a caveat that any changes arising as a result of Planning Committee's consideration shall be submitted thereafter.

INTRODUCTION

Section 5.2 of Appendix 5: Local Impact Reports of Developments of National Significance- Procedural Guidance Version 2.2 produced by The Planning Inspectorate states that it is a formal requirement of the DNS process that any relevant LPA must submit a Local Impact Report (LIR), giving details of the likely impact of the proposed development on the authority's area.

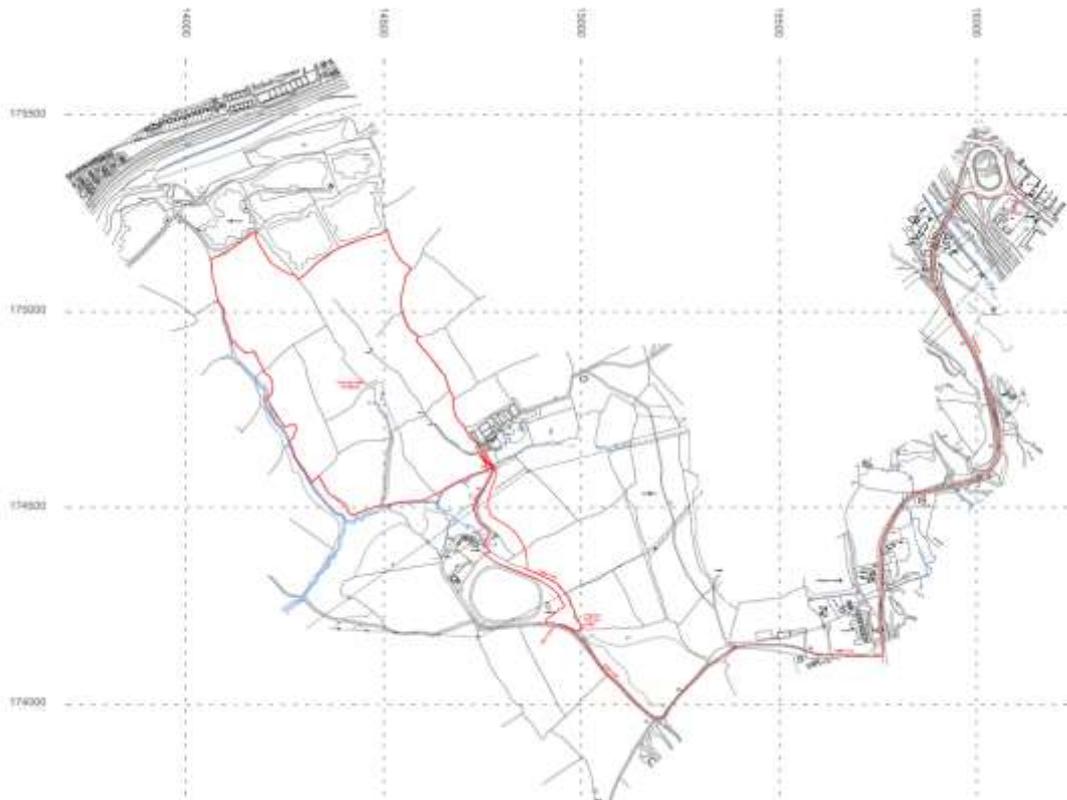
In accordance with The Order (Developments of National Significance (Wales) Regulations 2016 (as amended), this LIR includes an analysis of likely impacts and an assessment of how these relate to local planning policies, a description of the planning history of the site, the identification of local designations, and recommendations for planning conditions (and, if considered necessary, planning obligations).

In accordance with guidance issued by PINS, the LIR has not examined the relationship with national policy and guidance, but instead is focussed specifically on establishing the degree of local impact in relation to what are considered to be the principal planning issues, having regard also to the local planning policy context. It is also noted that the site lies in close proximity to the administrative boundary with Cardiff Council, although this LIR focuses solely on the impacts within the administrative boundary of the Vale of Glamorgan.

For each relevant topic, in accordance with guidance, impacts have been expressed in terms of whether they are positive, neutral or negative; with the degree of impact, where relevant, being expressed as major, moderate or minor. However, in accordance with PINS guidance, the LIR does not contain a balancing exercise between positives and negatives, nor does it come to a conclusion on the relative merits of the development itself.

SITE AND CONTEXT

The site primarily relates to 9 field parcels comprising 78.7 acres (31.9ha) of agricultural land at Brynwell Farm. The red line boundary also includes further land to the south including part of the local road network connecting the site with Leckwith in Cardiff, as shown on the plan below:



The site of the proposed solar array falls within the Cwrt-yr-Ala Basin Special Landscape Area and within a Mineral Safeguarding Area for limestone as identified by the Vale of Glamorgan Local Development Plan 2011-2026 (LDP).

The north-eastern corner of the site being locally recognised as a habitat site (HS1D 31-19-G1 unfavourable, no priority habitat). There are also Sites of Important Nature Conservation (SINCs) within close proximity of the site which include Coed y Ddylluan (0.2km south), Leckwith Woods (0.3km east) and West Hill Wood (0.3km east). The nearest SSSI is approximately 1.7 kilometres to the east.

Immediately adjacent to the south-eastern corner of the site is Beggan Farm, including the farmhouse and associated farm buildings. Within a wider context, the site is located within an area of generally open landscape, with an established field structure and pockets of woodland and a generally sporadic pattern of development to the south and west of the site. However, the site falls in close proximity to the southern edge of Cardiff and the A4232 (approximately 260 metres north) and Leckwith (1.3km to the east).

It is noted that the western boundary of the site adjoins an identified Ancient Semi Natural Woodland (ASNW) ID:14165. There are some areas of the woodland which overlap with the site boundary. In addition to the ASNW adjoining the site there are a number of woodlands which are within close proximity listed below which range from approximately 10m to 300m from the site boundary ID:14170 (ASNW); ID:8117 (ASNW); ID:14172 (ASNW); ID:8113 (ASNW); ID:11545 (ASNW); ID:8112 (ASNW) and ID:11544 (ASNW).

The site adjoins an existing solar farm site at the old Ely Brickworks site, adjacent to its northern boundary, also identified as a Dormant Mineral site within the LDP. The position of this solar farm relative to the application array is shown below:



The local landscape is crossed by a number of Public Rights of Way (PROW) although none cross the site. The nearest to the site are PROW 155, 156 and 157 the south of the site; 451 that runs to the south and east of the site and 525 which runs approximately 620 metres north-south from the western boundary. The location of these PROWs are shown on the plan below:



Adjacent to the southern boundary of the site is the identified archaeological remains of Begganstone Church, dating back to Medieval times, with other archaeological resources noted within relatively close proximity to the site. Approximately 120 metres to the southern boundary of the principal site of the array is the Grade II listed Brynwell Farm and associated agricultural buildings.

DESCRIPTION OF DEVELOPMENT

The submission proposes the installation of a solar farm with a 25 MW output for a temporary period of 40 years, including battery storage units and associated infrastructure, including stock-proof fencing (2m in height), CCTV, a stone track and suggested ecological enhancements.

The solar panels themselves would have a maximum height of up to 2.8 metres with a 0.8 metre gap at its lowest edge which the applicant indicates would maintain the potential for grazing of the land. Two substation outbuildings and a storage container are proposed within a compound approximately 400 metres to the south of the principal site.

The red line incorporates a significant extent of the local highway network, to include the provision of a grid connection point at the existing Hadfield Road substation at Leckwith, approximately 1.6 kilometres to the east.

PLANNING HISTORY

Application site itself:

2020/01278/OBS, Address: Land at Brynwell Farm, Leckwith, Proposal: Solar Farm (circa 21 MW) along with associated works and infrastructures. Decision: Advised Welsh Government that LPA do not consider that an EIA is required.

2020/00825/SC1, Address: Land at Brynawel Farm, Leckwith, Proposal: Screening Opinion - Proposed Renewable Energy Hub, Decision: Deferred to Welsh Assembly Government

2020/00826/SC2, Address: Land at Brynawel Farm, Leckwith, Proposal: EIA Scoping Opinion - Proposed Renewable Energy Hub, Decision: Deferred to Welsh Assembly Government

The following planning history is also considered to be of relevance in that it applies to the existing solar farm to the north of site subject of this proposal:

2012/01285/FUL, Address: Woden Park, land off Cwrt yr ala Road, Michaelston Le Pit, Proposal: Installation of 5MWp solar PV park on the site of derelict land associated with the former Ely Brickworks (NMA), Decision: Approved

2013/00895/FUL Address: Woden Park, Cwrt yr ala Road, Cardiff, Extension to approved scheme - Installation of solar pv park – Approved

CONSULTATIONS

By correspondence dated 19th May 2021, PINS required the site notices (copies of which were included with that letter) to be erected in at least one place on or near the land to which the application relates “as a matter of urgency” for a period of not less than 30 days. Site notices were erected at 6 locations on 21 May 2021. Therefore, the LPA submits that they have complied with Regulation 19 of The Order.

Appendix A1 includes a copy of the site notice, a plan indicating the location of the site notices and photographs of the site notices at each location. Therefore, the LPA submits that they have complied with Regulation 25 (2) (c) of The Order.

The LPA can also confirm that the documents required to be placed on the planning register, and described in PINS validation letter dated 19th May 2021, were placed on the planning register within the required 5 working days. Therefore, the LPA submits that they have complied with Regulation 20 of The Order.

This report has been informed by responses from consultees internal to the Council, including the Conservation Officer; Planning Policy Section; County Ecologist; Highways Department; Council’s Engineering and Drainage section and Shared Regulatory Services (Pollution Control). These responses are included in full at Appendix A2. An objection from the County Ecologist is also enclosed at Appendix A3.

Representations have also been submitted by external bodies to the Council, including Dwr Cymru Welsh Water, Michaelston Le Pit and Leckwith Community Council and the occupiers of Beggan Farm that are enclosed at appendix A4.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy

The strategy will seek to improve the living and working environment, promote enjoyment of the countryside and coast and manage important environmental assets. This will be achieved by:

1. Providing a range and choice of housing to meet the needs of all sectors of the community;
2. Promoting a range of employment sites intended to meet the needs of the Vale of Glamorgan and the wider capital region;
3. Reinforcing the role of Barry, service centre settlements and primary settlements as providers of cultural, commercial and community services;
4. Promoting sustainable transport;
5. Delivering key infrastructure linked to the impacts of development;
6. Protecting and enhancing the built, natural and coastal environment;
- 7 Promoting opportunities for sustainable tourism and recreation; and
8. Favouring development that promotes healthy living.

POLICY SP9 – Minerals

The local and regional need for the provision of a continuous supply of minerals will be achieved through:

1. Maintaining a minimum of 10 years land bank of hard rock throughout the plan period; including extended time periods to complete permitted extraction at existing sites;
2. Favouring proposals which promote the sustainable use of minerals and encourage the use of secondary and alternative resources;
3. The safeguarding of known resources of sandstone, limestone, sand and gravel (where these occur outside settlements), from permanent development that would unnecessarily sterilise them or hinder their future extraction; and
4. Safeguarding wharf facilities for the landing of marine dredged sand & gravel

POLICY SP10 – Built and Natural Environment

Development proposals must preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan including:

1. The architectural and / or historic qualities of buildings or conservation areas, including locally listed buildings;
2. Historic landscapes, parks and gardens;
3. Special landscape areas;
4. The Glamorgan Heritage Coast;
5. Sites designated for their local, national and European nature conservation importance; and
6. Important archaeological and geological features.

Managing Growth Policies:

POLICY MG17 – Special Landscape Areas

The following areas are designated as special landscape areas:

1. Castle Upon Alun;
2. Upper & Lower Thaw Valley;
3. Ely Valley & ridge slopes;
4. Nant Llancarfan;
5. Dyffryn basin & ridge slopes;
6. Cwrt-yr-Ala basin.

Within the special landscape areas identified above, development proposals will be permitted where it is demonstrated they would cause no unacceptable harm to the important landscape character of the area.

POLICY MG19 – Sites and Species of European Importance

Development proposals likely to have a significant effect on a European site, when considered alone or in combination with other projects or plans will only be permitted where:

1. The proposal is directly connected with or necessary for the protection, enhancement and positive management of the site for conservation purpose; or
2. The proposal will not adversely affect the integrity of the site;
3. There is no alternative solution;
4. There are reasons of overriding public interest; and
5. Appropriate compensatory measures are secured.

Development proposals likely to have an adverse effect on a European protected species will only be permitted where:

1. There are reasons of overriding public interest;
2. There is no satisfactory alternative; and
3. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

POLICY MG20 – Nationally Protected Sites and Species

Development likely to have an adverse effect either directly or indirectly on the conservation value of a site of special scientific interest will only be permitted where it is demonstrated that:

1. There is no suitable alternative to the proposed development; and

2. It can be demonstrated that the benefits from the development clearly outweigh the special interest of the site; and
3. Appropriate compensatory measures are secured; or
4. The proposal contributes to the protection, enhancement or positive management of the site.

Development proposals likely to affect protected species will only be permitted where it is demonstrated that:

1. The population range and distribution of the species will not be adversely impacted;
2. There is no suitable alternative to the proposed development;
3. The benefits of the development clearly outweigh the adverse impacts on the protected species; and
4. Appropriate avoidance, mitigation and compensation measures are provided.

POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species

Development proposals likely to have an adverse impact on sites of importance for nature conservation or priority habitats and species will only be permitted where it can be demonstrated that:

1. The need for the development clearly outweighs the nature conservation value of the site;
2. Adverse impacts on nature conservation and geological features can be avoided;
3. Appropriate and proportionate mitigation and compensation measures can be provided; and
4. The development conserves and where possible enhances biodiversity interests.

POLICY MG22 – Development in Minerals Safeguarding Areas

Known mineral resources of sandstone, sand and gravel and limestone are safeguarded as shown on the proposals map. New development will only be permitted in an area of known mineral resource where it has first been demonstrated that:

1. Any reserves of minerals can be economically extracted prior to the commencement of the development;
2. Or extraction would have an unacceptable impact on environmental or amenity considerations; or
3. The development would have no significant impact on the possible working of the resource by reason of its nature or size; or
4. The resource in question is of poor quality / quantity.

POLICY MG24 – Dormant Mineral Sites

The Council will seek to prevent further mineral extraction by seeking to serve prohibition orders at the following long dormant mineral sites where it is satisfied that the resumption of winning and working of minerals or the depositing of mineral waste to any substantial extent is unlikely:

1. Beaupre (Long Grove) Quarry, St Hilary;
2. Cnap Twt Quarry, Castle upon Alun;
3. Cosmeston Quarry, Penarth;
4. Cross Common Quarry, Dinas Powys;
5. Downswood Quarry, Penarth;
6. Ely Brickworks (site shared with Cardiff);
7. Lavernock Quarry;

8. St. Andrews Quarry, St Andrews Major;
9. Southerndown Road Quarry.

As the dormant reserves at Argoed Isha, Llansannor have been assessed as having potential to be reworked in the future, the Council will not seek to serve a prohibition order at this site.

Managing Development Policies:

POLICY MD1 - Location of New Development

New development on unallocated sites should:

1. Have no unacceptable impact on the countryside;
2. Reinforce the role and function of the key settlement of Barry, the service centre settlements, primary settlements or minor rural settlements as key providers of commercial, community and healthcare facilities;
3. Where appropriate promote new enterprises, tourism, leisure and community facilities in the Vale of Glamorgan;
4. In the case of residential development, support the delivery of affordable housing in areas of identified need;
5. Have access to or promote the use of sustainable modes of transport;
6. Benefit from existing infrastructure provision or where necessary make provision for new infrastructure without any unacceptable effect on the natural or built environment;
7. Where possible promote sustainable construction and make beneficial use of previously developed land and buildings;
8. Provide a positive context for the management of the water environment by avoiding areas of flood risk in accordance with the sequential approach set out in national policy and safeguard water resources; and
9. Have no unacceptable impact on the best and most versatile agricultural land.

POLICY MD2 - Design of New Development

In order to create high quality, healthy, sustainable and locally distinct places development proposals should:

1. Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest;
2. Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density;
3. Where appropriate, provide new or enhanced areas of public realm particularly in key locations such as town centres, major routes and junctions;
4. Promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour. In the case of retail centres, developments should provide active street frontages to create attractive and safe urban environments;
5. Provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users;
6. Have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree;

7. Where appropriate, conserve and enhance the quality of, and access to, existing open spaces and community facilities;
8. Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance;
9. Provide public open space, private amenity space and car parking in accordance with the council's standards;
10. Incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscape features and biodiversity interests;
11. Provide adequate facilities and space for the collection, composting and recycling of waste materials and explore opportunities to incorporate re-used or recyclable materials or products into new buildings or structures; and
12. Mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use and eventual demolition, and include features that provide effective adaptation to, and resilience against, the current and predicted future effects of climate change.

POLICY MD7 - Environmental Protection

Development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from either:

1. Pollution of land, surface water, ground water and the air;
2. Land contamination;
3. Hazardous substances;
4. Noise, vibration, odour nuisance and light pollution;
5. Flood risk and consequences;
6. Coastal erosion or land stability;
7. The loss of the best and most versatile agricultural land; or
8. Any other identified risk to public health and safety.

Where impacts are identified the Council will require applicants to demonstrate that appropriate measures can be taken to minimise the impact identified to an acceptable level. Planning conditions may be imposed or legal obligation entered into, to secure any necessary mitigation and monitoring processes. In respect of flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN15. No highly vulnerable development will be permitted within Development Advice Map (DAM) zone C2. Development will only be permitted in areas at risk of flooding where it can be demonstrated that the site can comply with the justification and assessment requirements set out in TAN15.

POLICY MD8 - Historic Environment

Development proposals must protect the qualities of the built and historic environment of the Vale of Glamorgan, specifically:

1. Within conservation areas, development proposals must preserve or enhance the character or appearance of the area;
2. For listed and locally listed buildings, development proposals must preserve or enhance the building, its setting and any features of significance it possesses;

3. Within designated landscapes, historic parks and gardens, and battlefields, development proposals must respect the special historic character and quality of these areas, their settings or historic views or vistas;
4. For sites of archaeological interest, development proposals must preserve or enhance archaeological remains and where appropriate their settings.

POLICY MD9 - Promoting Biodiversity

New development proposals will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

1. The need for the development clearly outweighs the biodiversity value of the site; and
2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes

POLICY MD19 - Low Carbon and Renewable Energy Generation

Proposals for the generation of low carbon and renewable energy will be permitted where it can be demonstrated that there is no unacceptable impact on the interests of:

- Best and most versatile agricultural land;
- Aviation safeguarding;
- Electrical, radio or other communication systems;
- Landscape importance;
- Natural and cultural heritage;
- Nature conservation;
- Residential amenity; and
- Soil conservation.

In assessing such proposals, the cumulative impacts of renewable energy schemes will be an important consideration. Where necessary, proposals should be informed by a landscape and visual impact assessment. Favourable consideration will be given to proposals that provide opportunities for renewable and low carbon energy and / or heat generation to be utilised within the local community.

The supporting text requires the cumulative impacts of renewable energy schemes to be considered and where necessary, proposals should be informed by a landscape and visual impact assessment.

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Future Wales: The National Plan 2040:

Future Wales – the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process. The following chapters and policies are of relevance in the assessment of this planning application:

Chapter 3: Setting and achieving our ambitions

- 11 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

Chapter 4: Strategic and Spatial Choices: Future Wales' Spatial Strategy

- Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.
- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

Policy 1 – Where Wales will grow

- Supports sustainable growth in all parts of Wales.
- Development in towns and villages in rural areas should be of an appropriate scale and support local aspirations and need.
-

Policy 4 – Supporting Rural Communities

- Supports sustainable and vibrant rural communities.

Policy 5 – Supporting the Rural Economy

- Supports sustainable, appropriate and proportionate economic growth in rural towns.
- Supports development of innovative and emerging technology businesses and sectors to help rural areas unlock their full potential, broadening the economic base and creating higher paid jobs.

Policy 9 – Resilient Ecological Networks and Green Infrastructure

- Action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

Policy 17 – Renewable Energy

- Support for developing renewable and low carbon energy from all technologies and at all scales.
- Significant weight to the need to meet Wales' international commitments and the target to generate 70% of consumed electricity by renewable means by 2030 to combat the climate emergency.
- All proposals for large scale wind and solar developments should demonstrate that they will not have an unacceptable adverse impact on the environment and describe the net benefits it will bring.

Policy 18 – Renewable and Low Carbon Energy Developments of National Significance

- Sets out the criteria for assessing such proposals and refers to the need to consider the cumulative impact of existing and consented renewable energy schemes.

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)
- Planning Obligations (2018)
- Renewable Energy (2019)
- Sustainable Development - A Developer's Guide
- Trees, Woodlands, Hedgerows and Development (2018)
- Michaelston-le-Pit Conservation Area Appraisal and Management Plan

In addition, the following background evidence to the Local Development Plan is considered relevant to the consideration of this application insofar as it provides a factual analysis and information that is material to the issues addressed in this report:

- Renewable Energy Assessment (2016 Update) (Also see LDP Hearing Session 18, Action Point 8 and 9 response)
- Designation of Landscape Character Areas (2013 Update)
- Designation of Special Landscape Areas (2013 Update)
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update)

Other relevant evidence or policy guidance:

- Developments of National Significance (Wales) Regulations 2016 (as amended)
- Developments of National Significance- Procedural Guidance Version 2.2 produced by The Planning Inspectorate
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 11/99 – Environmental Impact Assessment
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- Cadw guidance document The Setting of Historic Assets in Wales (2017)

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

Planning Policy Overview

Much of the aforementioned policy is considered to be of relevance in considering the likely impact of the proposed development on the authority's area. Although many relate to particular designations such as MG17 (Special Landscape Areas) or MD8 (Historic Environment), that will be discussed in greater detail within the body of the report below.

In relation to the location of development, the proposal should have regard to Policy MD1 – Location New Development and should demonstrate the relevant criteria can be met.

Of particular relevance is considered to Policy MD19 (Low Carbon and Renewable Energy Generation). The proposed development would represent a significant contribution to energy generation from a renewable source within the Vale of Glamorgan. LDP Policy MD19 – Low Carbon and Renewable Energy Generation supports proposals for renewable energy generation where it can be demonstrated that there is no unacceptable impact on the interests of:

"Best and most versatile agricultural land; Aviation safeguarding; Electrical, radio or other communication systems; Landscape importance; Natural and cultural heritage; Nature conservation; Residential amenity; and Soil conservation." (LDP, p.121, 2017)

It is also noted that the Council also have a related policy MG30 that has identified areas of search with potential for 'local authority wide' scale solar energy schemes (i.e. for schemes up to 50 MW of installed capacity).

However, it is noted that the application site falls outside of the areas referred to within Policy MG30 and shown on the proposals map that accompanies the written statement of the LDP. This policy aims to identify land within the Vale of Glamorgan which had capacity for schemes up to 50MW on unconstrained sites. The areas identified were based on the guidance produced by Welsh Government known as the Renewable and Low Energy Toolkit for Planners (2015). Policy MG30 identifies 6 areas which are considered to be appropriate for solar energy as they are free from the listed constraints which may hinder solar developments and the orientation and elevation of the land is beneficial for solar gain. The 6 local search areas identified under Policy MG30 only provide an indication of solar energy potential and it is accepted that other appropriate sites may be located within the Vale of Glamorgan.

Regarding the proposed development, the majority of the site would fall on land that would enhance solar gain; however, this area of the Vale of Glamorgan was not included under Policy MG30 due to the heritage and environmental constraints. These constraints related to the site being located within an area classified under the LandMap as high for both Landscape Habitats and Visual Sensory areas.

In addition to the above, the proposed development should ensure compliance with the above national and local policy criteria for the proposal to be considered acceptable in policy terms. Where there are identified impacts against the above criteria, the Vale of Glamorgan's Renewable Energy SPG (2019) contains additional design consideration under Section 7 which could mitigate potential issues. These include:

- Retaining existing habitat features,
- Avoid construction during breeding seasons of relevant species,
- Translocation of sensitive species if appropriate,
- Increasing separation of solar panels,
- Including wildlife highways,
- Avoid excessive security lighting,
- Locating plant and ancillary buildings away from sensitive receptors,
- Covering excavation works,
- Providing escape ramps for wildlife,
- Use of speed limits on site,
- Undertaking clearance work outside of breeding season (March-August),
- Protecting watercourses and maintaining hydrological regimes,
- Minimising the area of impermeable surfaces,
- Reinstating vegetation where possible,
- Providing storage and attenuation ponds in line with sustainable drainage techniques (SuDs),
- Using appropriate culverts and drains to maintain existing hydrological regimes,
- Use of removable mats as access tracks,
- Use of ground screws to secure PV panels,
- Avoidance of soil compaction and contamination,
- Allowance for low intensity grazing through scheme.

It is considered the proposal should demonstrate that alternative mitigations have been considered and reasons given for their inclusion or exclusion within the scheme.

Visual and Landscape Impact

The location of the site within a sensitive landscape area is further emphasised by the designation of a Special Landscape Area (SLA) which covers the site and the wider area. LDP Policy MG17 – Special Landscape Areas lists the designated areas for SLAs and sets out the policy considerations for developments located in these areas. The proposed development is located in SLA 6 – Cwrt-yr-Ala Basin. Within SLA areas proposals “*will be permitted where it is demonstrated they would cause no unacceptable harm to the important landscape character of the area*” (LDP, p.84, 2017).

The SLA designations were informed following an assessment of the LandMap dataset and formed part of the evidence base to the adopted LDP and the formation of the Policy MG17. The Background Paper Designation of Special landscape Areas (2013) contains the assessment of the LandMap dataset undertaken by the consultants TACP on behalf of the Vale of Glamorgan Council, which informed the SLA designations. The assessment identified the primary landscape qualities and features of the Cwrt-yr-Ala Basin stating:

“The majority of the SLA area landscape is focused on the Cwrt-yr-ala valley, forming the headwaters of the Cadoxton Valley. There is a strong sense of place with streams, dammed ponds, wooded valley sides and pleasant settlement in the valley bottom. The farmland is generally well maintained but there are signs of urban fringe pressure on lanes. The enclosed topography in association with woodland creates a sense of enclosure and the steep sided valleys dominate the character of the landscape and habitats. Woodland is semi-natural and planted broadleaf and includes a SSSI. There is potential to sympathetically manage and thus improve the quality of this mixed woodland resource.

To the north and east a scarp slope acts as a western edge to Cardiff basin. The slope is dominated by broadleaf and mixed woodland giving way to riverside vegetation and limited commercial development. The exposed hillside rises steeply to overlook the flat land of Cardiff Bay and City. There are detractive views to Leckwith Industrial Estate and noise from the A48. The natural landscape has been significantly altered by urban expansion and, despite the SLA area itself having few settlements, it feels very settled due to the proximity to Cardiff.

There is an extensive area of current and former parks of Cwrt-yr-ala House. Allotments, orchards, and reservoirs/artificial lakes add to the character. There is an irregular field-scape of small fields and two medieval settlements to the north of Dinas Powys and Barry. Smaller roads are hedgerowed and have a feeling of being tranquil and sheltered. The SLA boundary has been extended to include the open space buffer between Penarth and Dinas Powys, which should be maintained for Dinas Powys’ character as one of few such large villages in SE Wales. The eastern boundary abuts Llandough District General Hospital which has high cultural associations, being identified with this area. The area offers attractive views, but many are affected by inappropriate built form and hedgerows are gappy and poorly managed in places. The southeast boundary is Penarth, which provided housing for dock workers in the 19th century.” (TACP, p.46, 2013)

The assessment of the LandMap dataset also identified the key policy and management issues for the Cwrt-yr-Ala Basin SLA stating *“Promote Forestry Commission grant uptake to extend, plan and manage woodland compartments paying particular attention to those around the SSSI; Pursue favourable management of neutral grassland, especially close to conurbation; Manage woodland to maintain continuous tree cover, especially on the skyline; Maintain hedgerows and as a strong visual framework and the rural qualities and vegetated nature of the valley; and, Maintain the green wedge between Dinas Powys and Penarth, improve management of boundaries and improve structures.” (TACP, p.47, 2013)*

It should be noted that the designation of an SLA is not intended to prevent development but to ensure that where development is considered acceptable, careful consideration is given to the impact the proposal has on the special qualities and characteristics for which the SLA has been designated. This should be reflected in the design of the proposal including the siting, orientation, layout, and landscaping which should be implemented to address the key issues identified in the SLA Background Paper and maintain the key qualities and characteristics of the area identified.

The surrounding landscape is predominantly rural with scattered farmsteads and farm land, interspersed with a number of pockets of woodland (including Leckwith Woods to the east) and established agricultural field boundaries. Noting the sporadic nature of development to the south and west, there are relatively few properties within the Vale of Glamorgan that overlook it, although clear views are possible from the immediately adjacent Beggan Farm. The surrounding landscape is undulating in its form including an approximately 20-30 metre drop in levels from the north of the site to the south. PROWs cross the local landscape, affording a degree of visual access to the site and providing some, short and medium range views (as indicated within the LVIA).

As required by the supporting text of Policy MG17 (paragraph 6.120) and supported by Policy MD19, the application is supported by a Landscape and Visual Impact Assessment (LVIA) which provides an assessment of the likely visual impacts of the proposed solar farm. In conclusion, the LVIA considers *'the site has a moderate sensitivity to solar energy production, and there are no significantly adverse effects upon landscape character'*. The LVIA considers that the proposal provides an opportunity to improve the described landscape character in the medium to long term and that slight adverse effects from suggested viewpoints could be mitigated by suggested measures including retention of existing boundary features.

However, the submitted LVIA states at paragraphs 6.7.1 and 8.4.2 that the site has no national or local landscape designations. As aforementioned the surrounding landscape forms part of the Cwrt Yr Ala Basin Special Landscape Area as defined by the LDP. Whilst this is referenced within the Design and Access Statement (DAS), this is considered to be a significant error / omission in the applicant's LVIA.

The visual baseline described at paragraph 6.6 of the LVIA indicates that bare earth Zone of Theoretical Visibility (ZTV) maps were generated and cover the 5km study area although this has not been provided in support of the LVIA. However, the ZTV included within the accompanying 'Plans and Representative Views' document forming part of the LVIA appears to be limited to approximately 1 kilometre. This would appear to result in the extent of ZTV being 'cut off' particularly to the south-west of the site, where the ZTV extends to the edge of the plan adjacent to Cwrt Yr Ala House.

The LVIA should provide a wider ZTV to indicate or exclude potential for longer distance views noting the elevated position of the proposed array particularly in relation to land to the south and to include potentially sensitive longer range receptor sites including those adjacent to areas of greater populous.

The viewpoints utilised are generally considered representative of the most publicly accessible locations from which the proposed solar array would be visible. The LVIA at paragraph 4.9.1 states that before and after photomontages have not been produced at this stage. However, owing to the sheer scale of the development it would be useful if wire framing or photomontages were provided to indicate the proposed apparatus within the

viewpoints provided to allow a full assessment of the likely visual impacts of the proposal. For instance both WVP4 and WVP5 suggest that relatively clear views of the site during winter months. Further framing and/or photomontages would allow for 'slightly significant' adverse impacts to be properly assessed. It would also assist in verifying any suggested reduction in impact from viewpoints from adjacent to Beggan Farm and the adjacent PROW (including VP1, VP2 and WVP2) from the setback of panels from the southern boundary.

The LVIA indicates that the species-rich hedgerow and boundary enclosures would be maintained to protect the high value and good condition of the landscape, and recommends that the existing hedgerows and trees are allowed to grow to reduce any residual effect (close range views VP1, VP2 and WVP2). Similarly views afforded from the west from Penylan would be mitigated by allowing existing gappy hedge to grow to mitigate 'slightly adverse impact' and screen completely within 7-10 years to negate any impact. The supporting Landscape and Ecology Management Plan (LEMP) provides contradictory advice suggested that half of the hedgerow will be cut/flailed alternatively each year (paragraph 2.4) whilst later it suggests that this will be left to grow to establish (within Management Schedule). The submitted Ecological Impact Assessment also indicates that hedgerow would be cut on a minimum 3 year rotation. Noting that the submitted LVIA places great emphasis on the suggested screening benefits of hedgerow planting to minimise landscape impacts or the impacts of glint and glare detailed within the accompanying assessment, this should therefore be clarified for the avoidance of doubt. Such clarification could include any specification of the heights required for screening and maintenance if to be flailed/cut.

There is an existing solar farm developed under 2012/01285/FUL which was extended under 2013/00895/FUL adjoining the site to the north which is approximately 10.5ha in size. When viewed against the proposed development, this would essentially represent 32.9% increase in solar land in the immediate area, therefore, the presence of the existing solar farm must be accounted for when assessing the visual impact of the proposal. The submitted LVIA states at paragraph 8.4.3 that '*the presence of the existing neighbouring solar farm is not assessed as significantly increasing any cumulative assessed adverse effects.*' However, it is considered that cumulative impact should be better elaborated and considered in context of the omissions noted above.

The proposal also includes the provision of associated apparatus including CCTV a high number of 5 metre high CCTV columns. Limited or no reference is made to this additional apparatus within the LVIA.

The DNO substation area and associated hardstanding is considered by the LVIA as a minor addition, not significantly adverse and the LPA would generally agree with this conclusion on the wider landscape and subject to retention of established hedgerow screening. Similarly the proposed laydown area for HGVs detailed within the Transport Statement, would result in a change of character of the related piece of land that is outside of the application red line. The localised visual impact of the accesses and any associated splays would need to be carefully considered as would any associated hardstanding and the reinstatement of the land following the cessation of the use of the laydown area. Whilst the lane from Leckwith Road may be lightly trafficked with low speeds, limited details of the extent of hedgerow or bank to be removed have been provided to demonstrate the extent of hedgerow removal required to facilitate the access and visibility splays to the laydown area. The suggested provision of temporary passing bays could have similar more localised implications for vegetation and banks adjacent to the lane. Noting this it is difficult

to assess the likely localised impacts of works associated with the construction activities upon the character of the lane and its compliance with LDP Policies, including Policies MD1 and MD2, that amongst other things seek that development has no unacceptable impact upon the countryside and protect landscape features.

On the basis of the available information, the LPA would generally agree with the assessment that the site has moderate sensitivity to solar farm development and is generally well enclosed by surrounding woodland and established field enclosures, including those to the site that are indicated to be retained and could be a suitable site for solar energy production. Although the proposed solar farm would undoubtedly change the character of land itself from open grassland to a solar array and accompanying apparatus, field boundaries are indicated as being retained and as such the existing field patterns and structure of the local area would be maintained.

However, it is difficult to determine the extent of impact upon the wider landscape as there are considered to be significant gaps within the submissions, including but not limited to the extent of ZTV indicated; lack of wire-framing or photomontages in addition to consideration of ancillary structures; cumulative impact with the existing neighbouring solar farm and works associated with construction. As such whilst it is noted that the proposal does include potential mitigation measures, it is possible that this would alter the character of the local landscape, including its noted features through designation as an SLA, in addition to the character of the lane.

Noting all of the above, it is considered that the proposals could have a negative impact upon the local landscape of a minor to moderate degree, the extent of which would be better informed with further information as detailed above. Any such impact would however need to be balanced against the permanence of the development, its potential reversibility and the policy support for provision for renewable energy.

Agricultural Land Classification

The submission indicates that the site of the array itself comprises Grade 3b, Grade 4 and Grade 5 agricultural land. Council records indicate the site is predominantly moderate quality agricultural land (3b).

However part of the south eastern leg of the proposed development site falls within an area identified as grade 3a agricultural land under the Predictive ALC 2 map produced by Welsh Government. This area of the site falls across existing agricultural fields with approximately 0.571ha of grade 3a land being situated within the site boundary. This area of land is proposed to accommodate an underground cable leading to a DNO substation compound. Although it is unlikely this type of development would sterilise the land for agricultural purposes, the presence of potential of BMV land within the site should warrant/trigger an Agricultural Land Survey to determine the quality of the agricultural fields within the site and whether the proposal would have an unacceptable impact on BMV land. This would demonstrate accordance with aforementioned criterion 9 of LDP Policy MD1 and LDP Policy MD7 – Environmental Protection which states “*development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from either:....7. The loss of the best and most versatile agricultural land...where impacts are identified the Council will require applicants to demonstrate that appropriate measures can be taken to minimise the impact identified to an acceptable level. Planning conditions may be*

imposed, or legal obligation entered into, to secure any necessary mitigation and monitoring processes” (LDP, p.109, 2017).

Notwithstanding this and the suggested reversibility and limited timescale for the development, the proposal would not result in the permanent loss of this land, and as such the proposal would have a neutral impact in this regard.

Highways

Criterion 6 of Policy MD2 of the LDP requires that development proposals should ‘*have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree.*’

The highway access would be from the south, along the adopted road referred to as Gower Lane, leading to the site from the B4267 Leckwith Road. The road is rural in its character and is indicated as being subject of a 40mph speed limit. The road is lightly trafficked and narrow in a number of places. Upon entrance to the road from the B4267, Gower Lane, there is a highways information sign stating that the road is ‘unsuitable for HGVs’.

The submission is supported by a Transport Statement (TS) prepared by Hydrock dated March 2021. This indicates that the construction deliveries will have a high intensity for an approximately 6 week period, Monday-Friday 7:00-19:00, with a maximum of up to 40 construction workers on site at peak times. Deliveries to the site would not require the use of abnormal loads, with the TS anticipating approximately 241 deliveries (482 total trips) by HGV deliveries across the anticipated build period, with an average of 8 deliveries/16 movements per day.

The TS indicates that site access will be provided along this rural road with a lay-down area for construction equipment approximately 600 metres along this road to provide a site for storage and for construction equipment and other supplies and also to provide a HGV turning area to allow large vehicles to access and egress the site in a forward gear.

Although noting the TS indicates a 6 week period of construction activities, the submitted Construction and Environment Management Plan indicates at section 4.1.3 that this period would be 11 weeks. The applicant should clarify this point as this would have different impacts upon the local highway network.

The submitted red line includes a significant amount of the local adopted highway network including that on Leckwith Road over Leckwith Bridge into Cardiff, to facilitate the connection to wider grid infrastructure. Leckwith Bridge currently has a weight limit of 7.5 tonnes and limited information has been provided with regard to the size, weight and type/voltage of cable including the method of installation and maintenance and an inspection of the bridge to assess whether it can accommodate such a cable. Further information is required in this regard to allow a full assessment of the likely highways implications.

It is noted that an application is currently before the Council for the replacement of the aforementioned Leckwith Bridge and associated residential development of the neighbouring Leckwith Quay under application 2021/01218/HYB. However, this application is still under consideration by the Local Planning Authority and it is not possible to give a timescale for determination at this time. Any works involving the demolition/rebuilding of this bridge would require any cable to be diverted or rerouted that could result in liability for the local highway authority and/or distribution network operator.

The submitted construction traffic route indicates that deliveries would be routed over Leckwith Bridge from the A4232 to the north-west, with the Council's Highways Officers speculating that vehicles specified with the application could have weights of up to 44 tonnes. Noting the weight limit of the bridge and the indicated size and load bearing capacity of vehicles proposed to serve the site, it would appear that this would exceed the weight limit of Leckwith Bridge. An alternative route for such vehicles should therefore be considered.

Some details of swept path analysis have been provided in support of the application appended to the TS although these are limited to those at the access to the lane from The Green and adjacent to the access to the temporary construction compound. The lane in numerous locations is narrow and enclosed by a mixture of landscaped banks, hedgerow and/or mature trees with much of this falling outside of the adopted highway and the red line of the planning application. The submitted TS indicates that '*potential measures such as temporary passing bays have been considered*' in addition to banksmen to control the flow of traffic. However, no details have been provided of these measures or an assessment of the existing lane including any sections less than 3m in width. Localised improvements or conveying systems may also be required. Further survey work of the lane should be undertaken to provide a detailed overview of the route and accurately show and dimension any passing places and forward visibility envelopes in addition to any associated impacts such as vegetation removal.

Further to the above, during the construction phase the cable installation along Gower Lane could require closure given the narrow width and plant required to install the cable/ducting. Any proposals for road closures, plans to allow access for existing dwellings and timescales of closures along Gower Lane should be clarified. It is considered that pre and post construction surveys of the haulage route to inform remedial works arising from the development as requested by the Council's Highway Section (see Appendix A2) could be required by condition as part of any consent (detailed later).

The proposed cable route from the solar farm will travel along the adopted highway for a significant length to allow connection to the grid infrastructure at Leckwith. This has potential for disruption within the local highway infrastructure and further details of cable locations within the highway, the timings of associated works and the reinstatement of the adopted highway should be provided.

The submitted TS indicates that operational traffic associated with the development would amount to two or three visits per year which would not result in any significant highway impacts that would seem like a reasonable assessment. The applicants states that a '*modest increase in traffic for 6 weeks to facilitate 40 years of renewable energy, is a reasonable trade off*' and it is agreed that once implemented the level of traffic associated with the development would not be material to the wider highway network. However, as noted above, whilst some of these matters could be further clarified by planning condition,

it is considered that further detail should be provided prior to determination of the application.

Without this further clarification, it is considered that there is a potential the proposal would have a negative impact upon local and wider highway safety (and associated impacts) as a result of the proposal particularly during the construction phase.

Ecology

The proposed development site does not include any known ecological designations, however, due to its scale it has potential to impact upon adjoining designations and represents an opportunity to enhance the ecological value of the site by improving connections between existing habitats particularly those that have been designated due to their ecological importance.

LDP Policy MD9 – Promoting Biodiversity requires proposals to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that both of the following criteria apply:

*“1. The need for the development clearly outweighs the biodiversity value of the site; and
2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.”* (LDP, p.112, 2017).

The site comprises wet grassland, the loss of which is regrettable although it does not constitute a Section 7 habitat.

Trees and hedgerows within the site are generally shown to be retained within the submitted details with a view to maintenance and enhancement which is welcomed in both an ecological and visual sense. The Trees, Woodlands, Hedgerows and Development SPG (2018) which states proposals which contain trees or hedges within the site and / or trees and hedges on land adjacent to the proposal that that could influence the development or might be important as part of the local landscape character will need to be considered as part of the development. The SPG requires the submission of a Tree Survey, Tree Constraints Plan, and an Arboricultural Implications Assessment (AIA) as defined in BS5837 (2012) to support proposals which affect trees and hedges. The supporting documents provide a tree survey and tree constraints plan in support, although there is not an AIA provided. Although the submissions indicate that a 2 metre buffer would be maintained and that existing trees and hedgerows would be maintained, an AIA would allow full assessment of the cumulative impacts of the proposals.

The presence of the ASNW adjoining and near to the site presents a clear biodiversity interest and the proposed development must ensure these areas are conserved and the proposal would not result in a detrimental impact on the ASNW. The ASNW adjoining the site has been identified within the Ancient Woodland Inventory, therefore NRW should be consulted to ensure the potential impact on the ASNW is appropriately considered.

With regard to the Ecological Impact Assessment (EIA), the suggested mitigation for any loss of hedgerows is in line with the Biodiversity and Development SPG for the Vale of Glamorgan and is to be welcomed. However, the strengthening of existing poor condition or species poor hedges does not contribute to the mitigation which is based on length. Furthermore there are a number of discrepancies within the submissions with regard to the nature of the management of the hedgerows as detailed previously within the landscape and visual impact section, including suggesting annual cutting/flailing, 3 year rotation and being left to establish.

Further detail is required with regard to bird and bat species which are mentioned within the EIA, although the submission is not accompanied by a breeding bird survey that should include detail of category red species including Skylark and Yellowhammer mentioned in the EIA. Such a survey would better inform the suggested mitigation for birds and whether nest boxes proposed would be sufficient and this would equally apply to the proposed meadows to the south of the site which could provide such mitigation subject to suitable management.

The EIA also fails to provide reference to fungi records. Given that grasslands, even species those which are species poor can have value for waxcap fungi communities many of which are Section 7 species under the Environment (Wales) Act 2016, a DNA analysis of soil samples could provide a species list at any time of the year and inform the EIA.

With regard to the submitted Landscape and Ecology Environmental Management Plan (LEMP), it is noted that:

- Reference is made to Leicestershire Council on page 10 at paragraph 5.2.1 which suggests that this is not a document bespoke to the requirements of this application.
- Material collected after the control of brambles (paragraph 5.5.2) should not be burnt but piled in designated areas where it can rot down and form habitat.
- With reference to paragraph 5.5.6 it is not necessary to regularly manicure the site, and a single treatment once a year should be sufficient to ensure the site is managed more effectively in the interests of biodiversity.
- Further information should be provided with regard to where native hedgerow plants are to be sourced (with reference to paragraph 6.2).
- The measures indicated within paragraph 6.4.3 should have greater regard to local genetic variation. The applicant should consider avoiding the use of a national seed mix that does not reflect the species composition of local meadows or using species not found in local hedgerows. In addition, such material should be derived from as local a source as possible to support the local economy and to propagate local material.
- The material cut (6.4.4) could be dealt with in exactly the same way as the bramble arisings mentioned earlier. Grass piles are favoured by grass snakes.
- Finally, there is no allowance made in the LEMP for future population monitoring to measure the success of the overall scheme in contributing to the biodiversity of this part of the Vale of Glamorgan.

In order to produce a more informed and iterative LEMP more survey work is needed so that it reflects properly the need to mitigate and enhance biodiversity as required by national and local policy. The current LEMP is very amenity orientated rather than contributing to biodiversity. Opportunities have been missed for it to reflect local wildlife and compared to other proposals it lacks both detail and imagination. Based on the scale of the proposal an approach focused on green infrastructure principles should be pursued to ensure the development enhances biodiversity on the site and within the wider area. The Council's Biodiversity and Development SPG (2018) provides further guidance on potential enhancements to biodiversity which could be incorporated into the development.

With regard to Great Crested Newts only one pond at 220m from the development was regarded as having any potential but no access was secured for DNA testing. The nearest pond returned a negative for DNA. Although the consultants regard the use of the site as being unlikely the Council's Ecologist considers that it could be beneficial to erect herptile fencing on the western boundary during the construction phase, especially noting the position of the Nant Garw. As such they suggest that further details could be conditioned including details of a methodology including matters such as timing, design, erection, maintenance, removal.

However, whilst the EIA addresses potential impacts upon Dormice, Bats and Great Crested it is recognised Newts are a European Protected Species. As such the impact of the works upon these species and suggested mitigation measures fall primarily under the purview of Natural Resources Wales and their comments should be sought in this regard.

The proposed laydown area for deliveries during the course of the application is shown within a field to the south of the site along the lane outside of the applicant's red line. The plans accompanying the submitted Transport Statement, including that at appendix E, shows the provision of an enlarged and splayed access, in addition to provision of 43 metre visibility splays in both directions. This part of the lane is currently enclosed by an established hedgerow that would appear to be proposed for removal although an assessment of this hedgerow or the habitat it provides has not been provided in the submitted Ecological Impact Assessment or LVIA.

Noting the above, it is considered that the proposal has the potential to have a negative impact upon biodiversity interest at the site at odds with the provisions of Policy MD9 of the LDP. Whilst this may be offset by suggested mitigation to some degree, it is difficult to quantify the extent or nature of impact without addressing the omissions noted above, including the aforementioned issues within the EIA and LEMP inclusive of additional survey work, to conclude what species would be effected and how any impact could be suitably mitigated.

An objection has been received from the Council's Ecologist with regard to the proposals that can be found at appendix A3.

Historic Environment

Of particular relevance to the proposals in this regard are LDP Policies SP10 – Built and Natural Environment and Policy MD8 – Historic Environment that collectively ensures development proposals protect the qualities of the built and historic environment in the Vale of Glamorgan.

This is supported by LDP Policy MD8 which states “development proposals must protect the qualities of the built and historic environment of the Vale of Glamorgan, specifically: 2. For listed and locally listed buildings, development proposals must preserve or enhance the building, its setting, and any features of significance it possesses” (LDP, p.110, 2017).

Whilst there are no designated historic assets within the site area, there are a number of heritage assets within the locality of the proposal. The proposal is supported by an LVIA and an Archaeological and Heritage Assessment (AHA).

In relation to archaeological remains criterion 4 of Policy MD8 states “for sites of archaeological interest, development proposals must preserve or enhance archaeological remains and where appropriate their settings” (LDP, p.110, 2017).

Glamorgan-Gwent Archaeological Trust (GGAT) provides the Vale of Glamorgan Council with detailed advice on planning applications and issues briefs for works, checks specifications, monitors fieldwork and approves the resulting reports whether undertaken in advance of determination or as a result of a condition attached to planning consent.

The archaeological records show potential remains of Beggan (Beganstone) Church which appears in Valuation of Norwich (1254) as 'Ecclesia de Bagenston' (Lunt 1926, 315). The records state the remains are “probably connected with Beganstone DMV west of Leckwith, whose approximate NGR it has been given; but Began DMV (St Mellons) at ST23158330 is also a possibility.” (GGAT). It is noted that GGAT have been consulted under separate cover and the LPA would revert to their comments with regard to associated impacts.

Due to the scale of the proposal, it is considered it would be likely to have an impact upon surrounding designations which are within close proximity to the site. In relation to the historic environment, Cadw has produced guidance relating to the importance of the setting of historic assets in Wales and how development proposals should consider the impacts upon them. The Setting of Historic Assets in Wales (2017) guidance should be used by decision makers when considering individual applications for planning permission which affect historic assets. Although there are no designated historic assets on the site, the guidance states LPA’s must consult Cadw on all planning applications which in their opinion are within the setting of a scheduled monument subject to the criteria detailed within The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended).

Regrettably the wording in the Schedule is not especially clear for sites of 1ha or more where the height of the proposed development is less than 75m high so there may be some debate about whether a 3 or 5 kilometre study area is appropriate, however, the supporting AHA has identified a study area of 1 kilometre around the application site. It is not clear why the study area of this size was identified.

As noted previously, the supporting LVIA includes a Zone of Theoretical Visibility (ZTV), which as aforementioned within the section upon Visual and Landscape impact, is limited in its extent and appears likely that there will be more distant views than those shown. Whilst it is possible that any additional historic assets would be ‘scoped out’ of any detailed assessments it is not clear that they have been adequately considered. To this end both the AHA and LVIA are inadequate in providing necessary information to make an appropriately informed decision.

Depending on whether one utilises the 3km or 5km buffer, either 6 or 10 scheduled monuments within the Vale of Glamorgan would be within the respective buffer zones of the site. The scheduled monuments respective buffer zones in the Vale of Glamorgan are listed below:

Within 3km:

- Tyn y Coed Earthwork;
- Cwm George Camp;
- Pillar Cross in Llandough Churchyard;
- Greave Round Barrow;
- Leckwith Bridge
- Dinas Powys Castle

Within 5km

- Romano-British Farmstead, Dinas Powys Common;
- Dinas Powys Castle;
- Penarth Churchyard Cross;
- Leckwith Bridge;
- Cogan Deserted Medieval Village;
- Tyn y Coed Earthwork;
- Cwm George Camp;
- Pillar Cross in Llandough Churchyard;
- Greave Round Barrow; and
- St Lythans Burial Chamber

Comments should be sought from Cadw with regard to the potential impact of the works upon these identified assets.

Setting is defined in the Cadw guidance document *The Setting of Historic Assets in Wales* (2017) as:

“The setting of a historic asset includes the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.”

Given the scale of the proposal it is considered it will likely have some impact on the setting of historic assets. The guidance, usefully, clarifies:

“Setting is not itself a historic asset, though land within a setting may contain other historic assets. The importance of setting lies in what it contributes to the significance of a historic asset.”

Policy MD8 seeks that ‘*Development proposals must protect the qualities of the built and historic environment of the Vale of Glamorgan, specifically: 1. Within conservation areas, development proposals must preserve or enhance the character or appearance of the area; 2. For listed and locally listed buildings, development proposals must preserve or enhance the building, its setting and any features of significance it possesses*’. (LDP, p.110, 2017).

The AHA identifies Brynwell Farm as the historic asset that would most likely be affected. This is the nearest listed building is the grade II listed building, located approximately 62m from the nearest site boundary and approximately 180m from the position of the solar arrays. Unlike scheduled monuments Cadw does not provide distance criteria to consider listed buildings, however, due to the close proximity it is considered the proposed development should consider the likely impact upon the listed building. This is supported by LDP Policy MD8 as above.

The AHA identifies the primary significance of the building as lying in its evidential value with the setting makes a lesser contribution to that significance, although the rural surroundings are important to understanding the building's location and purpose. The ability to understand the building is also considered to contribute to the significance of the listed building.

The AHA acknowledges that the proposal will change the nature of the views northwards from the farmhouse whilst also noting the existence of telegraph poles and electricity pylons. The AHA also confirms the overall layout of the fields would not change, and neither would the relationship between Brynwell and Beggan Farm.

The AHA downplays the extent of visibility between the listed building and site as being within a 90 degree arc and affirming the agricultural association of the setting "*would still be strongly appreciable through the remaining 270 degrees*" concluding that "...*the contribution made by the setting overall is not considered to be so changed as to reduce the contribution to significance made by that setting.*"

Consideration will need to be given to whether this is a correct interpretation of whether or not some harm is caused to the setting of the building. Regard will also need to be paid to the value of the fields as providing the historic context of the Farmhouse and whether the retention of the field boundaries adequately preserves this and allows the building to continue to be read within its agrarian context.

Michaelston-le-Pit Conservation Area is located approximately 1.5km from the site but is situated lower in the valley approximately 30 to 35m above sea level whereas the proposed development site is located to the north of the valley and gradually rises from 50m in the south to approximately 70m in the north based upon OS 5m contour data. Although the Conservation Area is located outside of the proposed site boundary the Michaelston-le-Pit CAAMP identifies there are significant views facing out of the conservation area in the direction of the proposal. The CAAMP has been adopted as an SPG and is a material consideration in planning decisions and states "There are many short and long views into, out of and through the Conservation Area which make a positive contribution to its special character" and recommends "*The Council will seek to ensure that all development respects the important views within, into and from the Conservation Area, as identified in the appraisal. The Council will seek to ensure that these views remain protected from inappropriate forms of development*" (CAAMP, p.20, 2006). The CAAMP includes a brief description of the landscape setting in relation to the Conservation Area which states the following "*The conservation area lies on and above the north bank of the River Cadoxton which forms most of the conservation area's southern boundary. Land rises gently from the river and the village is spread along a narrow road enclosed by hedgerows and grass banks which preclude outward views.*"

Although open fields and meadows form the immediate setting to the conservation area, the main impression is of a place set within a bowl of woods. When a break in the hedgerow does permit distant views, wooded slopes invariably fill the background.” (CAAMP, p.11, 2006).

Whilst noting the separation of the proposal from Michaelston Le Pit Conservation Area, noting the aforementioned limitations of the ZTV accompanying it is not possible to assess any related impact and whether the proposal would preserve or enhance the character of the Conservation Area.

There is an existing solar farm located immediately to the north of the application site. Consideration should be given to the cumulative impacts of the current development with existing sites.

The LVIA and AHA are considered inadequate in terms of providing the necessary information for the decision maker to make an appropriately informed decision given the scale of the development. **As such there is insufficient information to demonstrate the proposal would not have a negative impact to comply with the requirements of LDP policy including Policy MD8.**

Other Matters

Living conditions

Policies MD2 and MD19 both make reference to the requirement of development to safeguard residential amenity. This is supported by the criteria based Policy MD7 that development proposals will be required to demonstrate they will not result in an unacceptable impact on people and residential amenity, including by criterion ‘4. *Noise, vibration, odour nuisance and light pollution.*’

Although the proposed development is located within the open countryside, there are residential properties within close proximity to the site, with the nearest being Beggan Farm immediately adjacent to the south-east boundary. Solar farms generally do not create large amounts of noise; however, a scheme of this scale has the potential to create higher levels of noise particularly in relation to the proposed battery storage. Therefore, criterion 8 of Policy MD2 is considered to be relevant to the proposal which seeks to safeguard existing public and residential amenity from noise disturbance.

The submission is supported by a Noise Impact Assessment, although this was not supported by a noise survey and as such a supplementary noise assessment was provided. Even in the absence of noise mitigation, the assessment states that predicted associated noise impact would be ‘low to negligible’ and would not represent a reason to refuse planning permission on acoustic grounds. Following consultation within the Council’s Shared Regulatory Services (Pollution Control)) (SRS) it is considered that the submitted surveys have been undertaken in accordance with the required standards including BS4142.

The secondary consent noted within the submissions for the Battery storage that would be located within close proximity to existing sensitive receptors, particularly the occupiers of the dwelling at Beggan Farm. Following consultation with SRS (see Appendix A2) the LPA would concur generally with the findings of the submitted noise surveys and also with the findings with regard to glint and glare.

However, with regard to noise, given the size and the proposed lifespan of the development of 40 years it is advised that it be conditioned that a post construction noise assessment be compiled within 3 months of the project being operational to ensure that observed noise levels do not exceed those predicted and to ensure living conditions of the nearby noise sensitive receptors, in particular the occupiers of Beggan Farm are adequately safeguarded.

Subject to the above, and conditions requiring further post-development noise surveys, a CEMP and limitations on construction hours, it is considered that **the proposed development would likely have a neutral impact upon living conditions of occupiers of neighbouring residential properties during the operational phase, although could potentially have a minor negative impact during construction.**

Social, Environmental and Economic Effects

Whilst job creation at the local level may be negligible, there is the potential for positive social and economic effects at the local level (as detailed within the submissions) which would accord with the objectives of the LDP including the aim of delivering sustainable development albeit that much of the benefit of the Proposal would be at the macro scale in addressing the effects of pollution and climate change. **In this regard the proposals are considered to have a positive impact.**

Water & Drainage

LDP Policy MD7 (Environmental Protection) requires development proposals to '*demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from... 5. flood risk and its consequences*'. The policy goes further to state that 'in respect of flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN15.

This site of the proposed array is not located within a Development Advice Map (DAM) zone at risk of tidal or fluvial flooding. NRW flood maps indicate the majority of the site to be of low risk of surface water flooding. A high risk of surface water flooding is indicated to exist within the central valley of the site and along the southern and western boundary.

Information submitted to support this application suggests surface water runoff generated by the proposed photovoltaic panels will be permitted to drain freely to the permeable ground beneath. Once the infiltration capacity of the ground has been exceeded surface waters will enter existing valleys/ditches via overland flow routes as per the current situation.

No hydraulic calculations have been provided with this application to demonstrate the additional runoff volume generated by the proposed development. It is requested that calculations are provided for the 100 year rainfall event plus climate change (30%), utilising the 100 year 6 hour rainfall depth. Further consideration must be given to the expected increase in runoff volumes generated during both construction and operational phases and how any impact downstream of the site can be minimised.

No infiltration testing has been submitted in support of this application and will be required in order to demonstrate the grounds ability to infiltrate water.

The Landscape Management Plan makes no specific reference to the vegetation cover beneath the photovoltaic panels. It is anticipated that the vegetation in these areas will aid the controlling of surface water runoff rates. As such it is requested that a revised Landscape Management Plan is provided with the inclusion of these areas.

Limited information has been provided within the submitted Outline Construction and Environmental Management Plan with regard to the management of surface waters. The detailed CEMP must make reference to the phasing of the development and how the proposed drainage (temporary or permanent) will be managed during construction.

It is considered that these details can be sought by way of condition attached to any consent granted and the development would have a neutral impact in this regard.

Mineral Resource

The proposed development is also located in an area identified as a mineral safeguarding area under LDP Policy MG22 – Development in Mineral Safeguarding Areas. The mineral safeguarding areas are based upon the British Geological Survey (BGS) Aggregate Safeguarding Map for South East Wales which identifies the entire development site being situated within a Limestone Category 2 mineral area. Category Two resources have been selected as those resources that are considered to be of more than local importance and may have some regional significance but are less important nationally than the Category One resources. Policy MG22 sets out the following criteria for new developments in mineral safeguarding areas by demonstrating that:

- “1. Any reserves of minerals can be economically extracted prior to the commencement of the development;*
- 2. or development would have an unacceptable impact on environmental or amenity considerations; or*
- 3. the development would have no significant impact on the possible working of the resource by reason of its nature or size; or*
- 4. the resource in question is of poor quality / quantity” (LDP, p.88, 2017).*

The LPA could see no apparent reference to the site’s location within a mineral safeguarding area within the submissions. The applicant should address and consider how they consider that any of above criteria are met to ensure the proposal complies with Policy MG22. The Vale of Glamorgan Council’s Mineral Safeguarding SPG (2018) provide guidance on how developers should consider each criterion under Section 5 of the SPG. The proposal should set out how the development meets one of the criteria in accordance with the guidance outlined in the Mineral Safeguarding SPG.

It should be noted when considering the safeguarded area this will need to be balanced against the need for the development and any short-term economic arguments.

The submitted information indicates that development would be reversible, coupled with the environmental and amenity consideration (criterion 2 of MG22), it is considered that the proposal would likely accord with Policy MG22 of the LDP, although it still remains that this should be addressed by the applicant.

The proposed development adjoins an identified dormant mineral site known as Ely Brickworks. Policy MG24 – Dormant Mineral Sites seeks to prevent future mineral extraction at dormant site, although again the applicant has not referred to this within their submission. As part of Policy MG24 the Council is seeking to serve prohibition orders on these sites to remove the historic quarrying consents associated with the land. The aim of the policy is to provide certainty about the future workings and ensuring the sites are appropriately restored where relevant. It is considered unlikely the proposed development would result in the need to begin mineral extraction at the Ely Brickworks and would therefore comply with Policy MG24, although again this should be addressed properly by the applicant.

Noting the above, it is not considered that the proposal would result in any significant conflict with the objectives of Policies MG22 and MG24 of the LDP and would therefore have a neutral impact in terms of Mineral Resource.

Suggested Planning Conditions

Noting the above comments with regard to certain matters including those relating to the historic environment and ecological constraints, there are considered to be a number of matters that require the submission of additional information that could not be appropriately controlled by way of condition.

Notwithstanding this, in addition to standard conditions relating to time limits and approved plans the Local Planning Authority consider that the following conditions should be considered as a framework for those to be attached to any consent granted:

1. Within 40 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 or permanent cessation of construction works. 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 and to ensure compliance with Policies MD1, MD2 and MG17 of the Local Development Plan.

2. Prior to the commencement of development, a pre-construction condition survey should be carried out of the haulage and cabling route associated with the development, including details of the proposed reinstatement of the highway, and provided to the Local Planning Authority for their approval in writing. The survey should be carried out by an independent highway maintenance consultant and extents agreed with Local Planning Authority.

Reason:

In the interests of highway safety in accordance with Policy MD2 of the Local Development Plan.

3. Within 3 months of completion of the development, a post construction condition survey, of the haulage and cabling route, informed by the details approved by condition 2, should be carried out and submitted to the Local Planning Authority for approval in writing. The Local Planning Authority will require at the developers expense, any remedial works, identified within this condition survey that the Local Planning Authority considers necessary as direct result of the works, to be carried out within 6 months of the completion of the development hereby approved.

Reason:

In the interests of highway safety in accordance with Policy MD2 of the Local Development Plan.

4. No construction work or deliveries 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 otherwise first agreed in writing by the Local Planning Authority. Any piling associated with the development shall be limited to Monday to Friday between 09:00 and 17:00.

Reason:

In the interests of highway safety and to safeguard the amenities of local residents, and to ensure compliance with the terms of Policy MD2 of the Local Development Plan.

5. No external artificial lighting shall be installed during the operation of the site as a solar photovoltaic facility, unless otherwise first agreed in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and biodiversity interests and to ensure compliance with Policy MD1 & MD9 of the Local Development Plan.

6. Notwithstanding the submitted documents, prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing with the Local Planning Authority. The Strategy shall include details of the types of construction vehicles to be used, the times of operation, a route plan, as well as wheel washing, dust suppression measures, survey work of Gower Lane to identify passing places, forward visibility envelopes, localised improvements or conveying systems to facilitate the construction of the development and additional details of the provision and reinstatement post-development of the laydown area and any temporary passing bays. The development shall thereafter be constructed in accordance with the agreed Strategy unless the local planning authority agrees in writing to any variation. The development shall be implemented thereafter in full accordance with the approved amended Construction Traffic Management Plan.

Reason:

In the interests of highway safety and having regard to the nature of the rural roads in accordance with Policies MD2 and MD7 of the Local Development Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no fencing or means of enclosure other than those hereby approved, shall be erected within and along the boundaries of the site unless details of such means of enclosure have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of the character and appearance of the area; the ecology/biodiversity of the area; and historical interests in accordance with Policies MD2 and MD9 of the Local Development Plan.

8. No development shall commence on site until a detailed scheme for the surface water drainage of the site has been submitted and approved in writing by the LPA. If infiltration techniques are used, then the plan shall include the details of field percolation testing. Any calculations for onsite attenuation or discharge should also be included together with the details on the management of the drainage system. The works shall thereafter be carried out in accordance with the approved details.

Reason:

To prevent pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

9. Notwithstanding the submitted details, no development shall commence, including any works of demolition or site clearance, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) site compound/laydown area to show appropriate provision for HGVs and temporary improvements to the proposed vehicular access, which shall include details of any widening of the entrance and carriageway, and vision splays in both directions together with details of the reinstatement of the associated land, any hedgerow removal and proposed replacement.
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - viii) hours of construction;

- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xii) diesel and oil tank storage areas and bunds;
- xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.
- xiv) the management of surface waters

The construction of the development shall be undertaken in accordance with the approved CEMP.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner, to ensure management of surface waters and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

10. Notwithstanding the submitted details, a revised Landscape and Ecology Environmental Management Plan (LEMP) shall be submitted to the local planning authority for their written approval prior to the commencement of any groundworks on site or any site clearance. This shall include, but not be limited to, additional details with regard to hedgerow management regime; the species and sourcing of additional/replacement hedgerow planting; details of the seed mix for grassland habitat to be created and revised details of control of weeds including brambles. The LEMP shall be fully implemented in accordance with the approved details and in accordance with the timescale as detailed in the approved LEMP.

Reason:

In the interests of safeguarding the ecology of the site and to ensure mitigation and enhancement of the ecological value of the site in accordance with Policy xxx of the Local Development Plan.

11. Within 3 months of the development hereby approved being operational, a post construction noise assessment shall be completed. The post construction Noise Assessment should be made available to the Local Planning Authority (LPA) within 28 days for approval in writing. Any necessary mitigation shown to be required by the post construction Noise Assessment shall be carried out and completed as per a timetable agreed with the LPA.

Reason:

To safeguard the living conditions of occupiers of neighbouring residential properties in accordance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

RECOMMENDATION

- 1) That Members note and endorse the content of this report and the suggested conditions to be submitted as the Vale of Glamorgan Council's Local Impact Report to the Inspector considering the application as a DNS.

REASON

- 1) To provide the Local Impact Report to the Inspector considering the application as a DNS, within the appropriate timeframe as required by the relevant procedure.

Appendix A1 – Site Notices

Contents

1. Site Notice (English)
2. Site Notice (Welsh)
3. Site Notice Location Plan
4. Site Notice Photos



**Town and Country Planning Act 1990 (As Amended)
The Developments of National Significance (Procedure)
(Wales) Order 2016
The Developments of National Significance (Wales)
Regulations 2016**

Notice is hereby given that Brynwell Farm Solar Ltd has submitted an application for a Development of National Significance (DNS) to the Welsh Ministers for:

Installation of a solar farm comprising ground mounted solar PV panels with a net installed generating capacity (AC) of up to 25 MW, including mounting system, battery storage units, inverters, underground cabling, grid connection hub, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping and environmental enhancements, for a temporary period of 40 years.

The site is located at Land at Brynwell Farm, on Land between the A4232 and Leckwith Village

Members of the public can view the application documents online at

<https://dns.planninginspectorate.gov.uk/projects/wales/brynwell-farm-renewable-energy-hub/>

The timetable for the submission of evidence has begun and interested persons may submit representations to the Planning Inspectorate on behalf of the Welsh Ministers (details below) by **23/06/2021**. All representations will be published to the DNS website as soon as the deadline has passed.

More information on the DNS process, including a guide for communities can be found at:

<https://gov.wales/developments-national-significance-dns-guidance>

Isabel Nethell
Head of Service
The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

0303 444 5940

dns.wales@planninginspectorate.gov.uk

Date: **21/05/2021**



**Deddf Cynllunio Gwlad a Thref 1990 (Fel y'i Diwygiwyd)
Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol
(Gweithdrefn) (Cymru) 2016
Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol
(Cymru) 2016**

Hysbysir drwy hyn bod Brynwell Solar Farm Ltd wedi cyflwyno cais ar gyfer Datblygiad o Arwyddocâd Cenedlaethol i Weinidogion Cymru ar gyfer:

Gosod fferm solar yn cynnwys paneli ffotofoltäig solar wedi'u gosod ar y ddaear gyda chynhwysedd cynhyrchu net wedi'i osod (AC) o hyd at 25 MW, gan gynnwys system mowntio, unedau storio batri, gwrthdroyddion, ceblau tanddaearol, canolbwynt cysylltiad grid, ffens atal stoc, teledu cylch cyfyng, mewnol traciau a seilwaith cysylltiedig, tirlunio a gwelliannau amgylcheddol, am gyfnod dros dro o 40 mlynedd.

Mae'r safle wedi'i leoli ar Tir ar Fferm Brynwell, ar Dir rhwng yr A4232 a Leckwith Village

Mae aelodau'r cyhoedd yn gallu gweld dogfennau'r cais ar-lein yn

<https://dns.planninginspectorate.gov.uk/cy/projects/wales/hwb-ynni-adnewyddadwy-fferm-brynwell/>

Mae'r amserlen ar gyfer cyflwyno tystiolaeth wedi dechrau a gall personau â buddiant gyflwyno sylwadau i'r Arolygiaeth Gynllunio ar ran Gweinidogion Cymru (mae'r manylion isod) erbyn **23/06/2021**. Bydd yr holl sylwadau'n cael eu cyhoeddi ar wefan y Porth Gwaith Achos Apeliadau cyn gynted ag y bydd y dyddiad cau wedi mynd heibio.

Gellir dod o hyd i ragor o wybodaeth am y broses Datblygiadau o Arwyddocâd Cenedlaethol, gan gynnwys canllawiau ar gyfer cymunedau, yn:

<https://llyw.cymru/datblygiadau-o-arwyddocad-cenedlaethol-dns-canllawiau>

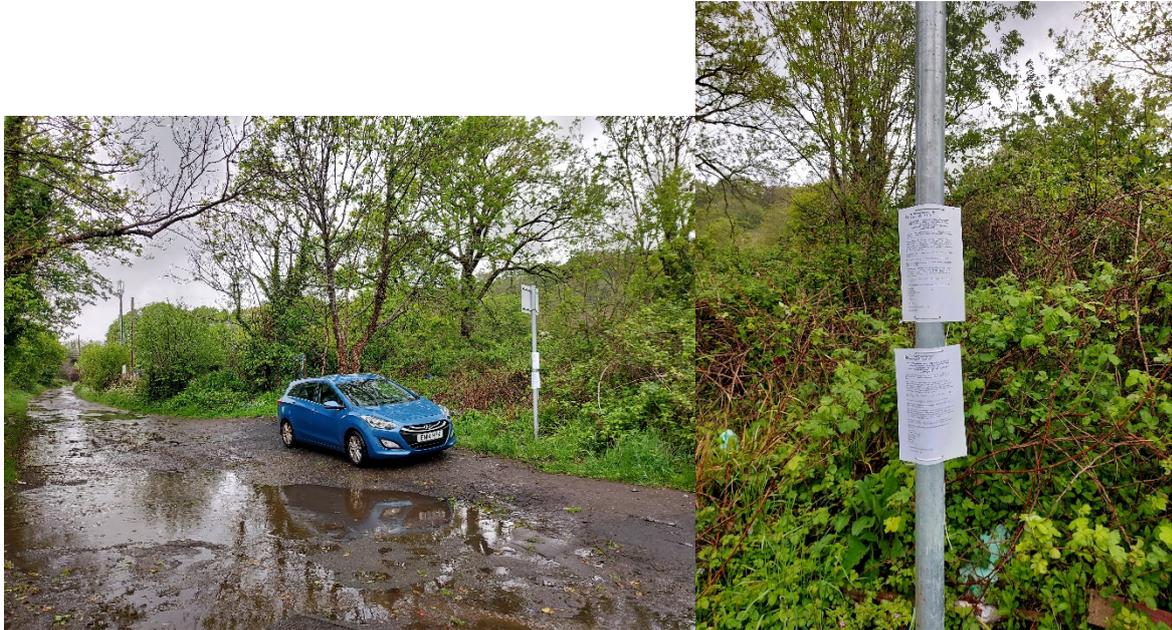
Isabel Nethell
Pennaeth y Gwasanaeth
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0303 444 5940

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Dyddiad: **21/05/2021**

Appendix A1 - Site Notice Photos

Location SN1 – Cwrt Yr Ala Road at junction to lane to the Lawns



Location SN2 – Cwrt Yr Ala Road at access to PROW M2/7/1



Location SN3 – At junction near Upper Langcross Farm access to PROW L2/5/1



Location SN4 – PROW L2/3/1 adjacent to lane/field parcel to south of Brynwell



Location SN5 adjacent to Beggan Farm entrance to PROW L2/2/2



Location SN6 adjacent to entrance to Gower Lane by the Green



Appendix A2 – Internal Consultation Responses

Contents

1. Planning Policy Section comments
2. Council Highways Officers Comments
3. Council's Conservation Officer Comments
4. Council's Ecologist Comments
5. Further email and attachment from Council's Ecologist
6. Council's Drainage Section Comments
7. Council's Shared Regulatory Services Section Comments

Policy Observations

Case Officer: Mr. Robert Lankshear	
PI. App. No: 2021/00001/DNS	Policy Ref: P/Pol/NPS/UDP17ii
Location: Land at Brynwell Farm, on land between the A4232 and Leckwith village	
Proposal: DNS/3261558 - Installation of a solar farm comprising ground mounted solar PV panels with a net installed generating capacity (AC) of up to 25 MW, including mounting system, battery storage units, inverters, underground cabling, grid connection hub, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping and environmental enhancements, for a temporary period of 40 years.	
Relevant Plans / SPGs/ Background Papers: <ul style="list-style-type: none">• Planning Policy Wales (PPW) Edition 11 (February 2021)• Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)• Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010)• Technical Advice Note (TAN) 11: Noise (1997)• Technical Advice Note (TAN) 12: Design (2016)• Technical Advice Note (TAN) 15: Development and Flood Risk (2004)• Technical Advice Note (TAN) 24: The Historic Environment (2017)• Future Wales: National Development Plan 2040• Vale of Glamorgan Adopted Local Development Plan 2011 – 2026• Biodiversity and Development SPG (2018)• Design in the Landscape SPG (2006)• Minerals Safeguarding SPG (2018)• Parking Standards SPG (2019)• Renewable Energy SPG (2019)• Sustainable Development SPG (2006)• Trees, Woodland, Hedgerows and Development SPG (2018)• Michaelston-le-Pit Conservation Area Appraisal and Management Plan (CAAMP) 2009• Energy Wales: a low carbon transition (2012)• Prosperity for all: A low carbon Wales (2019)• Energy Generation in Wales Report (2019)• Renewable Energy Background Paper (2016)• Designation of Special landscape Areas Background Paper (2013)• Setting of Historic Assets (2017) Cadw	
Relevant LDP Policies Strategic Policies Policy SP1 – Delivering the Strategy Policy SP10 – Built and Natural Environment Managing Growth Policies Policy MG17 – Special Landscape Area Policy MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species Policy MG22 – Development in Mineral Safeguarding Areas Policy MG30 – Local Search Areas for Solar Energy Managing Development Policies Policy MD1 – Location of New Development Policy MD2 – Design of New Development Policy MD7 – Environmental Protection Policy MD8 – Historic Environment Policy MD9 – Promoting Biodiversity Policy MD17 – Rural Enterprise Policy MD19 – Low Carbon and Renewable Energy Generation	
Comments:	

Scope of Observations:

The proposed development relates to a Development of National Significance (DNS) application which has been submitted to Welsh Government. The Planning Inspectorate are the assessing Authority making a recommendation to Welsh Ministers. As part of this process the Local Planning Authority where the proposed development is located must produce a Local Impact Report (LIR) which must include the following:

- The likely impact of the DNS Development on the area,
- Planning History for the Site,
- Local designations relevant to the site / surroundings,
- The likely impact of any application in relation to a secondary consent being granted,
- Any relevant local planning policies, guidance, or other documents,
- Draft conditions or obligations which the LPA considers necessary for mitigating any likely impacts of the development,
- Evidence of the Publicity undertaken by the LPA in accordance with the relevant Procedure Order.

This Policy Observation will highlight the relevant national / local planning policies and the applicable local planning designations. A brief summary of the concerns raised by the proposal has been included for the responsible Case Officer to determine whether they should be included within the LIR or as part of a separate written representation where appropriate.

Proposal

The proposal is seeking consent to construct a solar farm with a potential maximum capacity of 25MW on 31.85ha of agricultural land. The proposal also includes associated infrastructure required for the operation of the solar farm which includes:

- Stock-proof fencing,
- Perimeter CCTV,
- Stone Service Track,
- DC Inverters,
- Grid connection cable,
- and battery storage units.

The proposal is located on a site referred to as Land at Brynwell Farm which is located between A4232 to the north and Leckwith Village to the south east. The site is within the open countryside and is characterised by its rural character demonstrated by the managed agricultural fields in the area. The wider area also includes a large mature woodland to the east known as Leckwith Woods and a smaller woodland to the south west known as Coed y Ddylluan.

Local Designations:

The Local Designations situated within the site are listed below:

- Special Landscape Area (SLA) – Cwrt Y Ala Basin,
- Mineral Safeguarding Area – Limestone Category 2,
- Sites of Archaeological Interest – Beggan Church, medieval structure.
- BMV Agricultural Land – Classification 3a (approx. 0.571ha)

There are a number of local designations within close proximity to the site which based upon the scale of development should also be considered when assessing the proposal due to the potential for the proposal to impact upon these designations. This includes the following:

- Dormant Mineral Site – Ely Brickworks,
- Sites of Important Nature Conservation (SINCs) - Coed y Ddylluan (ID:186); West Hill Wood (ID:187), Leckwith Wood (ID: 360)
- Ancient Monuments – Romano-British Farmstead, Dinas Powys Common; Dinas Powys Castle; Penarth Churchyard Cross; Leckwith Bridge; Cogan Deserted Medieval Village, Tyn y Coed Earthwork, Cwm George Camp, Pillar Cross in Llandough Churchyard; Greave Round Barrow; and St Lythans Burial Chamber,

- Ancient and Semi Natural Woodland – ID:14165 (ASNW); ID:14170 (ASNW); ID:8117 (ASNW); ID:14172 (ASNW); ID:8113 (ASNW); ID:11545 (ASNW); ID:8112 (ASNW); ID:11544 (ASNW),
- Conservation Areas – Michaelston-le-Pit,
- Listed Buildings – Brynwell Farm, Grade II.

Based on the above it is considered the site is relatively constrained. Accordingly, the proposal needs to respond appropriately to the relevant policy considerations in relation to the identified designations.

Relevant Planning Policy Considerations:

Location and Visual Impact Policies:

The proposed development is located in the open countryside, does not relate to an allocated site, and was not identified as a potential area for solar energy under Policy MG30 – Local Search Areas for Solar Energy.

In relation to the location of development, the proposal should have regard to Policy MD1 – Location New Development and should demonstrate the following criteria have been met:

- “1. Have no unacceptable impact on the countryside;
2. Reinforce the role and function of the key settlement of Barry, the service centre settlements, primary settlements, or minor rural settlements as key providers of commercial, community and healthcare facilities;
3. Where appropriate promote new enterprises, tourism, leisure, and community facilities in the Vale of Glamorgan; ...
5. Have access to or promote the use of sustainable modes of transport;
6. Benefit from existing infrastructure provision or where necessary make provision for new infrastructure without any unacceptable effect on the natural or built environment;
7. Where possible promote sustainable construction and make beneficial use of previously developed land and buildings;
8. Provide a positive context for the management of the water environment by avoiding areas of flood risk in accordance with the sequential approach set out in national policy and safeguard water resources; and
9. Have no unacceptable impact on the best and most versatile agricultural land.” (LDP, p.99, 2017)

It is the responsibility of the applicant to demonstrate the proposal has had due regard to the criteria set out above, however it is noted that part of the south eastern leg of the proposed development site falls within an area identified as grade 3a agricultural land under the Predictive ALC 2 map produced by Welsh Government. This area of the site falls across existing agricultural fields with approximately 0.571ha of grade 3a land being situated within the site boundary. This area of land is proposed to accommodate an underground cable leading to a DNO substation compound. Although it is unlikely this type of development would sterilise the land for agricultural purposes the presence of potential of BMV land within the site should warrant a Agricultural Land Survey to determine the quality of the agricultural fields within the site and whether the proposal would have an unacceptable impact on BMV land. This would demonstrate accordance with LDP Policy MD7 – Environmental Protection which states “development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from either:...7. The loss of the best and most versatile agricultural land...where impacts are identified the Council will require applicants to demonstrate that appropriate measures can be taken to minimise the impact identified to an acceptable level. Planning conditions may be imposed, or legal obligation entered into, to secure any necessary mitigation and monitoring processes” (LDP, p.109, 2017).

In relation to Policy MG30, this policy aims to identify land within the Vale of Glamorgan which had capacity for schemes up to 50MW on unconstrained sites. The areas identified were based on the guidance produced by Welsh Government known as the Renewable and Low Energy Toolkit for Planners (2015). Policy MG30 identifies 6 areas which are considered to be appropriate for solar energy as they are free from the listed constraints which may hinder solar developments and the orientation and elevation of the land is beneficial for solar gain. The 6 local search areas identified

under Policy MG30 only provide an indication of solar energy potential and it is accepted that other appropriate sites may be located within the Vale of Glamorgan.

Regarding the proposed development, the majority of the site would fall on land that would enhance solar gain; however, this area of the Vale of Glamorgan was not included under Policy MG30 due to the heritage and environmental constraints. These constraints related to the site being located within an area classified under the LandMap as high for both Landscape Habitats and Visual Sensory areas.

The location of the site within a sensitive landscape area is further emphasised by the designation of a Special Landscape Area (SLA) which covers the site and the wider area. LDP Policy MG17 – Special Landscape Areas lists the designated areas for SLAs and sets out the policy considerations for developments located in these areas. The proposed development is located in SLA 6 – Cwrt-yr-Ala Basin. Within SLA areas proposals “will be permitted where it is demonstrated they would cause no unacceptable harm to the important landscape character of the area” (LDP, p.84, 2017).

The SLA designations were informed following an assessment of the LandMap dataset and formed part of the evidence base to the adopted LDP and the formation of the Policy MG17. The Background Paper Designation of Special landscape Areas (2013) contains the assessment of the LandMap dataset undertaken by the consultants TACP on behalf of the Vale of Glamorgan Council, which informed the SLA designations. The assessment identified the primary landscape qualities and features of the Cwrt-yr-Ala Basin stating “The majority of the SLA area landscape is focused on the Cwrt-yr-ala valley, forming the headwaters of the Cadoxton Valley. There is a strong sense of place with streams, dammed ponds, wooded valley sides and pleasant settlement in the valley bottom. The farmland is generally well maintained but there are signs of urban fringe pressure on lanes. The enclosed topography in association with woodland creates a sense of enclosure and the steep sided valleys dominate the character of the landscape and habitats. Woodland is semi-natural and planted broadleaf and includes a SSSI. There is potential to sympathetically manage and thus improve the quality of this mixed woodland resource.

To the north and east a scarp slope acts as a western edge to Cardiff basin. The slope is dominated by broadleaf and mixed woodland giving way to riverside vegetation and limited commercial development. The exposed hillside rises steeply to overlook the flat land of Cardiff Bay and City. There are detractive views to Leckwith Industrial Estate and noise from the A48. The natural landscape has been significantly altered by urban expansion and, despite the SLA area itself having few settlements, it feels very settled due to the proximity to Cardiff.

There is an extensive area of current and former parks of Cwrt-yr-ala House. Allotments, orchards, and reservoirs/artificial lakes add to the character. There is an irregular field-scape of small fields and two medieval settlements to the north of Dinas Powys and Barry. Smaller roads are hedgerowed and have a feeling of being tranquil and sheltered. The SLA boundary has been extended to include the open space buffer between Penarth and Dinas Powys, which should be maintained for Dinas Powys’ character as one of few such large villages in SE Wales. The eastern boundary abuts Llandough District General Hospital which has high cultural associations, being identified with this area. The area offers attractive views, but many are affected by inappropriate built form and hedgerows are gappy and poorly managed in places. The southeast boundary is Penarth, which provided housing for dock workers in the 19th century.” (TACP, p.46, 2013)

The assessment of the LandMap dataset also identified the key policy and management issues for the Cwrt-yr-Ala Basin SLA stating “Promote Forestry Commission grant uptake to extend, plan and manage woodland compartments paying particular attention to those around the SSSI; Pursue favourable management of neutral grassland, especially close to conurbation; Manage woodland to maintain continuous tree cover, especially on the skyline; Maintain hedgerows and as a strong visual framework and the rural qualities and vegetated nature of the valley; and, Maintain the green wedge between Dinas Powys and Penarth, improve management of boundaries and improve structures.” (TACP, p.47, 2013)

It should be noted that the designation of an SLA is not intended to prevent development but to ensure that where development is considered acceptable, careful consideration is given to the impact the proposal has on the special qualities and characteristics for which the SLA has been designated. This should be reflected in the design of the proposal including the siting, orientation,

layout, and landscaping which should be implemented to address the key issues identified in the SLA Background Paper and maintain the key qualities and characteristics of the area identified.

To ensure proposals fully consider the impact upon SLAs, Policy MG17 requires developers to submit a Landscape and Visual Impact Assessment (LVIA). An LVIA is required where a development is considered to have a significant impact on an SLA. Due to the scale of the proposal and its location within the SLA it is considered the proposed development would likely have a significant impact upon the SLA and a LVIA would be required to inform the decision-making process. The LVIA must be prepared in accordance with the latest Landscape Institute and the Institute of Environmental Management and Assessment Guidelines. The proposal should demonstrate how the LVIA has informed the design of the proposal clearly outlining the design considerations and the proposed mitigations to any identified impacts on the SLA. Policy MG17 draws particular attention to the cumulative impacts that proposals may have in relation to existing or planned proposals in the locality such as solar farms.

Consequently, based on the type and scale of development it is considered that a fully detailed LVIA should be undertaken to support the proposal which identifies the potential impacts and includes the design mitigations proposed to address the identified impacts. Furthermore, the LVIA should consider the cumulative impacts of existing and planned solar farms within the SLA designation. In relation to planned solar farms this should include proposals which have extant planning consents. It is noted that there is an existing solar farm developed under 2012/01285/FUL which was extended under 2013/00895/FUL which adjoins the site to the north which is approximately 10.5ha. When viewed against the proposed development this would essentially represent 32.9% increase in solar land in the immediate area, therefore, the presence of the existing solar farm must be accounted for when assessing the visual impact of the proposal.

The LVIA should include an assessment of the most recent LandMap data in accordance with PPW which states "LANDMAP is an important information resource, methodology, and monitoring baseline for the landscapes of Wales, which can help inform planning for the sustainable management of natural resources in an area... LANDMAP assessments can help to inform green infrastructure assessments, SPG on landscape, development management decisions, landscape character assessment, special landscape areas (SLAs), local distinctiveness, design, and landscape sensitivity studies." (PPW, para.6.3.20, 2021). Following the LVIA, the potential design mitigations for the proposal should be informed by the principles set out in the Design in the Landscape SPG (2006) to ensure the proposal complies with local planning policy.

Mineral Policies:

The proposed development is also located in an area identified as a mineral safeguarding area under LDP Policy MG22 – Development in Mineral Safeguarding Areas. The mineral safeguarding areas are based upon the British Geological Survey (BGS) Aggregate Safeguarding Map for South East Wales which identifies the entire development site being situated within a Limestone Category 2 mineral area. Category Two resources have been selected as those resources that are considered to be of more than local importance and may have some regional significance but are less important nationally than the Category One resources. Policy MG22 sets out the following criteria for new developments in mineral safeguarding areas by demonstrating that:

- “1. Any reserves of minerals can be economically extracted prior to the commencement of the development;
2. or development would have an unacceptable impact on environmental or amenity considerations;
- or
3. the development would have no significant impact on the possible working of the resource by reason of its nature or size; or
4. the resource in question is of poor quality / quantity” (LDP, p.88, 2017).

The applicant for the proposal will only need to demonstrate one of the above criteria is met to ensure the proposal complies with Policy MG22. The Vale of Glamorgan Council's Mineral Safeguarding SPG (2018) provide guidance on how developers should consider each criterion under Section 5 of the SPG. The proposal should set out how the development meets one of the criteria in accordance with the guidance outlined in the Mineral Safeguarding SPG.

It should be noted when considering the safeguarded area this will need to be balanced against the need for the development and any short-term economic arguments.

The proposed development adjoins an identified dormant mineral site known as Ely Brickworks. Policy MG24 – Dormant Mineral Sites seeks to prevent future mineral extraction at dormant sites and as part of Policy MG24 the Council is seeking to serve prohibition orders on these sites to remove the historic quarrying consents associated with the land. The aim of the policy is to provide certainty about the future workings and ensuring the sites are appropriately restored where relevant. It is considered unlikely the proposed development would result in the need to begin mineral extraction at the Ely Brickworks and would therefore comply with Policy MG24.

Built and Historic Environment Policies:

The Glamorgan-Gwent Archaeological Trust (GGAT) provides the Vale of Glamorgan Council with detailed advice on planning applications and issues briefs for works, checks specifications, monitors fieldwork and approves the resulting reports whether undertaken in advance of determination or as a result of a condition attached to planning consent. A record of works undertaken and identified archaeological remains is maintained by GGAT. Areas which have been identified as having archaeological remains are considered as sites of archaeological interest identifying to developers when a desk top archaeological survey is required and the likelihood of the proposed development site containing additional archaeological remains which may warrant a field survey.

The archaeological records show potential remains of Beggan (Beganstone) Church which appears in Valuation of Norwich (1254) as 'Ecclesia de Bagenston' (Lunt 1926, 315). The records state the remains are “probably connected with Beganstone DMV west of Leckwith, whose approximate NGR it has been given; but Began DMV (St Mellons) at ST23158330 is also a possibility.” (GGAT)

Based on the potential archaeological remains within the site it is advised that GGAT is consulted to ensure the archaeological value of the site is fully considered and the proposed development is supported by an Archaeological Desk Survey which considers the likelihood of archaeological remains on the site and recommends whether any further surveys are required prior to determination.

LDP Policy MD8 – Historic Environment ensures development proposals protect the qualities of the built and historic environment in the Vale of Glamorgan. In relation to archaeological remains criterion 4 of Policy MD8 states “for sites of archaeological interest, development proposals must preserve or enhance archaeological remains and where appropriate their settings” (LDP, p.110, 2017). Consequently to ensure compliance with Policy MD8, an archaeological report should be submitted as part of the application and where it is identified that the development does affect important archaeological remains there should be a presumption in favour of physical preservation of the remains regardless of whether the site is a Scheduled Monument in accordance with national policy contained within PPW 11 and TAN24: The Historic Environment (2017).

Due to the scale of the proposal it is considered it would be likely to have an impact upon surrounding designations which are within close proximity to the site. In relation to the historic environment, Cadw has produced guidance relating to the importance of the setting of historic assets in Wales and how development proposals should consider the impacts upon them. The Setting of Historic Assets in Wales (2017) guidance should be used by decision makers when considering individual applications for planning permission which affect historic assets. Although there are no designated historic assets on the site, the guidance states LPA’s must consult Cadw on all planning applications which in their opinion are within the setting of a scheduled monument and meet the following criteria:

“...it is within a distance of 5 kilometres from the perimeter of a scheduled monument and is 100 metres or more in height or has an area of 1 hectare or more.” (Cadw, p.11, 2017)

Based on the above criteria, 10 scheduled monuments within the Vale of Glamorgan which are in a 5km buffer zone of the site. The scheduled monuments within the 5km buffer zone in the Vale of Glamorgan are listed below:

- Romano-British Farmstead, Dinas Powys Common;
- Dinas Powys Castle;
- Penarth Churchyard Cross;
- Leckwith Bridge;
- Cogan Deserted Medieval Village;
- Tyn y Coed Earthwork;
- Cwm George Camp;
- Pillar Cross in Llandough Churchyard;
- Greave Round Barrow; and
- St Lythans Burial Chamber

The proposed development will need to include sufficient information to assess the impact of the proposal on the historic assets listed above and their setting, but this should be proportionate to the likely impact of the proposal. It should be noted that scheduled monuments outside of the Vale of Glamorgan Authority Boundary have not been included but the proposal may still have an impact on the setting of these historic assets and should be included within the appropriate assessment material supporting the application. The impact on scheduled monuments should be assessed in 4 stages as follows:

- Stage 1: Identify the historic assets that might be affected by a proposed change or development.
- Stage 2: Define and analyse the settings to understand how they contribute to the significance of the historic assets and, in particular, the ways in which the assets are understood, appreciated, and experienced.
- Stage 3: Evaluate the potential impact of a proposed change or development on that significance.
- Stage 4: If necessary, consider options to mitigate or improve the potential impact of a proposed change or development on that significance.

Undertaking an assessment in line with the above stages will help to ensure the proposed development complies with LDP Policy SP10 – Built and Natural Environment, LDP Policy MD8 – Historic Environment and national planning policy contained within PPW 11, TAN24, and Future Wales: National Development Plan.

In addition to the presence of scheduled monuments within the vicinity of the proposal, a grade II listed building, known as Brynwell Farm, is located approximately 62m from the nearest site boundary and 180m from the position of the solar arrays. Unlike scheduled monuments Cadw does not provide distance criteria to consider listed buildings, however, due to the close proximity it is considered the proposed development should consider the likely impact upon the listed building. This is supported by LDP Policy MD8 which states “development proposals must protect the qualities of the built and historic environment of the Vale of Glamorgan, specifically:...2. For listed and locally listed buildings, development proposals must preserve or enhance the building, its setting, and any features of significance it possesses” (LDP, p.110, 2017).

Michaelston-le-Pit Conservation area is located approximately 1.5km from the site but is situated lower in the valley approximately 30 to 35m above sea level whereas the proposed development site is located to the north of the valley and gradually rises from 50m in the south to approximately 70m in the north based upon OS 5m contour data. Although the Conservation Area is located outside of the proposed site boundary the Michaelston-le-Pit CAAMP identifies there are significant views facing out of the conservation area in the direction of the proposal. The CAAMP has been adopted as an SPG and is a material consideration in planning decisions and states “There are many short and long views into, out of and through the Conservation Area which make a positive contribution to its special character” and recommends “The Council will seek to ensure that all development respects the important views within, into and from the Conservation Area, as identified in the appraisal. The Council will seek to ensure that these views remain protected from inappropriate forms of development” (CAAMP, p.20, 2006). The CAAMP includes a brief description of the landscape setting in relation to the Conservation Area which states the following “The conservation area lies on and above the north bank of the River Cadoxton which forms most of the conservation area’s southern boundary. Land rises gently from the river and the village is spread along a narrow road enclosed by hedgerows and grass banks which preclude outward views.

Although open fields and meadows form the immediate setting to the conservation area, the main impression is of a place set within a bowl of woods. When a break in the hedgerow does permit distant views, wooded slopes invariably fill the background.” (CAAMP, p.11, 2006).

To ensure the proposed development complies with planning guidance contained within the Michaelston-le-Pit CAAMP it is advised that the potential impact the development would have on the significant views out from the conservation area north towards the site are considered and any impacts identified are appropriately addressed in accordance with guidance contained within TAN 24.

In relation to the general design considerations of the proposal, the applicant should refer to LDP Policy MD2 – Design of New Development which states “In order to create high quality, healthy, sustainable and locally distinct places development proposals should:

1. Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest;
2. Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density;
3. Where appropriate, provide new or enhanced areas of public realm particularly in key locations such as town centres, major routes, and junctions;
4. Promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour. In the case of retail centres, developments should provide active street frontages to create attractive and safe urban environments;
5. Provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists, and public transport users;
6. Have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree;
7. Where appropriate, conserve and enhance the quality of, and access to, existing open spaces and community facilities;
8. Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise, and disturbance;
9. Provide public open space, private amenity space and car parking in accordance with the council’s standards;
10. Incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscape features and biodiversity interests;
11. Provide adequate facilities and space for the collection, composting and recycling of waste materials and explore opportunities to incorporate re-used or recyclable materials or products into new buildings or structures; and
12. Mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use and eventual demolition, and include features that provide effective adaptation to, and resilience against, the current and predicted future effects of climate change.” (LDP, p.100, 2017).

The criteria identified under Policy MD2 should be informed by the Design in the Landscape SPG, TAN12: Design and the objectives of good design outlined in PPW 11 Section 3 reflecting the principles of placemaking.

Although the proposed development is located within the open countryside, there are a number of residential properties within close proximity to the site. Solar farms generally do not create large amounts of noise; however, a scheme of this scale has the potential to create higher levels of noise particularly in relation to the proposed battery storage. Therefore, criterion 8 of Policy MD2 is considered to be relevant to the proposal which seeks to safeguard existing public and residential amenity from noise disturbance. The proposal should demonstrate that noise levels produced by the battery storage remain within acceptable levels and where appropriate mitigation measures are implemented to reduce noise generation. Further guidance on noise consideration within the planning system are detailed within TAN 11: Noise (1997), however, the proposal should also refer to the most up to date standards to ensure noise generation does not have a detrimental impact on public and residential amenity.

Ecological and Biodiversity Policies:

The proposed development site does not include any known ecological designations, however, due to its scale it has potential to impact upon adjoining designations and represents an opportunity to enhance the ecological value of the site by improving connections between existing habitats particularly those that have been designated due to their ecological importance.

It is noted that the western boundary of the site adjoins an identified Ancient Semi Natural Woodland (ASNW) ID:14165. There are some areas of the woodland which overlap with the site boundary which further highlight the need for potential impacts on the ASNW to be considered as part of the proposal. In relation to ASNWs, PPW 11 states these are “irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss.” (PPW 11, para.6.4.26, 2021). The ASNW adjoining the site has been identified within the Ancient Woodland Inventory, therefore NRW should be consulted to ensure the potential impact on the ASNW is appropriately considered.

Additionally, LDP Policy MD9 – Promoting Biodiversity requires proposals to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that both of the following criteria apply:

“1. The need for the development clearly outweighs the biodiversity value of the site; and
2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.” (LDP, p.112, 2017).

The presence of the ASNW adjoining the site presents a clear biodiversity interest and the proposed development must ensure these areas are conserved and the proposal would not result in a detrimental impact on the ASNW.

In addition to the ASNW adjoining the site there are a number of woodlands which are within close proximity listed below which range from approximately 10m to 300m from the site boundary:

- ID:14170 (ASNW);
- ID:8117 (ASNW);
- ID:14172 (ASNW);
- ID:8113 (ASNW);
- ID:11545 (ASNW);
- ID:8112 (ASNW);
- ID:11544 (ASNW).

There are also Sites of Important Nature Conservation (SINCs) within close proximity of the site which include Coed y Ddylluan (0.2km south), Leckwith Woods (0.3km east) and West Hill Wood (0.3km west).

The Environment (Wales) Act 2016 under Section 6 places a duty on public authorities who must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. Consequently, the close proximity of existing areas of ecological value represents an opportunity for the proposal to improve habitat connectivity through the site and the wider area and demonstrate the enhancement of biodiversity. This approach is considered consistent with the objective of PPW 11 under the Desired Distinctive and Natural outcomes which states, “opportunities to develop green infrastructure are taken, wherever possible” (PPW 11, p.124, 2021). The proposed development does include the following enhancements to biodiversity:

- Gappy hedgerows across the Site will be enhanced with additional native planting;
- Opportunities to reinstate hedgerows and improve habitat connectivity will be taken where possible.
- Hedgerow breaches that aren't required for access as part of the development should be planted with lengths of new hedgerow comprising a variety of native species;

- Management of retained hedgerows will aim to achieve hedgerows which are bushy and minimum
- 3m tall and 2m wide. Hedgerows will be cut on a minimum 3-year rotation, with a third of the hedgerow allowed to grow for a minimum of 5 to 7 years, allowing vegetation to fruit, which provides a food source for biodiversity;
- Retained field margins will be seeded with a species-rich grassland or wildflower mix;
- Bat and bird boxes will be installed on retained trees within hedgerows in order to enhance the Site for these species (exact locations and specification to be included within the LEMP).

However, it is considered based on the scale of the proposal an approach focused on green infrastructure principles should be pursued to ensure the development enhances biodiversity on the site and within the wider area. The Council's Biodiversity and Development SPG (2018) provides further guidance on potential enhancements to biodiversity which could be incorporated into the development. Furthermore, ecological surveys should be carried out in accordance to guidance set out in the SPG.

The ASNW areas adjoining the development benefit from an element of protection in policy terms, however, individual and groups of trees as well as hedgerows also benefit from protection in local planning policy. The Trees, Woodlands, Hedgerows and Development SPG (2018) which states proposals which contain trees or hedges within the site and / or trees and hedges on land adjacent to the proposal that that could influence the development or might be important as part of the local landscape character will need to be considered as part of the development. The SPG requires the submission of a Tree Survey, Tree Constraints Plan, and an Arboricultural Implications Assessment (AIA) as defined in BS5837 (2012) to support proposals which affect trees and hedges.

Based upon Council records none of the trees on the site are subject to a Tree Protection Order (TPO), however, the existing trees should be assessed to determine their classification as outlined in the BS5837: 2012 standards. Trees achieving 'A' (high quality and value) or 'B' (moderate quality and value) categorisation following a Tree Survey should be retained on site and the development design adapted to protect them from unacceptable harm. Where a category A or B tree is required to be removed this should be replaced at a 2:1 ratio within the site. The Council also encourages developers to replace any trees at this ratio, but this is not a requirement of local policy.

Renewable Energy Policies:

The proposed development would represent a significant contribution to energy generation from a renewable source within the Vale of Glamorgan. LDP Policy MD19 – Low Carbon and Renewable Energy Generation supports proposals for renewable energy generation where it can be demonstrated that there is no unacceptable impact on the interests of:

“Best and most versatile agricultural land; Aviation safeguarding; Electrical, radio or other communication systems; Landscape importance; Natural and cultural heritage; Nature conservation; Residential amenity; and Soil conservation.” (LDP, p.121, 2017)

In addition to the above, Future Wales: National Development Plan identifies the following criteria for DNS renewable energy schemes:

1. outside of the Pre-Assessed Areas for wind developments and everywhere for all other technologies, the proposal does not have an unacceptable adverse impact on the surrounding landscape (particularly on the setting of National Parks and Areas of Outstanding Natural Beauty);
2. there are no unacceptable adverse visual impacts on nearby communities and individual dwellings;
3. there are no adverse effects on the integrity of Internationally designated sites (including National Site Network sites and Ramsar sites) and the features for which they have been designated (unless there are no alternative solutions, Imperative Reasons of Overriding Public Interest (IROPI) and appropriate compensatory measures have been secured);
4. there are no unacceptable adverse impacts on national statutory designated sites for nature conservation (and the features for which they have been designated), protected habitats and species;
5. the proposal includes biodiversity enhancement measures to provide a net benefit for biodiversity;

6. there are no unacceptable adverse impacts on statutorily protected built heritage assets;
7. there are no unacceptable adverse impacts by way of shadow flicker, noise, reflected light, air quality or electromagnetic disturbance;
8. there are no unacceptable impacts on the operations of defence facilities and operations (including aviation and radar) or the Mid Wales Low Flying Tactical Training Area (TTA-7T);
9. there are no unacceptable adverse impacts on the transport network through the transportation of components or source fuels during its construction and/or ongoing operation;
10. the proposal includes consideration of the materials needed or generated by the development to ensure the sustainable use and management of resources;
11. there are acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration.
The cumulative impacts of existing and consented renewable energy schemes should also be considered.” (WG, p.95, 2021).

The proposed development should ensure compliance with the above national and local policy criteria for the proposal to be considered acceptable in policy terms. Where there are identified impacts against the above criteria, the Vale of Glamorgan’s Renewable Energy SPG (2019) contains additional design consideration under Section 7 which could mitigate potential issues. These include:

- Retaining existing habitat features,
- Avoid construction during breeding seasons of relevant species,
- Translocation of sensitive species if appropriate,
- Increasing separation of solar panels,
- Including wildlife highways,
- Avoid excessive security lighting,
- Locating plant and ancillary buildings away from sensitive receptors,
- Covering excavation works,
- Providing escape ramps for wildlife,
- Use of speed limits on site,
- Undertaking clearance work outside of breeding season (March-August),
- Protecting watercourses and maintaining hydrological regimes,
- Minimising the area of impermeable surfaces,
- Reinstating vegetation where possible,
- Providing storage and attenuation ponds in line with sustainable drainage techniques (SuDs),
- Using appropriate culverts and drains to maintain existing hydrological regimes,
- Use of removable mats as access tracks,
- Use of ground screws to secure PV panels,
- Avoidance of soil compaction and contamination,
- Allowance for low intensity grazing through scheme.

It is considered the proposal should demonstrate that alternative mitigations have been considered and reasons given for their inclusion or exclusion within the scheme.

Potential Concerns:

The proposed development would represent a significant change to the existing landscape which is further compounded by the existing solar development at Ely Brickworks which has already been subject to an extension. Although the proposal does include potential mitigation measures it is likely the development will change the character of the designated SLA. However, this will need to be balanced against the permanence of the development and the potential to revert the land back to agricultural use as well as the need for renewable energy generation. Welsh Government have set the following ambitious target for 70% of electricity consumption to be generated from renewable energy by 2030. The proposal would represent a significant contribution to renewable energy generation within the Vale of Glamorgan and contribute to the renewable energy target for Wales.

The location of the proposed Battery Storage is within close proximity to existing sensitive receptors. Consideration should be given to moving the battery storage compound elsewhere within the site to reduce the noise pollution on sensitive receptors or additional mitigation measures

included to ensure the current levels of public and residential amenity is maintained.

The proposal references an outdated technical report in relation to the Energy Generation in Wales 2018. The most recent report should be used to inform the proposal and decision makers assessment of the development.

Additional consideration should be given to improving green infrastructure throughout the site and improving linkages to existing areas of ecological value within the context of the development site. This will ensure the development enhances biodiversity in accordance with the Section 6 Duty placed on public bodies.

Recommendation:

The proposal for a solar farm is generally supported in policy terms. However, some concerns are raised regarding the siting of proposed infrastructure and the impact on the landscape character particularly in relation to the SLA. It is considered these concerns can be addressed through slight amendments to the proposed layout and the inclusion of additional mitigation measures highlighted in the above response.

Signed: Nathan Slater

Date: 04/06/2021

Vale of Glamorgan Highway Authority Observation Sheet

Planning Application Ref:	2021/00001/DNS
Observations By:	James Aitken
Date:	4 June 2021
Location:	Land at Brynwell Farm, on land between the A4232 and Leckwith village
Proposal:	DNS/3261558 - Installation of a solar farm comprising ground mounted solar PV panels with a net installed generating capacity (AC) of up to 25 MW, including mounting system, battery storage units, inverters, underground cabling, grid connection hub, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping and environmental enhancements, for a temporary period of 40 years.
Case Officer:	Mr. Robert Lankshear

The highway authority has reviewed the information provided and has consulted with various other colleagues within the Neighbourhood Services area including highway maintenance and structures. Any consent could have a significant impact on the adopted highway within the Vale of Glamorgan Council. It is appreciated that some of the information requested below may not be available at this stage however it is important that the information, particularly surrounding Leckwith Bridge, is submitted for approval prior to consent being granted.

The highway authority would comment as follows:

1. There is a concern regarding the route of the proposed cable across Leckwith Bridge. It is recommended that information regarding the size, weight and type/voltage of cable is provided including method of installation and maintenance. The bridge currently has a weight limit of 7.5 tonne and there is concern that applying more dead load weight to the structure including the works and excavations required will damage the structure to the detriment and safety of users of the bridge. This information was requested on 27th May 2021

but as yet no information has been received and the information will need to be checked prior to any consent being granted.

2. As part of the future development known as Leckwith Quay with planning application 2020/01218/HYB, the Leckwith Bridge is proposed to be demolished and a new bridge constructed. Unfortunately, as yet no definitive timescale can be placed on this process. Demolition of the bridge will likely mean any proposed cable running across will need to be diverted or relocated permanently.
3. Further to point 2 above the applicant/DNO will be responsible for any works related to the cable if installed on Leckwith Bridge and then subsequently the bridge is demolished and rebuilt. Any works and costs associated with the diversion or relocation of the cable shall be the responsibility of the Leckwith Quay development.
4. As per the information shown within the Transport Statement the proposed haulage route to the site during the construction phase is proposed to be over Leckwith Bridge and via B4267 Leckwith Road. The highway authority will not support this route as the Leckwith Bridge (as above) has a weight limit of 7.5t and information in the Transport Statement determines that during the delivery of stone 10m tippers (max load 40t) and 16.5m articulated vehicles will be delivering to site. There is risk to the structural stability of the bridge and as such the haulage route should be revised and submitted for approval by the Local Highway/Planning Authority.
5. Deliveries or construction traffic shall only be allowed outside of peak am and pm times including school opening and closing times.
Reason: in the interests of highway safety.
6. The CEMP indicates that construction of the development shall be between the hours of 07:00 – 19:00. The highway authority would require these hours to be reduced or that construction vehicles and deliveries are restricted between the Hours of 07:30 and 17:30 in conjunction with point 5 above.
7. There is a discrepancy between the Transport Statement and the CEMP regarding length of time of works. The TS indicates a time period of 6 weeks for construction however the CEMP in section 4.1.3 indicates a construction period of 11 weeks.
8. Prior to any consent being granted the Leckwith Bridge should undergo a Principal Inspection by a duly certified and competent structural/civil engineer. The results and report of that inspection should be provided the Council's Structural Engineer for review.
9. The proposed cable route from the solar farm will travel along the adopted highway for a significant length. Prior to any consent being granted the applicant shall first submit in writing proposals for the cable locations within the

highway and the reinstatement of the adopted highway which should be to Highway Authorities specifications and requirements.

Reason: to ensure minimum design and construction standards are achieved in the interests of highway safety.

10. The highway would require a full survey of Gower lane from the point of the unsuitable for HGV's signage to the access to be carried out and any sections of lane less than 3m width need to be identified. The survey should also allow for a detailed plan of the route and to accurately show and dimension any passing places and forward visibility envelopes. In order for the route to be safe and accessible localised improvements may be required and possible convoy systems in place.

Reason: to ensure the free flow of traffic along the adopted highway network in the interests of highway safety.

11. During the construction phase the cable installation along Gower Lane could require closure given the narrow width and plant required to install the cable/ducting. Any proposals for road closures, plans to allow access for existing dwellings and timescales of closures along Gower Lane should be submitted to the Local Highway/Planning Authority for approval prior to commencement.

Reason: in the interests of highway safety.

12. As part of any planning consent a pre-construction condition survey should be carried out of the haulage route and provided to the Local Highway Authority. The survey should be paid by the applicant and carried out by an independent highway maintenance consultant and extents agreed with Local Highway Authority.

13. As part of any planning consent a post construction condition survey of the haulage route should be carried out as per point 5 above. The Highway Authority will require at the developers expense to carry out any remedial works identified with the second condition survey that the Highway Authority Considers necessary as direct result of the works

High Level Heritage Assessment

Brynwell Solar Farm



Prepared by: Peter Thomas, Senior Planner (Conservation and Design)
Case Officer: Robert Lankshear
Application No.: 2021/00001/DNS
Location: Land at Brynwell Farm, on land between the A4232 and Leckwith village
Proposal: DNS/3261558 - Installation of a solar farm comprising ground mounted solar PV panels with a net installed generating capacity (AC) of up to 25 MW, including mounting system, battery storage units, inverters, underground cabling, grid connection hub, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping and environmental enhancements, for a temporary period of 40 years.

Introduction

This assessment has been prepared to support the Vale of Glamorgan Council's response to the application for a development of national significance (DNS/3261558) at Land at Brynwell Farm, on land between the A4232 and Leckwith village.

The proposal is for the installation of a solar farm comprising ground mounted solar PV panels with a net installed generating capacity (AC) of up to 25 MW, including mounting system, battery storage units, inverters, underground cabling, grid connection hub, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping and environmental enhancements, for a temporary period of 40 years.

The proposal is supported by Landscape and Visual Impact Assessment (LVIA), and an Archaeological and Heritage Assessment (AHA).

Historic Assets

There are no designated historic assets in the site area. No assessment of any archaeological sites or potential has been undertaken as part of this assessment.

The Cadw guidance document *The Setting of Historic Assets in Wales* (2017) advises:

“Applicants for planning permission should provide the local planning authority with sufficient, but proportionate, information to allow the assessment of the likely impact of proposals for development on a historic asset and its setting...”

Whilst this explicitly mentions the local planning authority it seems likely that this level of information should also be provided to other decision makers in order for them to discharge

their statutory duties in relation to the setting of listed buildings, and the policies of Planning Policy Wales in relation to the setting of other historic assets.

The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended) sets out the criteria where local planning authorities must consult Cadw. The criteria is as follows:

Development likely to be visible from a scheduled monument and which meets one of the following criteria:

- it is within a distance of 0.5 kilometres from any point of the perimeter of a scheduled monument
- it is within a distance of 1 kilometre from the perimeter of a scheduled monument and is 15 metres or more in height, or has an area of 0.2 hectares or more
- it is within a distance of 2 kilometres from the perimeter of a scheduled monument and is 50 metres or more in height, or has an area of 0.5 hectares or more
- it is within a distance of 3 kilometres from the perimeter of a scheduled monument and is 75 metres or more in height, or has an area of 1 hectare or more
- it is within a distance of 5 kilometres from the perimeter of a scheduled monument and is 100 metres or more in height, or has an area of 1 hectare or more.

Regrettably the wording in the Schedule is not especially clear for sites of 1ha or more where the height of the proposed development is less than 75m high so there may be some debate about whether a 3 or 5 kilometre study area is appropriate, however, the supporting AHA has identified a study area of 1 kilometre around the application site. It is not clear why the study area of this size was identified. Furthermore, the supporting LVIA includes a Zone of Theoretical Visibility (ZTV), however, I have some concerns about the appropriateness of this. The ZTV is limited in its extent and it appears likely that there will be more distant views than those shown. Whilst it is possible that any additional historic assets would be 'scoped out' of any detailed assessments it is not clear that they have been adequately considered.

For the purposes of this assessment a study area of 3 kilometres has been prepared. It is understood that Cardiff City Council will be preparing a local impacts study of their Authority area and, for this reason, the study area has been amended to limit it to land located within the Vale of Glamorgan as indicated in Figure 1 below.



Figure 1: 3 kilometre Study Area

Within 3 kilometres of the site there are:

- 6 Scheduled Monuments
- 17 Listed Buildings
- 3 Conservation Areas
- 1 Historic Park and Garden
- 8 locally listed County Treasures

The location of these is shown in Figure 2 below. A gazetteer can be found in Appendix A:

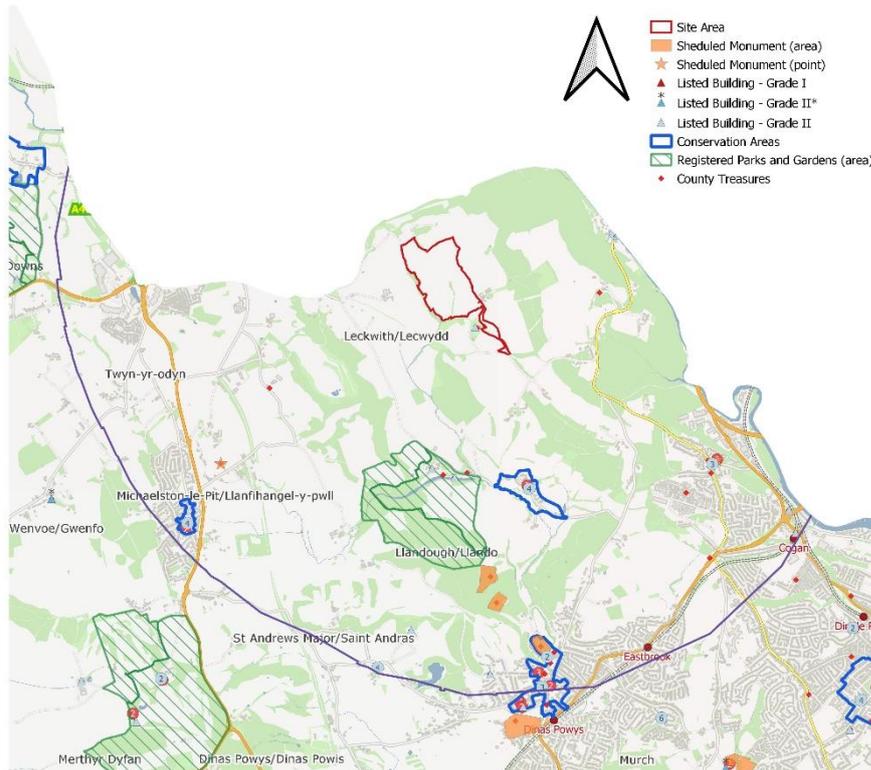


Figure 2: Location of Historic Assets

Impact on the setting of Historic Assets

Setting is defined in the Cadw guidance document *The Setting of Historic Assets in Wales* (2017) as:

“The setting of a historic asset includes the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.”

Given the scale of the proposal it is considered it will likely have some impact on the setting of historic assets. The guidance, usefully, clarifies:

“Setting is not itself a historic asset, though land within a setting may contain other historic assets. The importance of setting lies in what it contributes to the significance of a historic asset.”

Notwithstanding the concerns identified above, the AHA has identified Brynwell Farm the setting of which is most likely to be adversely effected by the proposed development.

The AHA identifies the primary significance of the building as lying in its evidential value with the setting makes a lesser contribution to that significance, although the rural surroundings are important to understanding the building’s location and purpose. It is this ability to understand the building that I consider to be the contribution to the significance of the listed building.

The AHA acknowledges that the proposal will change the nature of the views northwards from the farmhouse whilst also noting the existence of telegraph poles and electricity pylons. The AHA also confirms the overall layout of the fields would not change, and neither would the relationship between Brynwell and Beggan Farm.

The AHA downplays the extent of visibility between the listed building and site as being within a 90 degree arc and affirming the agricultural association of the setting “would still be strongly appreciable through the remaining 270 degrees” concluding that “...the contribution made by the setting overall is not considered to be so changed as to reduce the contribution to significance made by that setting.”

Consideration will need to be given to whether this is a correct interpretation of whether or not some harm is caused to the setting of the building. Regard will also need to be paid to the value of the fields as providing the historic context of the Farmhouse and whether the retention of the field boundaries adequately preserves this and allows the building to continue to be read within its agrarian context.

Cumulative Impacts

There is an existing solar farm located immediately to the north of the application site. Consideration should be given to the cumulative impacts of the current development with existing sites.

Conclusion and Recommendations

The LVIA and AHA are considered inadequate in terms of providing the necessary information for the decision maker to make an appropriately informed decision given the scale of the development.

Appendix A – Historic Assets Gazetteer

Scheduled Monuments

Monument Reference	Monument Name
GM021	Dinas Powis Castle
GM014	Leckwith Bridge
GM183	Greave Round Barrow
GM023	Cwm George Camp
GM024	Tyn y Coed Earthwork
GM209	Pillar-Cross in Llandough Churchyard

Listed Buildings

Reference	Name	Grade
13429	Telephone Call-box on Village Green	II
13430	Pound Cottage	II
13431	Former National School and School-house	II
13432	Church of St Dochdwy	II
13449	Telephone Call-box	II
13481	Nos 1,2,3 Church Cottages	II
13612	Church of St Michael	I
13624	Remains of Dinas Powis Castle	II
13643	Church of St Mary	II*
19575	Brynwell Farm including attached agricultural buildings	II
26487	Old Leckwith Bridge (partly in Canton Community)	II*
26488	Lychgate at Church of St Michael	II
26489	Cwrt-yr-Ala House	II
26490	The Old Dairy at Cwrt-yr-Ala	II
26503	Garn-hill and attached garden terrace	II
26992	The Old Rectory	II
87746	Wenvoe War Memorial	II

Conservation Areas

Name
Dinas Powys
Michaelston-le-Pit
Wenvoe

Historic Parks and Gardens

Name	Grade
Cwrt yr Ala	II

County Treasures

Name
Bryn Robin
Llandough Hospital
Llandough Baptist Church
Alps Farm
Michaelston-Le-Pit - Home Farm
Michaelston-Le-Pit - Home Farm Barn
Michaelston-Le-Pit - Tile House
Woodlands - Community Care Centre

**CONSULTATION RESPONSE:
COUNTRYSIDE AND ENVIRONMENT (ECOLOGY)**



To / I:	Operational Manager Development & Building Control	From / Oddi Wrth:	Ecology, Development Services Countryside and Economic Projects.
FAO	Robert Lankshear		Mr Colin Cheesman
Date / Dyddiad:	10 th June 2021	Tel / Ffôn:	(01446) 704855 07514 623147
Your Ref / Eich Cyf:	2021/00001/DNS	My Ref / Fy Cyf:	
Location			
Proposal			

ECOLOGY RESPONSE	
<input type="checkbox"/> No comment <input type="checkbox"/> Object (holding objection) <input type="checkbox"/> Object and recommend refusal	<input checked="" type="checkbox"/> Notes for applicant <input type="checkbox"/> Request for further information <input type="checkbox"/> Recommend planning conditions <input type="checkbox"/> Approve

Summary

Current status: Planning consultation submitted

Previous status:

Comments

These comments are divided between the Ecological Impact Assessment and the Landscape and Ecology Management Plan.

In general terms it is disappointing that wet grassland habitat is to be lost to a solar farm development without mitigation but as it is not a Section 7 habitat there is little that can be done to address the loss.

Ecological Impact Assessment

The mitigation for any loss of hedgerows is in line with the Biodiversity and Development SPG for the Vale of Glamorgan and is to be welcomed. However, the strengthening of existing poor condition or species poor hedges does not contribute to the mitigation which is based on length.

I would have liked more detail around the bird and bat species that are to be accommodated through the provision of bat and bird boxes mentioned in the EIA – page 13.

Indeed, I would have liked to see a breeding bird survey undertaken before any further consideration of this application. Both Skylark and Yellowhammer mentioned in EIA are Red listed species because of severe declines in farmland populations through changes in agriculture and land use. In providing mitigation through nest boxes it would seem necessary to know what species you are mitigating for and whether boxes were sufficient mitigation. This would also extend to the proposed meadows at the south of the site which could be serving a function for farmland birds if managed appropriately.

Finally, there is no reference to fungi records in the EIA. Grasslands, even some of the most species poor grasslands can have a value for waxcap fungi communities many of which are Section 7 species under the Environment (Wales) Act 2016. A DNA analysis of soil samples could provide a species list at any time of the year and inform the EIA.

Landscape and Ecology Management Plan

More careful proof reading is needed as reference is made to Leicestershire Council on page 10 (5.2.1) which creates the impression that this is not a bespoke assessment for this site.

We should not be burning material collected after the control of brambles (5.5.2) but rather piling this in designated areas where it can rot down and form habitat.

It is also wholly unnecessary to manicure the site through repeated treatments of bramble and emergent scrub (5.5.6). This is not a publically accessible site and so we should be looking to manage it for its biodiversity. A single treatment once a year should suffice.

One of the important lessons is increasingly understood by ecologists is that we need to pay more attention to local genetic variation and thus use local provenance material in planting and seeding. We should not simply be broadcasting a nationally seed mix which does not reflect the species composition of local meadows or using species not found in local hedgerows. In addition, such material should be derived from as local a source as possible to support the local economy and to propagate local material.
(6.4.3)

Where are the plants for the native hedgerows to be sourced from? (6.2)

The use of glyphosate is to be discouraged as it will kill a wide range of plants and deplete the biodiversity of the hedgerows and consideration should be given to the use of mats instead. (6.2.2)

The material cut (6.4.4) could be dealt with in exactly the same way as the bramble arisings mentioned earlier. Grass piles are favoured by grass snakes.

Finally, there is no allowance made in the LEMP for future population monitoring to measure the success of the overall scheme in contributing to the biodiversity of this part of the Vale of Glamorgan.

Conclusion

In order to produce a more informed and iterative LEMP more survey work is needed so that it reflects properly the need to mitigate and enhance biodiversity as required by national and local policy.

The current LEMP is very amenity orientated rather than contributing to biodiversity. Opportunities have been missed for it to reflect local wildlife and compared to other proposals it lacks both detail and imagination.

RELEVANT POLICIES FOR INFORMATION

MG21 - SITES OF IMPORTANCE FOR NATURE CONSERVATION, REGIONALLY IMPORTANT GEOLOGICAL AND GEOMORPHOLOGICAL SITES AND PRIORITY HABITATS AND SPECIES.

Development proposals likely to have an adverse impact on sites of importance for nature conservation or priority habitats and species will only be permitted where it can be demonstrated that:

1. The need for the development clearly outweighs the nature conservation value of the site;
2. Adverse impacts on nature conservation and geological features can be avoided;
3. Appropriate and proportionate mitigation and compensation measures can be provided; and
4. The development conserves and where possible enhances biodiversity

MD9 – PROMOTING BIODIVERSITY

New development proposals will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

1. The need for the development clearly outweighs the biodiversity value of the site; and
2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.

ANNEX 1 – SUPPORTING INFORMATION (Legislation, planning policy and case law)

CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017

Known as the Conservation of Habitats and Species Regulations 2017 “Habitats Regulations” transpose the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive) instrument transposes the into UK law. The Directive is the means by which the European Union meets its obligations under the [Bern Convention](#). The most vulnerable and rarest of species internationally (in the European context) are afforded protection under this legislation. The species listed on Schedule 2 of the Habitats Regulations are termed “European Protected Species” and are afforded the highest levels of protection and command strict licensing requirements for any works which may affect them. The species include all British bats, Otter, Dormouse and Great Crested Newt. They are fully protected against disturbance, killing, injury or taking. In addition any site regarded as their “breeding site or resting place” is also protected. It is generally regarded that the site is protected whether the animals are present or not.

The Habitats Regulations clearly outline the role of Planning Authorities in the implementation of the Habitats and Birds Directives; by stating [Section 10]

10.—(1)a competent authority must take such steps in the exercise of their functions as they consider appropriate to secure the objective in paragraph (3), so far as lies within their powers.

(3) The objective is the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in the United Kingdom, including by means of the upkeep, management and creation of such habitat, as appropriate, having regard to the requirements of Article 2 of the new Wild Birds Directive (measures to maintain the population of bird species).

Habitats Regulations Licensing

Where works will affect a EPS, then the developer must seek a derogation (licence) prior to undertaking the works. The licence can only be issue once the “3 tests” are satisfied, that is:

- Test 1 – the purposes of “preserving public health or safety, or for reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
- Test 2 – there must be “no satisfactory alternative”; and
- Test 3 – the derogation is “not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

Licences are issued by Natural Resources Wales (NRW), with NRW assessing Test 3, and the LPA assessing tests 1 & 2 (where proposals are not subject to planning, then NRW alone will assess all three tests). Where Planning regulations apply, the NRW will only issue a licence after determination of the planning application. Planners failing to do so will be in breach of the Habitats Regulations (see also Case Law, Morge Case and Woolley Ruling below).

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

The WCA protects the UK's most vulnerable and rare species as outlined below.

Section 1 – breeding birds. The basic protection afforded to all birds is:

- Protection from killing, injury or taking of any wild bird
- Protection from taking, damaging or destroying the nest of any wild bird
- Protection from taking or destroying the egg of any wild bird

Further, some species, specifically those listed on Schedule 1 of the Act are afforded extra levels of protection to include:

- Protection from disturbance whilst it is nest building; or, is at or near a nest with eggs or young, or disturb the dependant young of such a bird.

There are exemptions from this basic protection for, for example: sale, control of pest species and sporting eg. game birds outside of the close season.

Section 9 (Schedule 5) - protected animals (other than birds) All animals listed on Schedule 5 are protected against killing, injury or taking. Any structure/place used for shelter or protection is protected against damage, destruction or obstructing access to. And it is an offence to disturb an animal whilst using such a structure / place. Some species are afforded "Part Protection" meaning that they enjoy only some of the protection outlined above – eg the animals may be protected, but not their structure used for shelter/protection (such as slow worm).

Section 13 (Schedule 8) – protected plants. Protected plants are afforded protection against: being picked, uprooted or destroyed. They are also protected against sale (or advertising for sale) – this is particularly relevant with respect to bluebells.

THE PROTECTION OF BADGERS ACT 1992

This protects badgers from killing, injury and taking; or attempting to kill, injure or take. Badger setts are also afforded protection and it is an offence to:

- Damage a badger sett or any part of it
- Destroy a badger sett
- Obstruct access to any entrance of a badger sett
- Disturb a badger when it is occupying a badger sett

Development which will destroy or disturb a badger sett (within 30m) is subject to licensing. The licensing body is NRW. However, badgers are considered a species protected under UK legislation (see PPW) and are therefore a material consideration during the planning decision.

ENVIRONMENT (WALES) ACT 2016

The Environment (Wales) Act became law in March 2016 and replaces the earlier Natural Environment and Rural Communities Act 2006. It puts in place legislation to enable Wales' resources to be managed in a more proactive, sustainable and joined up manner and to form part of the legislative framework necessary to tackle climate change. The Act supports the Welsh Governments wider remit under the Well-Being of Future Generations (Wales) Act 2015 so that Wales may benefit from a prosperous economy, a healthy and resilient environment and vibrant, cohesive communities.

Section 6 of the Environment Act requires all that public authorities “***must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions***”. The intention of this duty is to ensure biodiversity becomes an integral part of decision making in public authorities.

Welsh Government, with consultation with NRW must prepare and publish a list of habitats and species which, in their opinion, are of principal importance for maintaining and enhancing biodiversity in Wales (“Section 7 list”). Public bodies must take all reasonable steps to maintain and enhance the living organisms and types of habitat on this list. At the current time, this list directly replaces the list created under the now defunct Section 42 of the Natural Environment of Rural Communities (NERC) Act 2006 (Habitats and Species of Principal Importance for Conservation in Wales).

PLANNING POLICY WALES SEPTEMBER 2009 (TECHNICAL ADVICE NOTE 5: NATURE CONSERVATION AND PLANNING)

Section 6.2.1 – the presence of a protected species is a material consideration when a local planning authority is considering a development proposal, that, if carried out, would be likely to result in disturbance or harm to the species or its habitat.

Section 6.2.2 – It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted.

Section 6.3.5 – any step in the planning or implementation of a development likely to affect a European Protected Species could be subject to a licence to permit or the survey or implement the proposal are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions.

PLANNING POLICY WALES (EDITION 10, DECEMBER 2018)

Planning Policy Wales, Section 6.4 places a duty on local authorities to ensure that biodiversity and resilience are fully considered by Local authorities.

Particular reference is made to The Section 6 Duty (Environment Act) to ensure that planning authorities demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise our their functions.

Protected Species under European or UK legislation, or under section 7 of the Environment Act are a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or

harm to the species or its habitat and to ensure that the range and population of the species is sustained. (Section 6.4.22)

Paragraph 6.4.23 outlines the process whereby European Protected Species are considered in Planning.

VALE OF GLAMORGAN COUNCIL - SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance – Biodiversity and Development

WOOLLEY RULING

This case confirmed that local planning authorities must apply the same three tests as Natural England (in Wales, CCW) when deciding whether to grant planning permission when one or more of the European protected species offences under the Habitats Regulations may be committed.

This judgment clarifies a legal duty which was already in existence although many planning authorities were not applying it correctly. His Honour Judge Waksman QC, in the High Court in June 2010, handed down this ruling in the case of R (on the application of Simon Woolley) v Cheshire East Borough Council concerning a development with a bat roost. **This judgment makes it clear that the local planning authority must apply the “3 tests” when determining a planning application.**

MORGE CASE (SUPREME COURT CASE 19 JANUARY 2011)

The case gives clarification to deliberate disturbance and to the interpretation of “damage or destruction of a breeding site or resting place”. It also gives guidance on how LPA should discharge their duties with respect to the Habitats Directive.

CORNWALL RULING

Judgement that a planning authority had acted unlawfully by granting planning permission without sufficient information on flora and fauna.

Sometimes planning authorities grant planning permission before some or all ecological surveys have been carried out, making ecological surveys a planning condition, or Section 106 Agreement, under the Town and Country Planning Act 1990.

For development that requires an Environmental Impact Assessment this practice was subject to judicial review proceedings in the High Court and it was determined that the planning authority had acted unlawfully by granting planning permission without sufficient information on flora and fauna (known as the Cornwall Ruling because the planning authority in this case was Cornwall County Council). Requiring surveys as a condition of the Section 106 Agreement was not sufficient, as this would exclude the consultation process that is required under the Town and Country Planning (EIA) Regulations (1999).

9.3. Grass snake egg-laying heaps

For many sites with grass snake present, creating egg-laying heaps is one of the most productive management measures. Egg-laying sites are often a limiting factor, and population declines may be traced back to their destruction or reduction in quality. If grass snakes currently only disperse through a site (as is often the case with this highly mobile species), creating an egg-laying site may encourage the snakes to form a new population centre, and spend more time there.



Semi-natural grass snake egg-laying site, a rotting hornbeam stump (ARC)

Grass snakes usually nest in heaps of decaying organic material of various kinds, where the heat of decomposition incubates the eggs. Natural nesting sites include piles of vegetation deposited by flood water or cavities within dead, rotting tree trunks and, in coastal areas, seaweed piles. More commonly, grass snakes use material provided by humans, including heaps of manure, compost, grass clippings, sawdust, garden waste or cut reeds. The material must be actively decomposing and producing heat. However, in some habitats grass snake eggs are laid where the vegetation or ground substrate itself is warmed by the sun, such as deep moss layers found on the older successional stages of heathland, or crevices in the ground. Tens of females may lay their eggs in a particularly suitable site.



An aggregation of female grass snakes on an egg-laying site comprising discarded hay bales (Tracy Farrer)

The creation of piles of organic material can, therefore, be beneficial to this species. The disposal of arisings from vegetation cutting or mowing is often a problem for habitat managers – but such waste material can be used to create grass snake egg-laying sites.

The key to a successful grass snake egg-laying heap is to ensure the material provides the necessary heat and humidity to incubate the eggs. Larger heaps of vegetation are more likely to be successful than small heaps. Heaps should be at least 1 m³, but ideally much larger. It is also necessary to replenish existing sites with fresh material or to regularly create new egg-laying sites.

Heaps that are used by grass snakes should not be interfered with between June and September, to avoid harming the animals. Replenishing is best done in April to May or October, and normally should be done at least once every two years (though this depends on how quickly the material loses the capacity to generate heat, which can be tested easily by hand). Occasionally grass snakes (and slow-worms) also hibernate in the heaps, so they are best left undisturbed over winter.

Some grass snake egg-laying heaps have been constructed by piling vegetation (meadow cuttings) on top of a base, or framework, of brush. Whether this sort of construction improves conditions for grass snakes has not been rigorously tested. However, the brush is intended to create spaces within the heap to allow easy access to nesting females. It may also increase aeration, hence aiding decomposition of the organic material.



A large compost heap, in a sunny location with adjacent cover provided by logs and herbaceous vegetation (Paul Edgar)



Compost containers should allow access to air and grass snakes (Lee Brady)

If space allows, creating several egg-laying heaps may be beneficial. This may increase the chances of females locating a heap, while reducing the distances they have to move to do so. Multiple heaps are also likely to create a wider range of egg-laying conditions and ensure that not all of the eggs are in 'one basket'. Mass mortality of eggs may occur due to the weather (especially if it is very hot and dry), predation, severe disturbance of the site, or due to disease, fungal infection or parasites. The impact of adverse factors may be reduced if eggs are spread over a number of egg-laying heaps. Locating several egg-laying sites in both full sun and partial shade can ensure that, whatever the weather over the course of the incubation period, some eggs should hatch.

Individual females tend to return to the same egg-laying site year after year. Therefore, new heaps are best located close to existing, used ones, or at least in high quality habitat where grass snakes are known to pass through.

Egg-laying heaps must be sited in sun or partial sun, if the surrounding scrub or tree cover grows up and creates substantial shading, it should be cut back. Heaps should also be connected to vegetation that provides secure cover for adult and hatchling snakes moving to or from the site. Decomposing vegetation causes local soil enrichment, so egg-laying heaps should be constructed in locations within sites where this will not create a problem.

Covering, or partially covering, a heap with a tarpaulin, or similar, weighted down to keep it in place, may help to retain heat and humidity. Such covers can also be useful in monitoring the egg-laying site. Lifting the cover may reveal a gravid female or, later, hatchlings (which measure around 17 cm long); snakes spend some time around the heap prior to egg-laying and hatchlings do not all disperse immediately. Pieces of discarded carpet or corrugated iron have also been used to the same effect. These covers should extend to the base of the heap to allow easy access to grass snakes.



Covering, or partially covering, a heap with a tarpaulin, or similar may help to retain heat and humidity (ARC)

It can take several years for grass snakes to start laying eggs in a newly created heap. To check if a heap is being used, site managers can either check around the heap in late August and September for hatchlings, or carefully dismantle the heap in October to check for egg shells, before reconstructing the heap.

MEMORANDUM / COFNOD

The Vale of Glamorgan Council
The Alps, Wenvoe, CF5 6AA



To / I:	Mr. Robert Lankshear
Dept / Adran:	Planning
Date / Dyddiad:	02/06/2021
Your Ref / Eich Cyf:	

From / Oddi Wrth:	Operational Manager Environment and Engineering
My Ref / Cyf:	EE/SP/GTD/L5/1
Tel / Ffôn:	02920 673 235
Fax / Ffacs:	02920 673 114

Subject / Testyn: Planning Application No. 2021/00001/DNS Land at Brynwell Farm, on land between the A4232 and Leckwith village.

Proposal: DNS/3261558 - Installation of a solar farm comprising ground mounted solar PV panels with a net installed generating capacity (AC) of up to 25 MW, including mounting system, battery storage units, inverters, underground cabling, grid connection hub, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping and environmental enhancements, for a temporary period of 40 years.

This site is not located within a DAM zone at risk of tidal or fluvial flooding. NRW flood maps indicate the majority of the site to be of low risk of surface water flooding. A high risk of surface water flooding is indicated to exist within the central valley of the site and along the southern and western boundary.

Overview:

Information submitted to support this application suggests surface water runoff generated by the proposed photovoltaic panels will be permitted to drain freely to the permeable ground beneath. Once the infiltration capacity of the ground has been exceeded surface waters will enter existing valleys/ditches via overland flow routes as per the current situation.

No hydraulic calculations have been provided with this application to demonstrate the additional runoff volume generated by the proposed development. It is requested that calculations are provided for the 100 year rainfall event plus climate change (30%), utilising the 100 year 6 hour rainfall depth. Further consideration must be given to the expected increase in runoff volumes generated during both construction and operational phases and how any impact downstream of the site can be minimised.

No infiltration testing has been submitted in support of this application and will be required in order to demonstrate the grounds ability to infiltrate water.

The Landscape Management Plan makes no specific reference to the vegetation cover beneath the photovoltaic panels. It is anticipated that the vegetation in these areas will aid the controlling of surface water runoff rates. As such it is requested that a revised Landscape Management Plan is Provided with the inclusion of these areas.

Limited information has been provided within the submitted Outline Construction and Environmental Management Plan with regard to the management of surface waters. The detailed CEMP must make reference to the phasing of the development and how the proposed drainage (temporary or permanent) will be managed during construction.

Conditions:

Given the above, no development shall commence on site until a detailed scheme for the surface water drainage of the site has been submitted and approved in writing by the LPA. If infiltration techniques are used, then the plan shall include the details of field percolation testing. Any calculations for onsite attenuation or discharge should also be included together with the details on the management of the drainage system.

No development shall commence until a Construction Environmental Management Plan (CEMP) to include the management of surface waters has been submitted to and approved in writing by the local planning authority.

Advisory:

Any works to watercourses, including ditches and streams where defined by the Land Drainage Act 1991, require Land Drainage Consent by the relevant drainage body (Lead Local Flood Authority – Vale of Glamorgan Council). Works include permanent and temporary works, including temporary crossings during construction phases.

Gareth Thelwell-Davies
Engineer – Environment

for Operational Manager Environment and Engineering
ar gyfer Rheolwr Gweithredol Amgylchedd a Pheirianneg

COFNOD / MEMORANDUM

I / To: Rob Lankshear
Adran / Dept: Planning Department
Dyddiad / Date: 17 June 2021
Eich Cyf / Your Ref: 2021/00001/DNS

Oddi Wrth / From: Sue Brown
Ein cyf / Our ref: SB1-9413/21
Ffôn / Tel: 0300 123 6696
Ebost / Email: sfbrown@valeofglamorgan.gov.uk

SUBJECT: BRYNWELL SOLAR FARM
PLANNING APPLICATION NO: 2021/00001/DNS
LECKWITH, VALE OF GLAMORGAN

I refer to your memorandum received by this department on 17 May 2021, this department makes the following comments regarding the above application.

This application has been considered with specific regard to noise, therefore particular attention has been given to the following documentation supplied by the applicant;

- Noise Impact Appraisal - Revision 1
Document reference 16419-HYD-ZZ-XX-RP-Y-001 Revision P02
Date 2 March 2021
- Noise Impact Assessment
Brynwell Solar Farm
Doc ref 16426-HYD -RP-ACO-001 Project no. 16426 Status S1
Date 14 May 2021
- Outline Construction and Environmental Management Plan (CEMP)
Date February 2021

Noise Appraisal

Prior to the onsite survey, detailed in the Noise Impact Assessment a Noise Impact Appraisal, desktop assessment was carried out, I can advise that the methodology and source material used was appropriate.

Noise Impact Assessment

The Noise Impact Assessment, drafted post the onsite survey, was compiled with reference to relevant standards, with particular regard to *BS4142:2014 Methods for rating and assessing industrial and commercial sound* which is the most appropriate and relevant standard to utilise in this instance.

I concur with the observations, calculations and conclusions detailed within the Noise Impact Assessment, as in the development, principally the Battery Storage Facility will have a *low impact*;

A BS4142 assessment of noise emitted from the proposed battery storage facility, indicates that low impacts are likely to occur at the nearest existing receptor, depending on context. When considering the proposed development in context, in accordance with BS4142, the predicted noise impact is considered to be low to negligible.

Section 5 pg.13

Post Construction

However, given the size and the proposed lifespan of the development of 40 years it is advised that it be conditioned that a post construction noise assessment be compiled within 3 months of the project being operational. The post construction Noise Assessment should be made available to the Local Planning Authority (LPA) within 28 days. Any necessary mitigation shown to be required by the post construction Noise Assessment shall be carried out and completed as per a timetable agreed with the LPA.

Outline Construction and Environmental Management Plan (CEMP)

To protect the amenities of occupiers of premises in the vicinity of construction sites noise from demolition and construction activities are often limited in terms of days and times of work.

Therefore, it is common practice to limit the days and hours of working as follows;

Mondays to Friday 0800-1800 hours
Saturday 0800 -1300 hours
With no working on Sundays and public holidays.

With regard to any necessary piling applicants are advised to seek approval for any proposed piling operations, and it would be expected that hours for such operations would be limited to Monday to Friday between 09:00 and 17:00 hours.

It is noted that the applicant wishes to carry out construction activities;

Monday to Saturday 07:00 -19:00 hours

This may be achievable noting the isolated and extensive nature of the site, however we would expect safeguards and limitations in place for works within the vicinity of the noise sensitive receptor adjoining the site.

SUE BROWN
ENVIRONMENTAL HEALTH OFFICER

COFNOD / MEMORANDUM

I / To:	Rob Lankshear
Adran / Dept:	Planning Department
Dyddiad / Date:	18 June 2021
Eich Cyf / Your Ref:	2021/00001/DNS

Oddi Wrth / From:	Sue Brown
Ein cyf / Our ref:	SB1-9413/21
Ffôn / Tel:	0300 123 6696
Ebost / Email:	sfbrown@valeofglamorgan.gov.uk

SUBJECT: BRYNWELL SOLAR FARM
PLANNING APPLICATION NO: 2021/00001/DNS
LECKWITH, VALE OF GLAMORGAN

Further to my memorandum, of 17 June 2021, in which comments were predominately with regard to noise, as requested the *Solar Photovoltaic Glint and Glare Study* produced by Pager Power consultants, dated March 2021, has also been reviewed.

The effects and subsequent study of glint and glare from solar photovoltaic developments is a relatively new phenomenon for consideration. Hence as noted in the Study, at pg.3, the only guidelines in the UK, are in relation to aviation, produced by the Civil Aviation Authority. With no specific guidance in circulation regarding road safety or residential amenity.

However, having reviewed the information provided and having walked the site for a solar farm nearby, planning application 2015/01131/FUL, I can confirm that I concur with the conclusion of this Study namely;

Overall, no significant impacts upon any of the assessed ground-based receptors have been identified and therefore mitigation is not required.

(Executive Summary pg.3)

SUE BROWN
ENVIRONMENTAL HEALTH OFFICER

Appendix A3– Council Ecologist Objection

Contents

1. Objection from Council's Ecologist

**CONSULTATION RESPONSE:
COUNTRYSIDE AND ENVIRONMENT (ECOLOGY)**



To / I:	Operational Manager Development & Building Control	From / Oddi Wrth:	Ecology, Development Services Countryside and Economic Projects.
FAO	Robert Lankshear		Mr Colin Cheesman
Date / Dyddiad:	14 th June 2021	Tel / Ffôn:	(01446) 704855 07514 623147
Your Ref / Eich Cyf:	2021/00001/DNS	My Ref / Fy Cyf:	
Location	Land at Brynwell Farm		
Proposal	DNS/3261558 - Installation of a solar farm comprising ground mounted solar PV panels with a net installed generating capacity (AC) of up to 25 MW, including mounting system, battery storage units, inverters, underground cabling, grid connection hub, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping and environmental enhancements, for a temporary period of 40 years.		

ECOLOGY RESPONSE	
<input type="checkbox"/> No comment	<input type="checkbox"/> Notes for applicant
<input checked="" type="checkbox"/> Object (holding objection)	<input type="checkbox"/> Request for further information
<input type="checkbox"/> Object and recommend refusal	<input type="checkbox"/> Recommend planning conditions
	<input type="checkbox"/> Approve

Summary

Current status: Consultation on development of national significance

Previous status:

Comments

The principle of assessing the ecological value of land ahead of any development enshrines the mitigation hierarchy of avoidance, mitigation and compensation followed by enhancement (BS 42020).

In order to work out what mitigation is required having been through the process of avoidance with a site, it is necessary to know what the interest of a site is. This is normally completed through a Preliminary Ecological Appraisal as set out in

'Guidelines for Preliminary Ecological Appraisal- Second Edition' December 2017 and produced by the Chartered Institute for Ecology and Environmental Management.

Through a combination of desk study and a walk over survey an assessment is made of the interests of a particular parcel of land.

It is acknowledged that this is often the start of the process of assessment and to

- *identify any additional surveys that may be required to inform an Ecological Impact Assessment (EclA); and*
 - *identify the opportunities offered by a project to deliver ecological enhancement.*
- (1.3)

Birds

The PEA for Brynwell Farm (GE Consulting, March 2021) makes the following observations:

"Anecdotal sightings of bullfinch (Pyrrhula pyrrhula), song thrush (Turdus philomelos), yellowhammer (Emberiza citrinella) and blackcap (Sylvia atricapilla) were recorded during the Extended Phase 1 Habitat Survey.

Skylark (Alauda arvensis) was also recorded however there was no indication that the species nests on site and the fields did not provide suitable nesting opportunities." (page 3)

Three of these species, Song Thrush, Yellowhammer and Skylark, are red listed in the UK and are farmland specialists.

I would have expected that, in much the same way that more work was done to quantify the impacts on Great crested newts, that a breeding bird survey would be commissioned in order to ascertain exactly what the impact of the proposed development is, and design the appropriate mitigation.

The PEA also states:

Bat and bird boxes will be installed on retained trees within hedgerows in order to enhance the Site for these species (exact locations and specification to be included within the LEMP). (page 13 and repeated verbatim in the LEMP at 2.4 on page 8)

Neither document states which bird species these boxes will benefit, and it could be argued that without a proper survey of breeding birds on this site then any provision is speculation.

Therefore, I have to lodge a holding objection on the basis that there is insufficient information available to inform a proper assessment for this developments impact on birds or to design any meaningful mitigation to inform the Landscape and Ecology Management Plan.

Fungi

The much-quoted statistic of a 97% loss of Britain's herb-rich grasslands since the 1930's must have similarly devastated many waxcap grassland populations. The current situation is unclear, but it appears that lowland sites are now highly fragmented and many populations small in size.

One of the principle threats is a lack of awareness and understanding of the ecological requirements of grassland fungi. Fungi conservation is still a relatively new concept and more work is needed to ensure that fungi and their habitats receive an adequate degree of recognition and protection within the planning system.

Fungi are not mentioned at all in the PEA or the LEMP.

Thanks to the work of geneticists it is now possible to sample any field, through a soil sample, and produce a species list of fungi at any time of the year. The costs are not exorbitant and for such an extensive grassland application site some understanding of its impact on these threatened fungi would be appropriate.

Five of the fungi species listed under Section 6 of the Environment Wales Act 2016 are grassland specialists.

Therefore because no analysis has been done to assess the site for its impact on grassland fungi then a holding objection is lodged.

Conclusion

In order to properly assess the current site for its value for breeding birds and grassland fungi a proper assessment needs to be made that then informs the mitigation strategy in the Landscape and Ecology Management Plan.

RELEVANT POLICIES FOR INFORMATION

MG21 - SITES OF IMPORTANCE FOR NATURE CONSERVATION, REGIONALLY IMPORTANT GEOLOGICAL AND GEOMORPHOLOGICAL SITES AND PRIORITY HABITATS AND SPECIES.

Development proposals likely to have an adverse impact on sites of importance for nature conservation or priority habitats and species will only be permitted where it can be demonstrated that:

1. The need for the development clearly outweighs the nature conservation value of the site;
2. Adverse impacts on nature conservation and geological features can be avoided;
3. Appropriate and proportionate mitigation and compensation measures can be provided; and
4. The development conserves and where possible enhances biodiversity

MD9 – PROMOTING BIODIVERSITY

New development proposals will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

1. The need for the development clearly outweighs the biodiversity value of the site; and
2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.

ANNEX 1 – SUPPORTING INFORMATION (Legislation, planning policy and case law)

CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017

Known as the Conservation of Habitats and Species Regulations 2017 “Habitats Regulations” transpose the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive) instrument transposes the into UK law. The Directive is the means by which the European Union meets its obligations under the [Bern Convention](#). The most vulnerable and rarest of species internationally (in the European context) are afforded protection under this legislation. The species listed on Schedule 2 of the Habitats Regulations are termed “European Protected Species” and are afforded the highest levels of protection and command strict licensing requirements for any works which may affect them. The species include all British bats, Otter, Dormouse and Great Crested Newt. They are fully protected against disturbance, killing, injury or taking. In addition any site regarded as their “breeding site or resting place” is also protected. It is generally regarded that the site is protected whether the animals are present or not.

The Habitats Regulations clearly outline the role of Planning Authorities in the implementation of the Habitats and Birds Directives; by stating [Section 10]

10.—(1)a competent authority must take such steps in the exercise of their functions as they consider appropriate to secure the objective in paragraph (3), so far as lies within their powers.

(3) The objective is the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in the United Kingdom, including by means of the upkeep, management and creation of such habitat, as appropriate, having regard to the requirements of Article 2 of the new Wild Birds Directive (measures to maintain the population of bird species).

Habitats Regulations Licensing

Where works will affect a EPS, then the developer must seek a derogation (licence) prior to undertaking the works. The licence can only be issue once the “3 tests” are satisfied, that is:

- Test 1 – the purposes of “preserving public health or safety, or for reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
- Test 2 – there must be “no satisfactory alternative”; and
- Test 3 – the derogation is “not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

Licences are issued by Natural Resources Wales (NRW), with NRW assessing Test 3, and the LPA assessing tests 1 & 2 (where proposals are not subject to planning, then NRW alone will assess all three tests). Where Planning regulations apply, the NRW will only issue a licence after determination of the planning application. Planners failing to do so will be in breach of the Habitats Regulations (see also Case Law, Morge Case and Woolley Ruling below).

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

The WCA protects the UK's most vulnerable and rare species as outlined below.

Section 1 – breeding birds. The basic protection afforded to all birds is:

- Protection from killing, injury or taking of any wild bird
- Protection from taking, damaging or destroying the nest of any wild bird
- Protection from taking or destroying the egg of any wild bird

Further, some species, specifically those listed on Schedule 1 of the Act are afforded extra levels of protection to include:

- Protection from disturbance whilst it is nest building; or, is at or near a nest with eggs or young, or disturb the dependant young of such a bird.

There are exemptions from this basic protection for, for example: sale, control of pest species and sporting eg. game birds outside of the close season.

Section 9 (Schedule 5) - protected animals (other than birds) All animals listed on Schedule 5 are protected against killing, injury or taking. Any structure/place used for shelter or protection is protected against damage, destruction or obstructing access to. And it is an offence to disturb an animal whilst using such a structure / place. Some species are afforded "Part Protection" meaning that they enjoy only some of the protection outlined above – eg the animals may be protected, but not their structure used for shelter/protection (such as slow worm).

Section 13 (Schedule 8) – protected plants. Protected plants are afforded protection against: being picked, uprooted or destroyed. They are also protected against sale (or advertising for sale) – this is particularly relevant with respect to bluebells.

THE PROTECTION OF BADGERS ACT 1992

This protects badgers from killing, injury and taking; or attempting to kill, injure or take. Badger setts are also afforded protection and it is an offence to:

- Damage a badger sett or any part of it
- Destroy a badger sett
- Obstruct access to any entrance of a badger sett
- Disturb a badger when it is occupying a badger sett

Development which will destroy or disturb a badger sett (within 30m) is subject to licensing. The licensing body is NRW. However, badgers are considered a species protected under UK legislation (see PPW) and are therefore a material consideration during the planning decision.

ENVIRONMENT (WALES) ACT 2016

The Environment (Wales) Act became law in March 2016 and replaces the earlier Natural Environment and Rural Communities Act 2006. It puts in place legislation to enable Wales' resources to be managed in a more proactive, sustainable and joined up manner and to form part of the legislative framework necessary to tackle climate change. The Act supports the Welsh Governments wider remit under the Well-Being of Future Generations (Wales) Act 2015 so that Wales may benefit from a prosperous economy, a healthy and resilient environment and vibrant, cohesive communities.

Section 6 of the Environment Act requires all that public authorities “***must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions***”. The intention of this duty is to ensure biodiversity becomes an integral part of decision making in public authorities.

Welsh Government, with consultation with NRW must prepare and publish a list of habitats and species which, in their opinion, are of principal importance for maintaining and enhancing biodiversity in Wales (“Section 7 list”). Public bodies must take all reasonable steps to maintain and enhance the living organisms and types of habitat on this list. At the current time, this list directly replaces the list created under the now defunct Section 42 of the Natural Environment of Rural Communities (NERC) Act 2006 (Habitats and Species of Principal Importance for Conservation in Wales).

PLANNING POLICY WALES SEPTEMBER 2009 (TECHNICAL ADVICE NOTE 5: NATURE CONSERVATION AND PLANNING)

Section 6.2.1 – the presence of a protected species is a material consideration when a local planning authority is considering a development proposal, that, if carried out, would be likely to result in disturbance or harm to the species or its habitat.

Section 6.2.2 – It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted.

Section 6.3.5 – any step in the planning or implementation of a development likely to affect a European Protected Species could be subject to a licence to permit or the survey or implement the proposal are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions.

PLANNING POLICY WALES (EDITION 10, DECEMBER 2018)

Planning Policy Wales, Section 6.4 places a duty on local authorities to ensure that biodiversity and resilience are fully considered by Local authorities.

Particular reference is made to The Section 6 Duty (Environment Act) to ensure that planning authorities demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise our their functions.

Protected Species under European or UK legislation, or under section 7 of the Environment Act are a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or

harm to the species or its habitat and to ensure that the range and population of the species is sustained. (Section 6.4.22)

Paragraph 6.4.23 outlines the process whereby European Protected Species are considered in Planning.

VALE OF GLAMORGAN COUNCIL - SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance – Biodiversity and Development

WOOLLEY RULING

This case confirmed that local planning authorities must apply the same three tests as Natural England (in Wales, CCW) when deciding whether to grant planning permission when one or more of the European protected species offences under the Habitats Regulations may be committed.

This judgment clarifies a legal duty which was already in existence although many planning authorities were not applying it correctly. His Honour Judge Waksman QC, in the High Court in June 2010, handed down this ruling in the case of R (on the application of Simon Woolley) v Cheshire East Borough Council concerning a development with a bat roost. **This judgment makes it clear that the local planning authority must apply the “3 tests” when determining a planning application.**

MORGE CASE (SUPREME COURT CASE 19 JANUARY 2011)

The case gives clarification to deliberate disturbance and to the interpretation of “damage or destruction of a breeding site or resting place”. It also gives guidance on how LPA should discharge their duties with respect to the Habitats Directive.

CORNWALL RULING

Judgement that a planning authority had acted unlawfully by granting planning permission without sufficient information on flora and fauna.

Sometimes planning authorities grant planning permission before some or all ecological surveys have been carried out, making ecological surveys a planning condition, or Section 106 Agreement, under the Town and Country Planning Act 1990.

For development that requires an Environmental Impact Assessment this practice was subject to judicial review proceedings in the High Court and it was determined that the planning authority had acted unlawfully by granting planning permission without sufficient information on flora and fauna (known as the Cornwall Ruling because the planning authority in this case was Cornwall County Council). Requiring surveys as a condition of the Section 106 Agreement was not sufficient, as this would exclude the consultation process that is required under the Town and Country Planning (EIA) Regulations (1999).

Appendix A4– External Representations received

Contents

1. Representation from occupiers of Beggan Farm and associated noise rebuttal
 2. Covering email and comments from Michaelston Le Pit & Leckwith
Community Council
 3. Covering email and comments received from Dwr Cymru Welsh Water

Comment for planning application 2021/00001/DNS

Application Number	<input type="text" value="2021/00001/DNS"/>
Location	<input type="text" value="Land at Brynwell Farm, on land between the A4232 and Leckwith village"/>
Proposal	<input type="text" value="DNS/3261558 - Installation of a solar farm comprising ground mounted solar PV panels with a net installed generating capacity (AC) of up to 25 MW, including mounting system, battery storage units, inverters, underground cabling, grid connection hub, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping and environmental enhancements, for a temporary period of 40 years."/>
Case Officer	<input type="text" value="Mr. Robert Lankshear"/>
Organisation Name	<input type="text" value="Mrs Carole Robertson"/>
Address	<input type="text" value="Beggan Farm, Leckwith, Cardiff, Vale of Glamorgan, CF11 8AS"/>
Type of Comment	<input type="text" value="Objection"/>
Type	<input type="text" value="neighbour"/>
Comments	<input type="text" value="I support green energy but must object to the following. The scale of this proposal in a Special Landscape Area. The visual impact of this proposal clearly visible from road and footpath. The noise impact from the battery convertors adjacent to our home. (See attached review document). The access down a narrow lane with few passing places. The errors in the application referring to our home as Brynwell in the Noise Assesment document and omitting historical and archeological data about the area. The land is not in the Welsh Government Priority Area for such a development."/>
Received Date	<input type="text" value="25/05/2021 12:15:51"/>
Attachments	The following files have been uploaded: <ul style="list-style-type: none">• Hoare Lea Noise Assesment Review.pdf

Andy and Carole Robertson
Beggan Farm
Leckwith
Vale of Glamorgan
CF11 8AS

+44 1454 201 020

20 April 2021

Dear Mr and Mrs Robertson,

Re: BRYNWELL SOLAR PARK – NOISE

The Brynwell Solar Farm is a potential solar farm development on land at Brynwell Farm to the west of Cardiff, which is expected to be submitted for approval as a Development of National Significance (DNS, reference 3261558). You have instructed Hoare Lea to review a noise assessment¹ by Hydrock relating to battery storage equipment proposed as part of this development. This letter sets out the outcome of this review which I have undertaken.

Experience

I am Matthew Cand (PhD, MIOA). I am a Senior Associate within Hoare Lea LLP, Europe's longest established firm of Consulting Engineers. Our acoustics group is one of the UK's largest acoustic consultancies with more than 40 years' experience in dealing with all types of sound and vibration issues. I specialise in the measurement, prediction and assessment of different types of community and environmental noise. I have been employed in the field of acoustics and noise control for more than 15 years, and I have authored or co-authored several publications on the subject and I am part of several related standards committees. As part of my work, I have had extensive experience in the assessment and management of noise impacts from a wide variety of mechanical/electrical plant items, and this has included several solar farms as well as battery storage projects.

Review

The Hydrock document correctly references the 2014 versions of the BS 8233 and BS 4142 standards as relevant guidance in this case. It then identifies the farmhouse at the south-east of the proposed development as the nearest noise-sensitive receptor, which is named "Brynwell Farmhouse": I understand that this is your residence (Beggan Farm).

The BS 4142 assessment is not made in relation to measured background noise levels at the property, which is unusual in my experience, but it does assume relatively low values of 30 and 20 dB LA90² which are likely to represent a worst-case for the basis of this assessment, taking into account the rural location of Beggan Farm.

A predictive analysis is then undertaken based on assumed noise emission levels for the proposed equipment (3 battery storage units and 6 inverters), with assumed noise levels set out in Table 3 of the Hydrock document. This is usual practice and is likely to be based on manufacturer information although this is not specified. The assumed emission levels for the battery storage units, 82.5 dB(A) at 1 m, is considered

¹ Hydrock document 16419-HYD-ZZ-XX-RP-Y-001 as published on the <http://brynwellsolar.com/downloads/> website [accessed 15th April 2021]

² The LA90 is a noise index representing the quietest 10% of a specific period of interest and as such is used to represent background noise levels for the purpose of an assessment in line with BS 4142.



relatively high based on experience of similar schemes, and therefore likely representative of a worst-case for the purpose of this assessment.

Table 4 of the Hydrock document then sets out the results of noise calculations and assessment in line with BS 4142, with more detailed calculations set out in Appendix B, and on the basis that the calculated rated noise levels do not exceed the assumed background noise levels, it concludes that the impact is low according to BS 4142.

BS 4142 requires adding penalties to the calculated noise levels to account for its potential character: a +3dB penalty was added to the character of the noise associated with the inverters to account for a general characteristic likely to attract attention. But noise from electrical inverters is likely to be specifically tonal in nature, and BS 4142 suggests that a penalty of +2 dB would apply for a "just perceptible" tone and +4 dB where it is likely to be "clearly perceptible". On balance, the suggested penalty for the inverters is however considered representative for the purpose of this analysis, given that noise levels are dominated by that from the battery storage units which is unlikely to contain a specific character if well-functioning.

I have however clear concerns regarding the calculations presented. Table 4 notes that a 25 dB barrier attenuation was assumed, but the more detailed calculations of Appendix B show assumed screening factors of 20 to 40 dB. This is wholly inappropriate for several reasons. Firstly, noise propagation standards such as ISO 9613-2³ explain that screening attenuation should not exceed 20 dB in any specific frequency band for any single barrier. When undertaking calculations on overall A-weighted⁴ levels, as was done in the Hydrock analysis, lower values still should be used. Even a reduction of 20 dB would require a very significant solid barrier interrupting the propagation between source and receiver (such as a building extending 20 m high horizontally and vertically and in close proximity to the receiver).

This is justified by Hydrock as being due to "self-screening and existing buildings", but the farmhouse shown in Appendix A is only surrounded by buildings of similar heights, based on available aerial photography. Furthermore, the assessment should consider not only the main residential building of the property, with receptors at first floor height as a worst-case, but also the main adjacent garden areas⁵ where the noise could be experienced and represent a disturbance. Some of these garden areas appear to face the proposed facility directly without any significant screening interruption. I also understand that some of the other buildings within the farm could be converted for residential use in the future, although there are no current proposals to do this. Neither the ground (which appears gently sloping downward) nor the vegetation would provide any substantial screening of the noise. Whilst some of the inverters may be screened from the property by the larger battery container units, this would not effectively be the case for the larger sources of noise given their proposed location relative to the property.

Finally, the variation in distances assumed for each of the battery storage units (150 to 170 m) appear incorrect as the units are all at a similar distance from the property.

Conclusions

Without the unrealistic screening corrections assumed in the Hydrock analysis, rated noise levels of 40 to 45 dB(A) would be predicted at Beggan Farm: this would represent a significant adverse impact according to BS 4142, on the basis of the background noise levels assumed in the report. Even when taking into account

³ ISO 9613 2:1996 'Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation', International Standards Organisation, 1996.

⁴ A filter that represents the response of the human ear to different frequencies when assessing the likely effects of noise on humans.

⁵ The aim of BS 4142 is to assess "likely effects of sound on people who might be inside or outside a dwelling or premises used for residential purposes upon which sound is incident."



the context (as required by BS 4142) and the absolute levels of the noise, this still suggests a risk of noise disturbance in the absence of further information or mitigation measures.

Furthermore, this only represents an assessment of the proposed battery storage facility. It is not clear if the rest of the solar farm facility would be likely to include other electrical equipment such as inverters or transformers, as is commonly the case in my experience. Whilst unlikely to be as noisy as the battery storage equipment, the total noise from all the equipment potentially affecting Beggan Farm should be considered.

Recommendations

- Given the risks highlighted above, further mitigation measures should be considered by the applicant, including relocation of the proposed plant, selection of quieter equipment, noise reduction or screening at source, or a combination of these measures.
- A revised assessment taking into account the above comments and concerns should then be presented on a more realistic basis and including (if relevant) any other electrical plant proposed as part of the solar farm, to demonstrate that a low risk of adverse impact according to BS 4142 can be achieved.

Unless this is undertaken, based on the information presented, significant adverse impacts of noise are considered likely and this would therefore in my view represent grounds for the Planning Inspectorate to object to the proposals.

Yours sincerely,

Matthew Cand

Senior Associate

+44 1454 806 620

matthewcand@hoarelea.com

Ref: LET-1013090-MMC-20210420-Brynwell Solar Park acoustic review-1.docx

nathanslater0908@gmail.com

From: Planning
Sent: 11 June 2021 14:52
To: Planning
Subject: New comments for application 2021/00001/DNS

New comments have been received for application 2021/00001/DNS at site address: Land at Brynwell Farm, on land between the A4232 and Leckwith village

from Mr Michaelston-le-Pit & Leckwith Community Council clerk@michaelstoncc.co.uk

Address:
c/o Parish Hall ,2 Britway Road ,Dinas Powys ,Vale of Glamorgan ,CF64 4AF

Comment type:
Objection

Comments:
Please see attached letter sent on behalf of Michaelston-le-Pit & Leckwith Community Council

The following files have been uploaded:
Letter - Vale Planning - Brynwel Solar Panel Farm.docx

Case Officer:
Mr. Robert Lankshear

Michaelston-le-Pit & Leckwith Community Council
c/o Parish Hall
Britway Road
Dinas Powys
Vale of Glamorgan
CF64 4AF

clerk@michaelstoncc.co.uk
Tel: 07780606585

11 June 2021

Vale of Glamorgan Planning Department

PLANNING REF: 2021/00001/DNS
REF: DNS/3261558 – INSTALLATION OF A SOLAR FARM ON LAND AT
BRYNWELL FARM

At Michaelston-le-Pit & Leckwith Community Council's last meeting held on 11 May 2021, members considered the proposal to create a "solar farm" (renewable energy hub) at Brynwell Farm. Whilst the Community Council is in favour of switching future sources of energy from fossil fuels to "green technologies" there are concerns regarding what is being proposed for the Brynwell site as follows:-

The Brynwell Farm website states that 'the process of selecting a site for solar farm development is based upon a detailed desktop analysis to identify sites in proximity to available grid capacity and a suitable grid connection point'. Subsequent to this, the site was selected based on the sub-premium grade of agricultural land.

The planning statement comments on the flood risk for the site and states that 'The majority of site lies within Flood Zone 1' and a 'section of the site lies within Flood Zones 2 and 3'. Within the Landscape and Ecological Management Plan some areas of the site are described as 'marshy grassland'. Water from the site drains into the Nant Garw stream. According to the Natural Resources Wales Flood Risk Map, the area around the Nant Garw is at '*High Risk of flooding from surface water and small watercourses. Surface water and small watercourse flooding happens when rainwater does not drain away through the normal drainage systems or soak into the ground*'. The desktop analysis does not appear to have taken into account the ground temperature, or the ground heat temperature being permanently altered, potentially affecting the thermal and evaporation dynamics of this significant land mass where downstream natural water drainage would be affected.

The Nant Garw feeds the Bullcroft Brook which runs through a number of private residential properties, and then joins the Cadoxton River. Both the Bullcroft and the Cadoxton are classified as 'High Risk' of flooding according to Natural Resources Wales (NRW). The effect of the runoff of water from such a large area covered in solar panels would add to the well documented negative effects on potential flooding within the River Cadoxton's area. This is a major issue for residents within Dinas Powys whose properties were recently damaged by flooding and is the subject of

concern for NRW. Natural Resources Wales is currently in the process of exploring ways of mitigating the risk of flooding affecting homes in Dinas Powys and would presumably be concerned at the additional risk caused by the runoff from a solar farm in this location.

Brynwellsolar.com which holds all of the relevant planning documentation, states that the project would allow the local farming family to diversify their income stream via a 40 year lease of the land. The Community Council is supportive of the family in these aims. However, we have concerns about the track record of the private company registered as 'Brynwell Farm Solar Limited' which is not owned by the farming family. Two individuals are the major shareholders of Brynwell Farm Solar Limited (registered number 12638409) and Stark Energy Limited (registered number 11857289). The information provided by www.starkenergy.co.uk states that it specialises in the development and long-term management of large-scale solar projects. However, of the 9 solar projects listed on its website, two have planning consent (not yet developed) and 7 are in planning application, including Brynwell Solar Farm and Wentlooge (sic) Solar Project in Wales. Stark Energy was incorporated in March 2019, and Brynwell Farm Solar in 2020. The companies and their major shareholders therefore have no history of successful delivery, management or decommissioning of solar farms of this scale.

The planning documents provide little information on the planned decommissioning after 40 years of operation. In particular there is no information regarding decommissioning of harmful and dangerous batteries.

The Community Council is also concerned about the following issues:-

i) Visual Impact

The proposed installation of solar panels over such an extensive area would have an adverse impact on the surrounding landscape. The installation would be seen from a distance including established footpaths – e.g. Gower Lane (Route Code L2/2/2) especially between Brynwell Farm to Beggan Farm and nearby roads.

ii) Noise pollution

We are particularly concerned on the effect of the noise from the battery storage unit on the quality of life of the residents of Beggan Farm. The location of the unit is far too close to the farm's main building. The unit's location would need to be changed and greater efforts made to keep the noise levels as low as possible.

iii) Access to the site

The proposed access route via Gower Lane would not be suitable for heavy vehicles or the for the volume of traffic. Gower Lane is also a public footpath (Route Code L2/2/2). The lane is very narrow with no passing places. In addition to vehicles accessing the site for construction there would be an ongoing need for maintenance. A further deterioration to the lane's surface would adversely affect the households and businesses dependent on this route to their homes and place of work.

iv) Due diligence

Our Community Council would urge the relevant authorities to undertake due diligence on those companies proposing this development.

I would be grateful if you could confirm receipt of this letter.

Yours sincerely

Jeanette Haigh

Clerk,

On behalf of Michaelston-le-Pit & Leckwith Community Council.

From: donotreply@dwrcymru.com
Sent: 28 May 2021 14:31
To: Planning
Cc: BPMCopies@dwrcymru.com
Subject: Re.PLA0057256. Notification

Follow Up Flag: Follow up
Flag Status: Completed

Dear Customer,

Please find attached important information relating to your application.

Should you wish to contact us for any reason, you must use the contact information shown on the attachment(s).

Please do not reply directly to this message.

Best regards,

Developer Services
Dwr Cymru Welsh Water

_____ Dwr Cymru Welsh Water is firmly committed to water conservation and promoting water efficiency. Please log on to our website <https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.dwrcymru.com%2Fwaterefficiency&data=04%7C01%7CPlanning%40valeofglamorgan.gov.uk%7C5c57c88a6bf44af667f408d921dce307%7Ce399d3bb38ed469691cf79851dbf55ec%7C0%7C0%7C637578054845055412%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQljojV2luMzliLCJBTiI6lk1haWwiLCJXVCI6Mn0%3D%7C1000&reserved=0> to find out how you can become water wise. Mae Dwr Cymru Welsh Water wedi ymrwymo i warchod adnoddau dwr a hyrwyddo defnydd dwr effeithiol. Mae cyngor i' ch helpu i ddefnyddio dwr yn ddoeth yn _____ <https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.dwrcymru.com%2Fwaterefficiency&data=04%7C01%7CPlanning%40valeofglamorgan.gov.uk%7C5c57c88a6bf44af667f408d921dce307%7Ce399d3bb38ed469691cf79851dbf55ec%7C0%7C0%7C637578054845055412%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQljojV2luMzliLCJBTiI6lk1haWwiLCJXVCI6Mn0%3D%7C1000&reserved=0>

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Vale of Glamorgan County Council
Dock Office
Holton Road Barry Docks
BARRY
Barry
CF63 4RT

Date: 27/05/2021
Our Ref: PLA0057256
Your Ref: DNS/3261558

Dear Sir

Grid Ref: ST140749 314411 174844

Site: LAND AT BRYNWELL FARM ON LAND BETWEEN THE A4232 LECKWITH

Development: Developments of National Significance - Developments of National Significance

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

I refer to your consultation documents received in accordance with Article 9(3) of the Development of National Significance (Procedure) (Wales) Order 2016, which precedes your application for a Development of National Significance for the construction of a solar farm together with all associated works, equipment and necessary infrastructure at Land at Brynwell Farm, to the north of Leckwith Village, Vale of Glamorgan.

We welcome the opportunity to comment on the proposal and would offer the following standing advice which should be taken into account within any future application:

It appears the application does not propose to connect to the public sewer, and therefore Dwr Cymru Welsh Water has no further comments. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application.

Notwithstanding the above, we respectfully reserve the right to comment further on any matters and issues arising from ongoing and future consultation. However, we trust the above information is helpful at this stage and we look forward to continuing our engagement on the project prior and during the submission of an application to the Planning Inspectorate.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public



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We welcome correspondence in
Welsh and English

Dŵr Cymru Cyf, a limited company registered in
Wales no 2366777. Registered office: Pentwyn Road,
Nelson, Treharris, Mid Glamorgan CF46 6LY

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Gymraeg neu yn Saesneg

Dŵr Cymru Cyf, cwmni cyfyngedig wedi'i gofrestru yng
Nghymru rhif 2366777. Swyddfa gofrestredig: Heol Pentwyn
Nelson, Treharris, Morgannwg Ganol CF46 6LY.

ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrwymru.com

Please quote our reference number in all communications and correspondence.

Yours faithfully,

Nicholas Davies
Development Control Officer
Developer Services



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