

## CHAIRMANS URGENT ITEM

### THE VALE OF GLAMORGAN COUNCIL PLANNING COMMITTEE

: 21<sup>st</sup> DECEMBER 2022

#### REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

**MATTER WHICH THE CHAIRMAN HAS DECIDED IS URGENT BY REASON OF THE NEED TO REFER TO PLANNING COMMITTEE FOR INFORMATION, TO INFORM MEMBERS OF THE PLANNING ISSUES, AND TO ENSURE MEMBERS CAN SUBMIT ANY FURTHER REPRESENTATIONS IN A TIMELY MANNER AS PART OF THE DNS PROCESS**

**DNS LOCAL IMPACT REPORT – PROPOSED SOLAR FARM WITH BATTERY STORAGE FACILITY AND ASSOCIATED ANCILLARY INFRASTRUCTURE (PARC DYFFRYN SOLAR FARM), LAND AT VIANSHILL FARM, THE DOWNS, ST NICHOLAS**

#### EXECUTIVE SUMMARY

The installation of a 65 megawatt solar farm is proposed with a battery storage facility and ancillary development.

Due to the scale of the proposal, it is being considered as a Development of National Significance (DNS). Instead of the Local Planning Authority (LPA) making a decision, a Planning Inspector (from Planning and Environment Decisions Wales (PEDW)) will examine the application and makes a recommendation to the Welsh Ministers, who will make the decision on the application. As part of the process, a Local Impact Report is prepared by the Local Planning Authority for consideration by the Inspector. The Local Impact Report for this application is set out below as is to be presented at the Council's Planning Committee for Members' information.

This Local Impact Report has been prepared in accordance with the guidance within **Appendix 5: Local Impact Reports of Developments of National Significance- Procedural Guidance Version 2.2**. Paragraph 5.2 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, and the report 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 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.

## INTRODUCTION

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

In accordance with The 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).

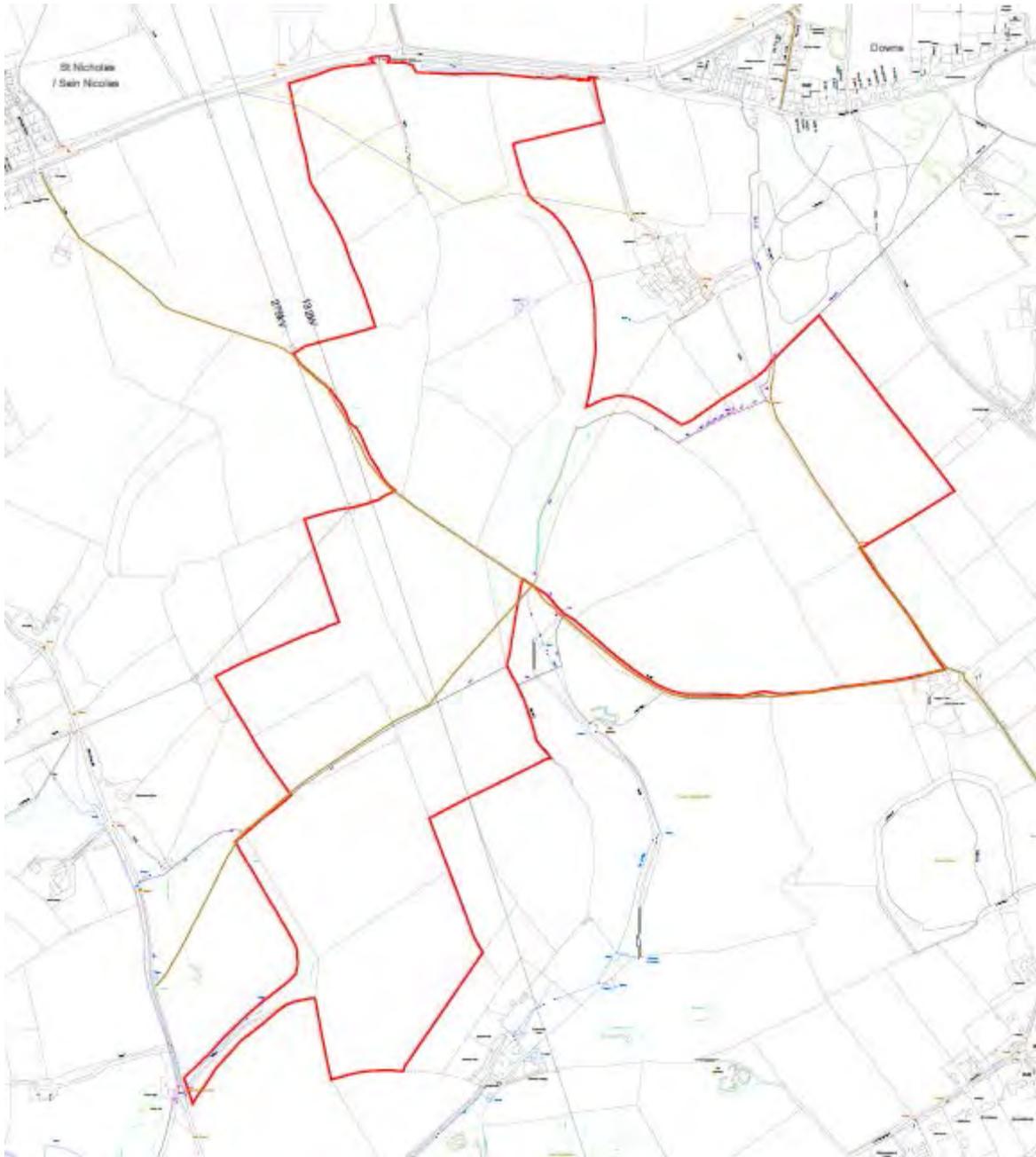
In accordance with the guidance, the LIR has not examined the relationship with national policy and guidance, but instead is focussed specifically on establishing the degree of local impact in relation to what are considered to be the principal planning issues, having regard also to the local planning policy context.

For each relevant topic, in accordance with guidance, opinions have been provided as to whether impacts are positive, neutral or negative. Opinions have also been provided in respect of the degree of impact, and these are expressed as major, moderate or minor. However, in accordance with the 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 lies approximately 7.5 km to the west of Cardiff city centre and 1 km west of Valegate Retail Park at Culverhouse Cross. It lies immediately to the south of the A48 Cowbridge Road and approximately 370 m to the south east of the village of St Nicholas to the nearest point and to the west / south -west of The Downs. The site is bound to the north by the A48 and to the east by the Vianshill Farm complex with agricultural fields forming most of the rest of the site boundaries.

*Site Location Plan:*



The site itself extends to approximately 96.5 hectares in size, is irregular in shape and comprises a number of agricultural fields, bound by a mixture of mature woodland, trees, hedgerows and fencing, including ancient semi natural woodland on the southern boundary of the site (Coed Nant-Bran, also see below). There is also a group of beech trees covered by a Tree Preservation Order alongside a track that falls within the south west of the site. The site is mainly steeply sloping and generally falls to the south.

The site is currently primarily used as pasture grazing.

The site is outside the settlement boundary and is within the Dyffryn Basin and Ridge Slopes Special Landscape Area. The site is adjacent to, but not within the North of Wenvoe Green Wedge, which lies to the east of the site.

The site is mostly within an area safeguarded for its limestone resources. A smaller area of the site is also safeguarded for its sand and gravel resources. The majority of the site has a predicted agricultural land classification of grade 3a (good to moderate quality agricultural land). However smaller areas of land that are predicted to be grade 3b (moderate quality), 4 (poor quality) and non-agricultural also fall within the site boundary.

A number of public rights of way (S8/2/1, S8/1/1, S11/11/1, S/11/6/1 and W2/62/4) cross the site.

The site falls outside the potential solar search areas identified by the Local Development Plan.

Although there are no Sites of Interest of Nature Conservation (SINCs) within the site boundary, there are a number in close proximity to the site, including Coed Nant-Bran and Land North West of Coed Nant-Bran on the southern boundary of the site and The Downs on the north eastern boundary. Areas of potential great crested newt habitat fall within the site.

The scheduled monuments of Tinkinswood and St Lythans Burial Chambers are approximately 350 metres to west of the site and 600 metres to the south of the site respectively. There are also a number of archaeological records within and surrounding the site.

The Grade II\* listed Dyffryn House and its associated listed structures and Grade I registered historic gardens are immediately to the south west of the site. The Grade I listed Coedarhydyglyn and its associated listed structures and grade II\* registered historic parkland is to the north, immediately across the A48 from the site. There are also Grade II listed buildings at Nant Bran Farm, to the south of the site.

St Nicholas Conservation Area is approximately 370 metres to the north west of the site.

Most of the site is within an aviation safeguarding area, where the Civil Aviation Authority should be consulted on planning applications involving the erection of buildings, structures and works exceeding 45 metres in height.

Existing overhead electricity lines cross the site, with associated pylons.

Some areas of the site are considered at risk of surface water flooding and some areas of the site are within zones 2 and 3 for flood risk from surface water and watercourses on the 2021 flood map for planning.

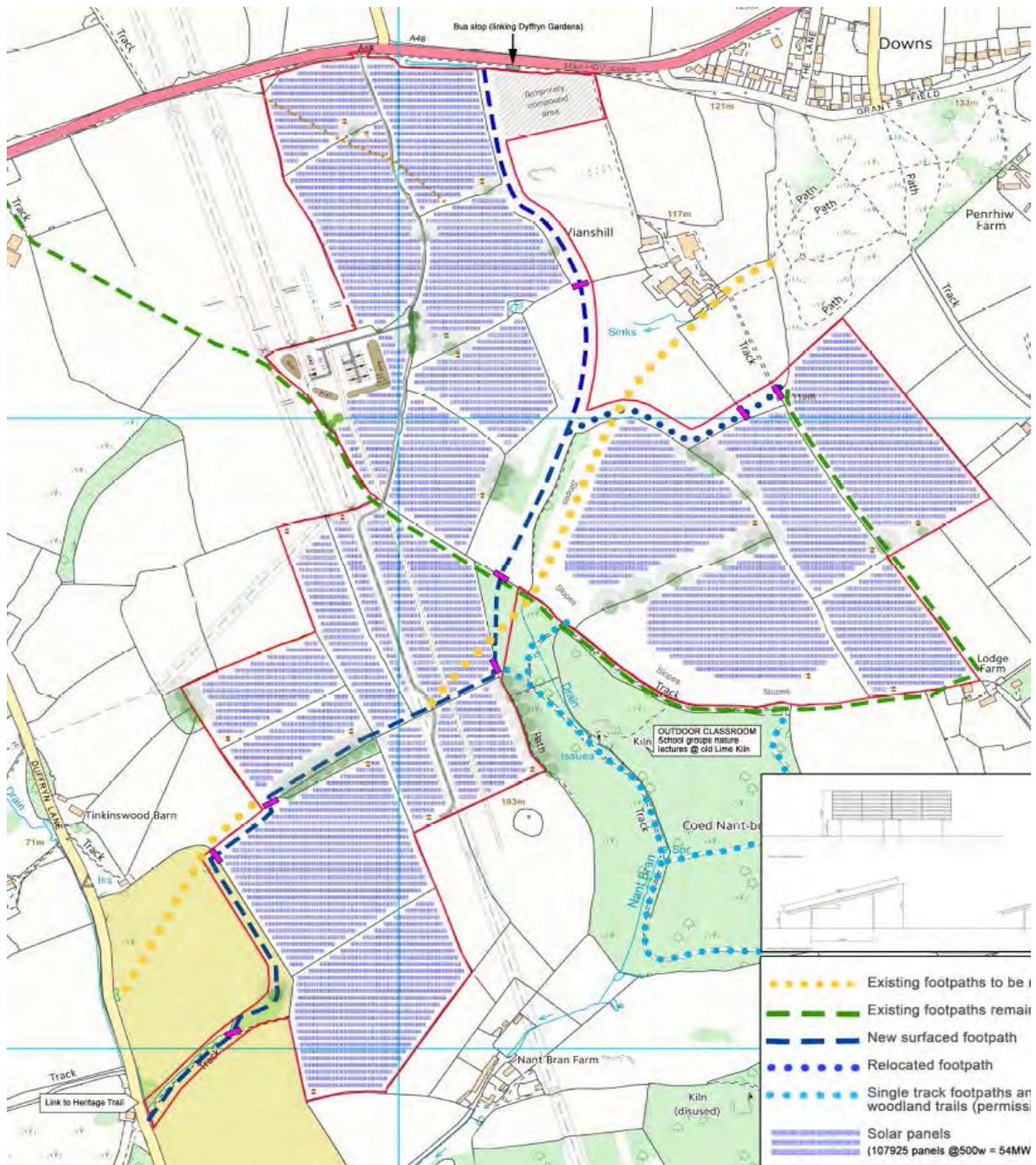
The A48 on the northern boundary of the site is part of a route safeguarded for improvements in walking and cycling and bus priority measures by the Local Development Plan.

## DESCRIPTION OF DEVELOPMENT

Planning permission is sought for a solar farm with a battery storage facility and ancillary development.

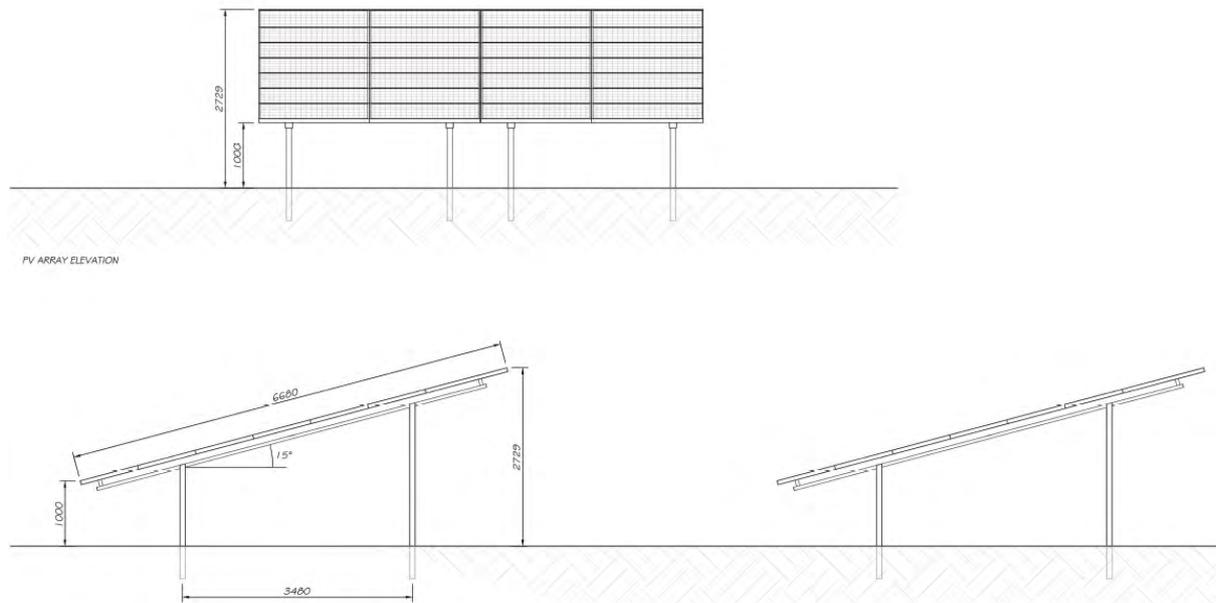
The solar farm will be capable of generating approximately 65 megawatts of electricity. A 30 megawatt-hour energy balancing unit (battery storage unit) is also proposed to store any surplus energy the panels generate and release it when needed. The intended lifespan of the solar farm is 40 years.

### Proposed Layout Plan:

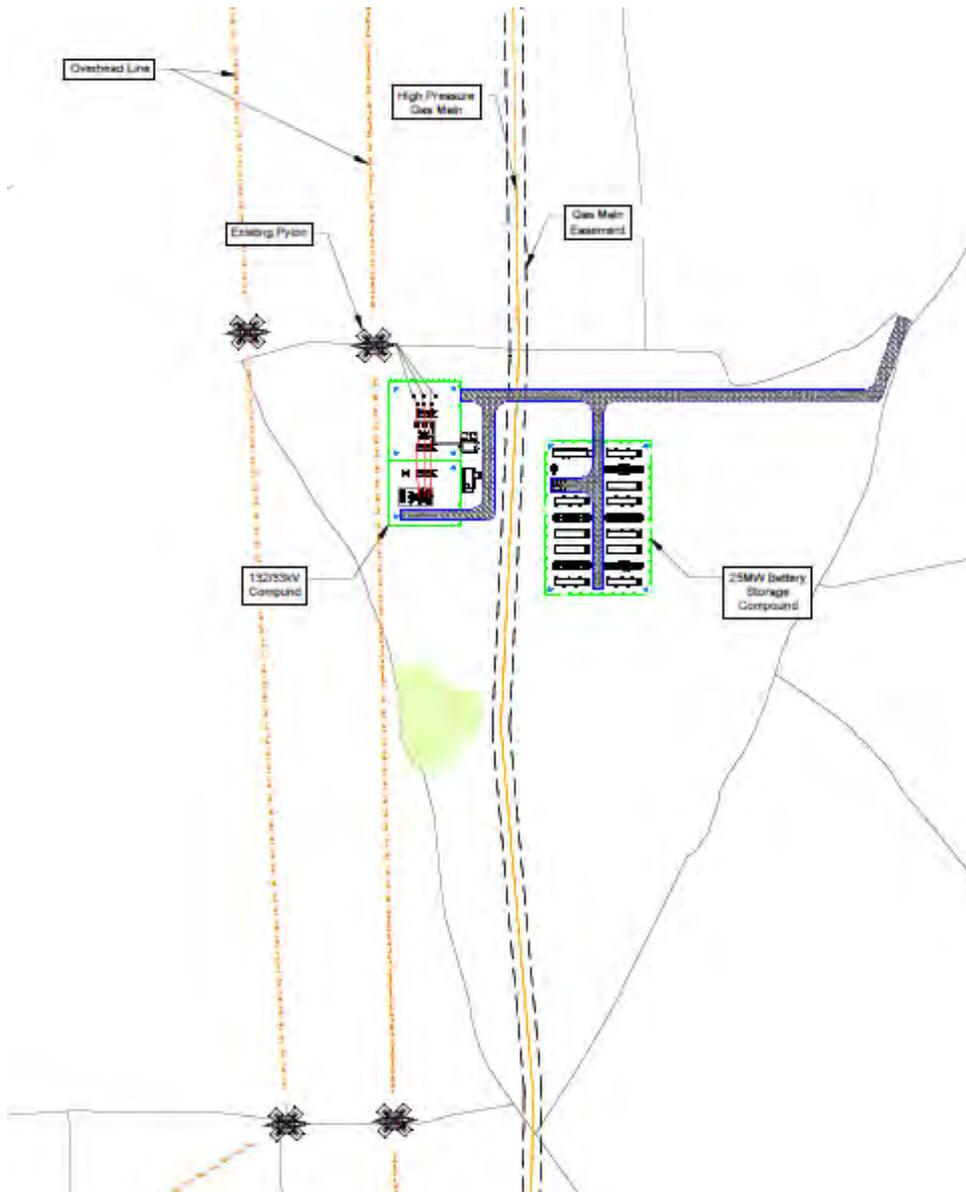


Approximately 85 hectares of the site is proposed to be developed. The solar panels are intended to have a maximum height of 3.2 metres above ground. 11 inverters of up to 3 metres in height, a substation and a battery storage facility are also proposed. CCTV will be installed at the site, and internal access roads and fencing are also proposed.

*PV Elevations:*



### Substation and Battery Storage:



It is proposed that the development would allow for grazing to take place at the site while the proposed development is operational.

An underground electricity cable is also proposed from the site to Dyffryn House to supply the property directly with electricity generated by the proposed solar farm.

An Environmental Statement has been submitted with the application.

No requirements for secondary consents have been indicated on the application form.

It is noted a pre-application consultation has been carried out and a pre-application consultation (PAC) report submitted.

## PLANNING HISTORY

2006/01837/FUL, Address: Vianshill Farm, St. Nicholas, Proposal: Agricultural improvement operations, Decision: Refused 28<sup>th</sup> March 2007.

2008/01297/FUL, Address: Land at Vianshill Farm, St. Nicholas, Proposal: Agricultural improvement engineering operations, Decision: Approved 30<sup>th</sup> April 2009.

2012/00263/FUL, Address: Vianshill Farm, St. Nicholas, Proposal: Variation of Condition 2 of approved application 2008/01297/FUL to extend period of development/works, Decision: Withdrawn 26<sup>th</sup> June 2012.

2012/01282/SC1, Address: Vianshill, St. Nicholas, Cardiff, Proposal: Small scale wind turbine, Decision: Environmental Impact Assessment (Screening) – EIA Not Required 28<sup>th</sup> December 2012.

2013/00251/FUL, Address: Vianshill Farm, The Downs, St. Nicholas, Proposal: Installation of a single small-scale wind turbine (up to 35m tip height) and associated equipment, Decision: Withdrawn 28<sup>th</sup> May 2013.

2021/00110/OBS, Address: Land at Vianshill Farm, Grants Field, The Downs, St Nicholas, Proposal: A solar park (65MW), battery storage, transport interchange facility including electric vehicle charging station and ancillary development (Scoping Consultation), Decision: Response issued 3<sup>rd</sup> March 2001.

## CONSULTATIONS

PEDW required the Local Planning Authority to place site notices (copies of which were provided by PEDW) in at least one place on or near the land to which the application relates for a period of not less than 30 days. Site notices were placed at 11 locations on 17<sup>th</sup> November 2022. Therefore, the Local Planning Authority considers it has complied with Article 19 of The Developments of National Significance (Procedure) (Wales) Order 2016.

**Appendix A** to this report 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 considers it has complied with Article 25 (2) (c) of the above order.

The LPA can also confirm that the documents required to be placed on the planning register were done so within the required 5 working days from the acceptance letter dated 16<sup>th</sup> November 2022. Therefore, the LPA submits that they have complied with Article 20 of the above order.

This report has been informed by responses from internal consultees to the Council, including Shared Regulatory Services (Contaminated Land Team), Highways Development, the Public Rights of Way Officer, the Ecology Officer and the Drainage Section. These responses are included in full at Appendix B.

It should be noted that Statutory Consultations have been undertaken separately by PEDW.

Glamorgan Gwent Archaeological Trust have also responded and this response is included in **Appendix B**.

## 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 SP7– Transportation**

Sustainable transport improvements that serve the economic, social and environmental needs of the Vale of Glamorgan and promote the objectives of the South East Wales Regional Transport Plan and the Local Transport Plan will be favoured. Key priorities for the delivery of strategic transportation infrastructure will be:

1. A new Barry Island Link Road;
2. A new northern access road at St Athan enterprise zone;

3. Improvements to the A4226 between Waycock Cross, Barry and Sycamore Cross, A48 (Five Mile lane);
4. Improvements to the B4265 at Gileston – Old Mill;
5. Modernisation of the valley lines;
6. The National Cycle Network route 88; #;
7. Cycle routes at:
  - A4050 Culverhouse to Cardiff airport;
  - A48 Culverhouse Cross to Bridgend via Cowbridge; and
  - Barry waterfront to Dinas Powys
8. Bus park and ride at Cosmeston, Penarth
9. Bus priority measures at:
  - A4050 Culverhouse to Cardiff airport;
  - A48 Culverhouse Cross to Bridgend via Cowbridge;
  - Merrie Harrier Cardiff Road Barry to Cardiff via Barry Road;
  - Leckwith Road, Llandough to Cardiff; and
  - Lavernock Road to Cardiff via the Barrage

Priority will also be given to schemes that improve highway safety and accessibility, public transport, walking and cycling.

All new developments that have a direct impact on the strategic transportation infrastructure will be required to deliver appropriate improvements to the network.

*# NCN Route 88 shown on the LDP Proposals Map is indicative and subject to further detailed feasibility work unless otherwise indicated as confirmed routes.*

### **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.

### **POLICY SP11 – Tourism and Leisure**

Proposals which promote the Vale of Glamorgan as a tourism and leisure destination will be favoured. Existing tourism and leisure facilities will be protected and enhanced, and favourable consideration will be given to proposals which:

1. Enhance the range and choice of the Vale of Glamorgan's tourism and leisure opportunities, particularly through the provision of all year round facilities and a range and choice of visitor accommodation in appropriate locations;
2. Favour rural diversification and the local economy; and
3. Protect existing tourism assets and promote the sustainable use of the countryside and the Glamorgan Heritage Coast.

### **Managing Growth Policies:**

#### **POLICY MG16 – Transport Proposals**

##### **WALKING AND CYCLING**

1. National Cycle Network Route 88 and associated local urban and rural connections #.
2. A4050 Port Road to Cardiff Airport.
3. A48 Culverhouse Cross to Bridgend.
4. Eglwys Brewis Road in conjunction with the proposed Northern Access Road, St Athan Enterprise Zone.
5. Barry waterfront to Dinas Powys.

##### **RAIL**

6. Modernisation of the valley lines.

##### **BUS**

7. A4050 Culverhouse to Cardiff Airport.
8. A48 Culverhouse Cross to Bridgend via Cowbridge.
9. Merrie Harrier Cardiff Road Barry to Cardiff via Barry Road.
10. Leckwith road, Llandough to Cardiff.
11. Lavernock Road to Cardiff via the barrage.
12. Bus park and ride at Cosmeston Penarth.

##### **HIGHWAYS**

13. Barry Island link road.
14. Northern access road (St Athan enterprise zone).
15. Gileston - Old Mill B4265.
16. Improvements to the A4226 between Waycock Cross, Barry and Sycamore Cross, A48 (Five Mile Lane).
17. Cross Common Road junction improvements.
18. North of A48, Bonvilston Road improvements.
19. Link Road between A48 and Llantwit Major Road, Cowbridge.

## INTERCHANGES

20. Barry Dock Station bus interchange.

## HIGHWAY IMPROVEMENT WORKS

In addition, to mitigate the impact of development on the highway network, highway improvement works in the form of corridor or junction improvement schemes will be required.

*# - NCN Route 88 shown on the LDP Proposals Map is indicative and subject to further detailed feasibility work unless otherwise indicated as confirmed routes.*

## **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 MG18 – Green Wedges**

Green wedges have been identified to prevent the coalescence of settlements and to retain the openness of land at the following locations:

1. Between Dinas Powys, Penarth and Llandough;
2. North West of Sully;
3. North of Wenvoe;
4. South of Bridgend;
5. Between Barry and Rhoose;
6. South Penarth to Sully; and
7. Between Rhoose and Aberthaw.

Within these areas development which prejudices the open nature of the land will not be permitted.

## **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 MG30 – Local Search Areas for Solar Energy**

Local search areas for solar energy are shown on the Proposals map. In these areas proposals for solar energy generation schemes up to 50 mw will be permitted provided there are no unacceptable effects on amenity, heritage assets or the environment.

### **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 MD13 - Tourism and Leisure**

Proposals for the development of new or enhanced tourism and leisure facilities will be permitted where the proposal:

1. Is located within the key settlement, the service centre settlements, primary settlements and minor rural settlements; or
2. Forms part of a rural enterprise or farm diversification scheme; or
3. Involves the conversion of an existing rural building in accordance with Policy MD11; or
4. Involves sustainable low impact tourism and leisure proposals in the countryside; and

Proposals that would result in the loss of existing tourism and leisure facilities will be resisted unless it can be demonstrated that there is a sufficient supply of facilities within the area to satisfy demand and/or the facility has been marketed and proven to be no longer economically viable.

### **POLICY MD17 - Rural Enterprise**

Proposals for the development of small scale employment uses that promote rural enterprise will be permitted where the proposal:

1. Is located within a minor rural settlement; or
2. Is part of a farm diversification scheme; or
3. Involves the conversion of an existing rural building in accordance with policy MD11.

Proposals that would result in the loss of existing small scale employment uses will be assessed in accordance with policy MD16.

### **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.

### **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 11- National Connectivity

- Support developments associated with improvements to national connectivity.
- Where appropriate, new development should contribute towards the improvement and development of the National Cycle Network and the key links to and from it.

#### Policy 12- Regional Connectivity

- Priority in urban areas is improving and integrating active travel and public transport.

- Priority in rural areas is supporting the uptake of ULEV vehicles and diversifying and sustaining local bus services.
- Active travel must be an essential and integral component of all new developments.
- New development and infrastructure should be integrated with active travel networks and where appropriate ensure new development contributes towards their expansion and improvement.
- Supports reduced levels of car parking in urban areas, car free developments in accessible locations and developments with car parking spaces that can be converted to other uses over time.
- Where car parking is provided for new non-residential development a minimum of 10% of car parking spaces should have electric vehicle charging points.

**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.

**Policy 33 – National Growth Area – Cardiff, Newport and the Valleys**

- National growth area is the focus for strategic economic and housing growth, essential services and facilities, advanced manufacturing, transport and digital infrastructure.
- Supports development in the wider region which addresses the opportunities and challenges arising from the region’s geographic location and its functions as a Capital region.

**Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application:

## Chapter 2 - People and Places: Achieving Well-being Through Placemaking

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

## Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)
- Supporting Infrastructure
- Managing Settlement Form –Green Wedges

## Chapter 4 - Active and Social Places

- Transport
- Recreational Spaces

## Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)
- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

## Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

### **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 5 – Nature Conservation and Planning (2009)

- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

### **Welsh National Marine Plan:**

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

### **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)
- Conservation Areas in the Rural Vale (2006)
- County Treasures (2009)
- Design in the Landscape (2006)
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Planning Obligations (2018)
- Public Art in New Development (2018)
- Renewable Energy (2019)
- Sustainable Development - A Developer's Guide (2006)
- Trees, Woodlands, Hedgerows and Development (2018)
- St Nicholas Conservation Area Appraisal and Management Plan (2009)

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:

- Designation of Landscape Character Areas (2013 Update)
- Designation of Special Landscape Areas (2013 Update)
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update)
- Green Wedge Background Paper (2013)
- Identification of SINCs (2013)
- Minerals Planning revised background paper (2014) (Also see LDP Hearing Session 13, Action Point 1, 3 and 4 response)
- Renewable Energy Assessment (2016 Update) (Also see LDP Hearing Session 18, Action Point 8 and 9 response)

**Other relevant evidence or policy guidance:**

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 11/99 – Environmental Impact Assessment
- Welsh Office Circular 13/97 - Planning Obligations
- Energy Wales: A Low Carbon Transition (2012)
- Energy Wales: A Low Carbon Transition Delivery Plan (2014)
- Practice Guidance – Planning Implications of Renewable and Low Carbon Energy (2011)
- Ministerial Letter Ref: MA-P/CS/1303/16
- Low Carbon Vehicle Report (2015)
- Energy Generation in Wales (2018)
- Welsh Government Response to Energising Wales publication A plan for Wales' renewable energy future: Essential actions to re-energise Wales by 2035
- Developments of National Significance (Wales) Regulations 2016 (as amended)
- Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016 (as amended)
- Developments of National Significance (Procedure) (Wales) Order 2016 (as amended)
- Appendix 5: Local Impact Reports of Developments of National Significance- Procedural Guidance Version 2.2

**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.

Policies specifically related to renewable energy proposals are set out in more detail in this section. Policies in the Local Development Plan that are relevant to particular impacts of the proposal are set out under the sections discussing those impacts below.

Policy 17 (Renewable and Low Carbon Energy and Associated Infrastructure) and Policy 18 (Renewable and Low Carbon Energy Developments of National Significance) are the key policies in Future Wales that are relevant to this development. They indicate strong support for renewable and local carbon energy developments, subject to the consideration of their impacts.

### **Future Wales Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure**

The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs.

In determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.

In Pre-Assessed Areas for Wind Energy the Welsh Government has already modelled the likely impact on the landscape and has found them to be capable of accommodating development in an acceptable way. There is a presumption in favour of large-scale wind energy development (including repowering) in these areas, subject to the criteria in policy 18.

Applications for large-scale wind and solar will not be permitted in National Parks and Areas of Outstanding Natural Beauty and all proposals should demonstrate that they will not have an unacceptable adverse impact on the environment.

Proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities.

New strategic grid infrastructure for the transmission and distribution of energy should be designed to minimise visual impact on nearby communities. The Welsh Government will work with stakeholders, including National Grid and Distribution Network Operators, to transition to a multi-vector grid network and reduce the barriers to the implementation of new grid infrastructure.

### **Future Wales Policy 18 – Renewable and Low Carbon Energy Developments of National Significance**

Proposals for renewable and low carbon energy projects (including repowering) qualifying as Developments of National Significance will be permitted subject to policy 17 and the following criteria:

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.

**LDP Policy MD19 19 (Low carbon and Renewable Energy Generation)** sets out similar criteria to the above, stating proposals for low carbon and renewable energy will be permitted where it can be demonstrated there is no unacceptable impact on:

- 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

The proposed development should be required to satisfy the criteria within the above policies.

LDP Policy MG30 (Local Search Areas for Solar Energy) has identified 6 areas appropriate for solar development of up to 50 MW where it would not have unacceptable effects on amenity, heritage assets or the environment. The proposed site falls outside these areas. This does not mean that the proposal is unacceptable in principle, but it does not benefit from the weight afforded to this development plan designation.

Planning Policy Wales confirms at paragraph 5.7.14 that it is target of the Welsh Government that 70% of Wales' energy consumption is generated from renewable energy by 2030.

Additionally, Planning Policy Wales (PPW) includes reference to identified low carbon and renewable areas at the local level as identified by local planning authorities, stating at paragraph 5.9.15 that proposals that fall outside of identified areas for low carbon and renewable energy should be determined based on the merits of the individual proposal.

Paragraphs 5.9.19 and 5.9.20 of PPW suggest that contributions to meeting targets, cutting greenhouse gas emissions and the wider environmental, social and economic benefits and opportunities should be considered in determining renewable energy proposals, but the need to minimise impacts on local communities, the impact the natural and historic environment, cumulative impact, the transportation network, grid connection issues and the impacts of climate change on the location, design, build of proposals should be considered.

### Visual and Landscape Impact

The site falls within National Landscape Character Area (NLCA) 36: Bro Morgannwg (Vale of Glamorgan). The key characteristics of NLCA 36, of relevance to this LVIA, are mixed agricultural land uses- with predominantly rural character; small woodlands- mainly to the east, few large woods and mixed field patterns and sizes- with hedgerows and hedgebanks, frequent hedgerow trees.

The site is located within a Special Landscape Area (SLA), the designation of which has been informed by LandMap data. LDP Policy MG17 (Special Landscape Areas) states "within the special landscape areas identified...development proposals will be permitted where it is demonstrated they would cause no unacceptable harm to the important landscape character of the area". The proposal is located within the Dyffryn Basin and Ridge Slopes SLA. This SLA is identified as mainly being an

attractive, gentle valley of the Nant Bran and River Waycock with views to well-managed countryside a relatively unspoiled historic rural landscape and settlements that are well integrated with the landscape and surrounding vegetation. Dyffryn Gardens, a Grade I registered historic park/garden is identified as being at the centre of the SLA and discretely enclosed by woodlands.

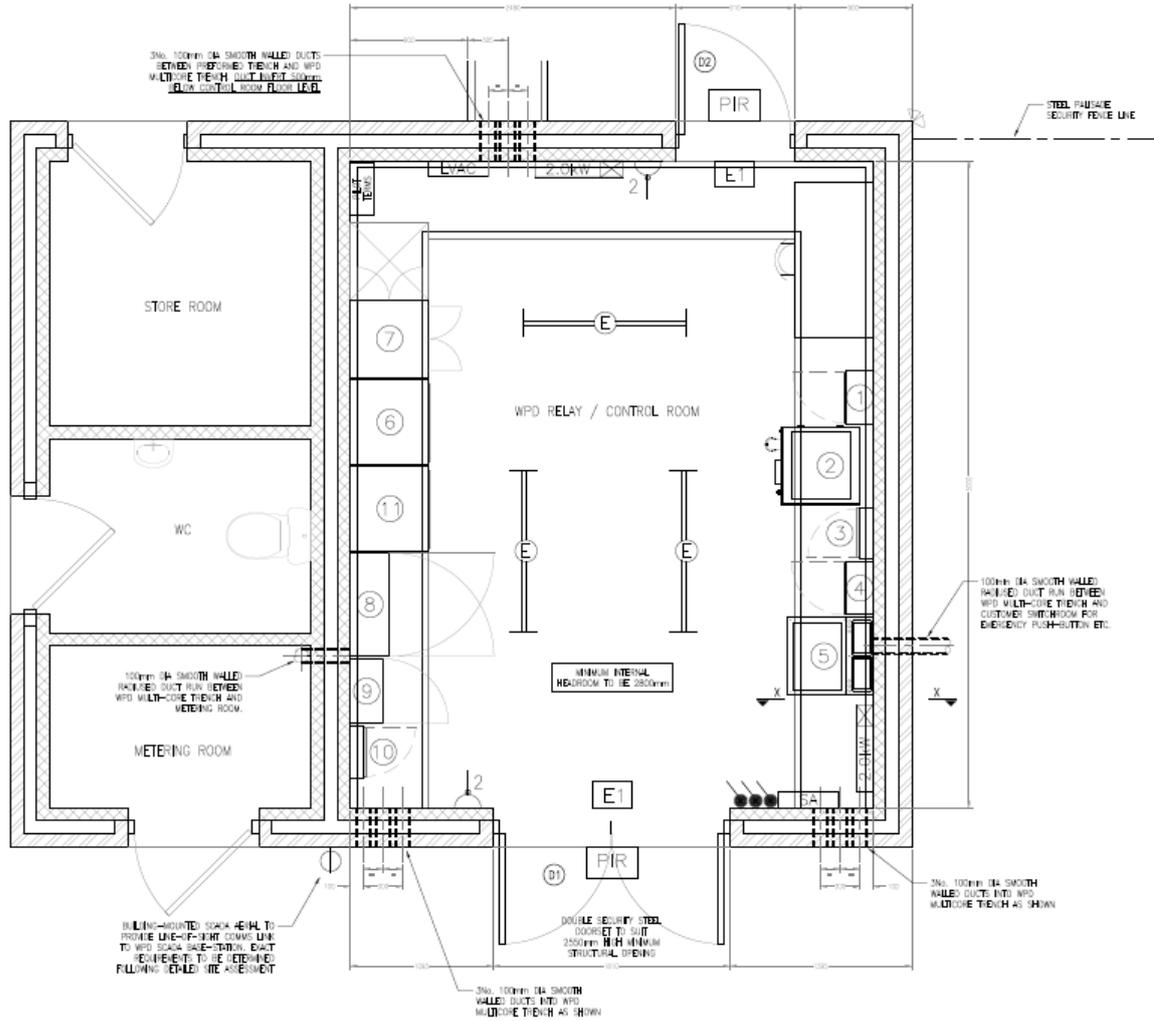
LDP Policy MD1 (Location of New Development) of the Local Development Plan states that new development on unallocated sites should have no unacceptable impact on the countryside.

As set out below in detail (based on the submitted ZTV and viewpoint photographs), the proposal would result in a significant change in the appearance of the site as the dominating feature within it will be the solar panels for the forty year lifespan of the development. This change in the appearance of the landscape occurs over a significant area of current agricultural land, which has been designated as a special landscape area.

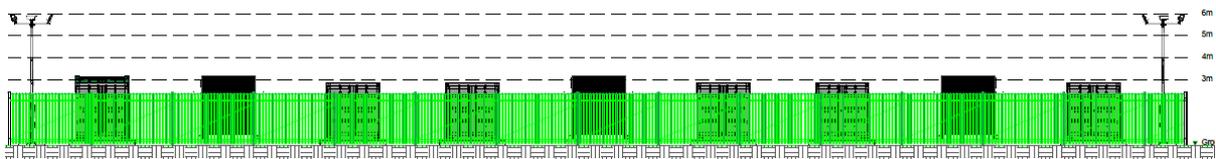
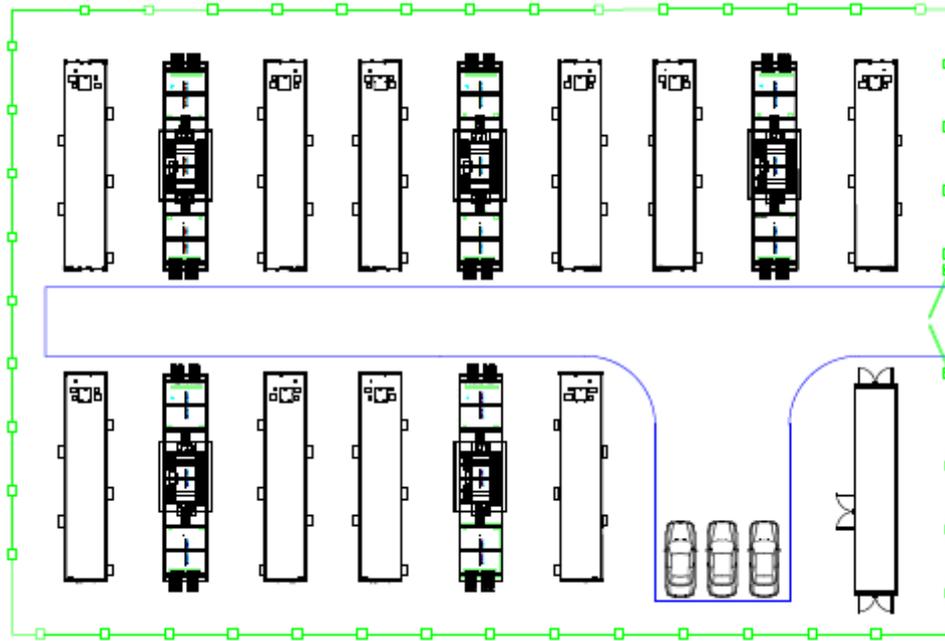
The substation compound is of significant size, being 50 metres x 15 metres in size. 2.4 metre high palisade fencing is proposed around the outside. An additional smaller control room building and 15 metre high communications tower are proposed adjacent to the compound, but no elevations have been supplied. It is unclear whether the 132 KV tower structure the substation connects to is existing or if a new structure is proposed. The plans are labelled as indicative and it is considered that the details of the substation and associated buildings and structures should be clarified.



WPD CONTROL ROOM DETAILS (1:25)



As well as this, the proposed battery storage compound proposed is approximately 53 metres x 36 metres in size, with 15 container-type structures of approximately 3 metres in height. Again 2.4 metre high palisade fencing is proposed around the perimeter.



No details have been provided of the transformers and inverters proposed and again it is considered these details should be clarified.

2.4 metres high deer fencing around the site perimeter is proposed to be erected on the inside of any hedgerows, so that it will be screened by any such hedgerow in views from the surrounding area, mitigating its visual impact. CCTV is also proposed.

While it is acknowledged that the lifespan of the development is limited to 40 years, the development is over a large area and is considered likely to have an urbanising impact where visible.

There are a number of public rights of way running through the site. The views from these where the routes cross the site will be significantly changed due to the proposed development. The applicant acknowledges that there would be significant adverse effects on views from these.

The submitted ZTV and viewpoint photographs suggest that there will be significant views of the solar farm from a variety of off-site public viewpoints, although it is accepted that the degree of impact will vary depending on the viewpoint, due to topography and intervening vegetation cover. Apart from the areas immediately surrounding the site, there are likely to be significant views of the site from higher ground further away, particularly in the southwest in the vicinity of Five Mile Lane (A4226).

*View from View Point 14 (adjacent to Five Mile Lane, approximately 2.7 kilometres from the site, photograph from figures attached to Environmental Statement):*



The height of the eye level used for the ZTV should be clarified as the ZTV itself suggests this is set at 1.5 metres but elsewhere the Environmental Statement suggests 1.6 metres. However, it is considered that the impact could be greater than suggested by the current ZTV as eye level could justifiably be set at 1.7 metres. The ZTV should also take account of a potential increase in visibility as a result of ash dieback, due to the frequency of ash trees in the local rural landscape and the high levels of infection.

The Landscape and Visual Impact Assessment suggests that photomontages are available, but these have not been supplied with the application. This is a significant omission that has prevented the authority from making a full and detailed assessment of the likely visual impacts of the development from key viewpoints.

In addition, no arboricultural impact assessment has been supplied with the application. Therefore while the application indicates that trees and hedgerows on the site will be retained, it cannot be verified that this is the case. This again is a significant omission, where identifying in particular, tree species around the site is important to establish the type and degree of tree cover, noting the concerns raised above in respect of the reliance of ash trees in the long term to provide screening.

#### Cumulative Impacts

In considering visual and landscape impacts, it is necessary to consider the cumulative impacts with other solar farms, including the following developments:

- Cenin Renewables Limited – Land east of Five Mile Lane (2014/00798/FUL)
- Home Farm, Land west of Drope Road, St Georges Super Ely (2015/00852/FUL)
- INRG Solar – Land adjacent to Sutton Mawr Farm, Barry (2013/00617/FUL)
- Cwm Derwyn Farm, Weycock Road, Barry (2015/00632/FUL)
- Elgin Energy Co – Land off Weycock Cross, Weycock Road, Barry (2014/00081/FUL)

Although not yet submitted as application, the Council is aware that PEDW have been formally notified of the intention to submit further DNS applications at Oaklands Farm to the south of Bonvilston and on land to the south of St Lythans (Parc Worlton).

Both of these applications will be in close proximity to the DNS proposal subject of this application and have been considered in assessing the cumulative impact of the proposal.

In addition, the recent permitted DNS proposal at Brynwell Farm, Leckwith is also considered and material. Woden Park is an existing solar farm to the north of this (2012/01285/FUL and 2013/00895/FUL).

The solar farms that have been constructed to date are comparatively smaller in scale and scattered and this will to some degree limit the cumulative impact they have with the proposal. It is also considered that the cumulative impact of the proposal with the consented Brynwell Farm proposal will be limited due to the distance between the two sites and intervening built up areas of Wenvoe, Culverhouse Cross and Caerau.

However, this proposal in conjunction with the larger proposed DNS applications on the land to the south of St Lythans and at Oaklands Farm are likely to result in more than one of these developments being visible from viewpoints in the surrounding area, particularly on higher ground in the vicinity of Five Mile Lane. Together, these large areas of proposed solar panels and supporting infrastructure are likely to result in the countryside appearing much more urbanised / material change to the established character of the landscape from such locations.

However, these cumulative impacts have been assessed in limited detail in the LVIA. A ZTV showing the potential cumulative visibility of all these projects should be provided as a starting point and from this a more comprehensive assessment of the visual and landscape impacts should be carried out.

Further to the above and as set out below, no details have been submitted in respect of the design of the proposed access onto the A48, to enable the authority to assess the impact of this element of the proposal on existing hedgerows and trees along the road frontage.

**Considering all of the above, whilst the application is considered deficient in respect of photomontages and an arboricultural impact assessment, based on the information that is available to the authority, it is considered that the proposal could have a *moderate negative* visual and landscape impact in itself, but cumulatively with others could have a major negative impact. However, further information would be required prior to determination as set out above in respect of clarifying the structures to be built, photomontages, a revised ZTV, arboricultural impact assessment and a more comprehensive assessment of the cumulative impact with the other proposed DNS solar farms, to allow the visual and landscape impact to be fully assessed.**

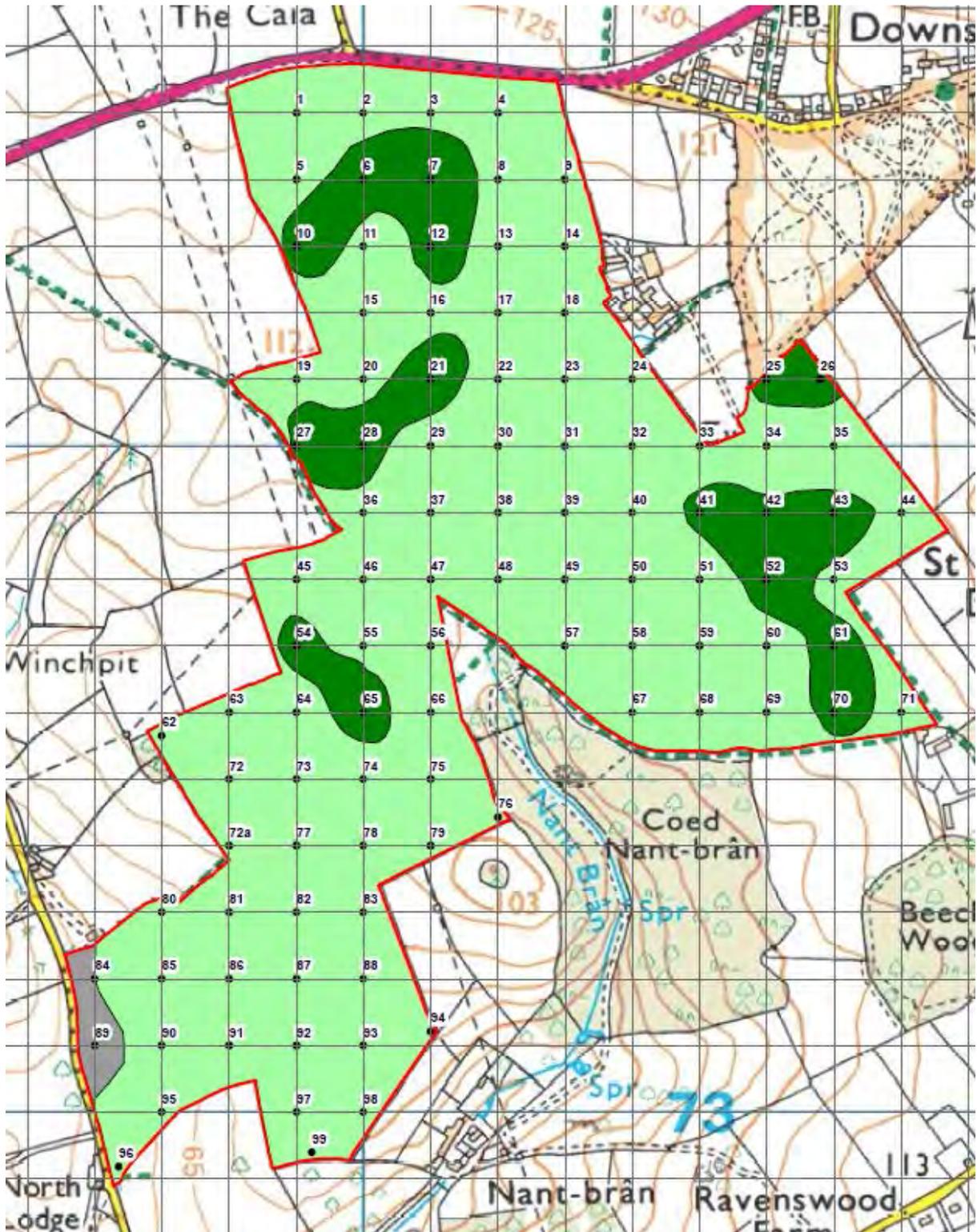
#### Agricultural Land Classification

Criterion 9 of Policy MD1 (Location of New Development) of the LDP requires that new development on unallocated sites should “*have no unacceptable impact on the best and most versatile agricultural land*”. “Best and most versatile agricultural land” includes grade 3a (good to moderate quality) agricultural land, the predicted agricultural land classification for the majority of this site. Similarly, Policy MD7 (Environmental Protection) requires that development proposals will be required to demonstrate that they will not have an unacceptable impact on, amongst other

things, the natural environment through the loss of the best and most versatile agricultural land.

Notwithstanding the predicted agricultural land quality, the agricultural land classification assessment carried out by the applicant has concluded that the majority of the land is actually grade 3b (moderate quality) agricultural land, which falls outside this definition of Best and Most Versatile land. 15% (14.5 ha) is identified as Grade 3a, 84% (81 ha) as Grade 3b and 1.1 % (1 ha) as non-agricultural. The areas of Grade 3a land are split into five pockets across the site.

*Agricultural Land Classification from assessment submitted with the application (dark green=3a, light green=3b):*



It is noted the support frame uprights for the panels will be pile driven into the ground, and due to the amount of solar panel coverage proposed, this operation will be required to be repeated multiple times across the site to install the solar panels. Excavation and gravel bases are required for the inverters and trenching will be required for the cabling. In addition, ground works will be required to create tracks, the substation and boundary storage.

The disturbance to the ground is therefore significant, but the findings of the assessment that the proposal will largely impact on land which is not considered within the definition of best and most versatile agricultural land is acknowledged. It is also acknowledged that the assessment shows that the Grade 3a land (that would fall within the above definition) to be lost, is split in to five separate areas rather than being a larger area of continuous land of that grade.

**It is noted that PEDW will be consulting the agricultural land use and soil policy advisor on a separate basis. If the advisor concludes that the above work carried out to support the application is acceptable, it is considered that the loss of the agricultural land would result in a minor negative impact on the availability of the best and most versatile agricultural land.**

### Highways

Criterion 6 of Policy MD2 (Design of New Development) 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 Local Highway Authority have been consulted separately as a statutory consultee on this proposal and have therefore provided comments to PEDW on a separate basis. However, these comments have been copied to the Case Officer within the Council for the purpose of this report and these comments therefore inform the Council’s consideration of highway impacts.

Access would be via an existing farm access field gate and track, from the A48.

The access is proposed to be widened on its western side to accommodate turning articulated HGVs.

*View into site from proposed access point on A48:*



The A48 is a busy arterial route and the national speed limit (60mph) is in place on this section of road. Safety issues, congestion and obstruction therefore need to be kept to a minimum during the construction period and also following this when the solar farm is operational. The Council's Highways Development Team has suggested that the proposed access to the site will need to be formalised as a new junction arrangement. However, in implementing this solution, consideration would need to be given to the impact of the proposal on hedgerows and trees. Little information has been provided on the access works in the application and it is not clear on the plans whether the existing footway will be maintained. It is considered that further information is required at this stage in respect of the junction widening proposed and how Highways' concerns regarding safety, congestion, obstruction and maintenance of the footway would be addressed.

The main highway impacts from the proposal will occur at the construction phase, which is anticipated to take 12-18 months. A Construction Traffic Management Plan has been submitted as part of the application (Appendix 2.1 to the Environmental Statement). This anticipates an average of 20 HGV movements per day during the construction period.

Although a Construction Traffic Management Plan is submitted as an appendix to the Environmental Statement, a further CTMP is required to provide more detail of how traffic and safety considerations will be managed during construction. This is recommended to be provided via a condition.

Once operational, it is anticipated that the only vehicles visiting the site will be those associated with maintenance, monitoring and cleaning of the panels etc. These vehicle movements are anticipated to occur approximately monthly using 4x4

vehicles or panel van vehicles. Following the 40 year operational period, the solar farm is due to be dismantled with similar vehicular movement levels as at the construction stage.

**Overall, subject to a condition for a further CTMP, it is considered that the proposal could have a minor-moderate adverse impact on highway safety and traffic, with the greatest impact being a short term one at construction stage. However, further information would be required prior to determination in respect of the access works to be carried out to allow a full assessment of these impacts to be made.**

### Ecology

Policy MD9 (Promoting Biodiversity) requires new development proposals 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.

The Phase 1 habitat survey largely identified the site as species poor improved grassland/pasture and arable land of low ecological value. However, some greater grassland plant species diversity can be found in the south-west corner of the site and adjacent to the site in one field of semi-improved calcareous grassland, located adjacent to the north-west edge of Coed Nant-Bran, which is designated as a SINC (Land North-west of Coed Nant-Bran SINC). The survey identifies that the majority of the field boundary hedgerows are species-poor with adjacent rough grass / ruderal field margins. However, species-rich hedgerows are located in the north-east of the site. An area of dense continuous scrub is located in the north-west corner of the site and adjacent to the site on the north-west edge of Coed Nant-Bran, where the scrub provides transition habitat from grassland to woodland. Broadleaved trees are scattered across the site.

The site is considered to have high potential for a variety of breeding bird species (including barn owl). A number of bird species have been recorded on or close to the site. There is considered to be moderate potential for roosting bats, but the application advises mature trees are proposed to be retained (notwithstanding the absence of an arboricultural report to confirm this) and measures put in place to prevent disturbance from lighting. It is not clear whether any lighting is required or not at operational stage. It is however considered that there should be a condition for "bat friendly" lighting, should any lighting be proposed.

Parts of the site is considered to be of value for great crested newts and slow worms.

No evidence of badgers was recorded on the site following a badger survey but measures are proposed to prevent adverse impacts on badgers at construction stage.

Potential was identified for otters and dormice. It is however considered that there are more suitable sites for otters elsewhere.

A number of additional ecological surveys have been carried out following the phase 1 survey including an arable flora survey, breeding bird survey, winter bird survey, dormouse survey and great crested newt survey.

It is noted that no surveys were undertaken for either slow worm or grass snake. Both slow worm and grass snake are species listed under Section 7 of the Environment (Wales) Act 2016 and knowing if they are present closer to or on site rather than relying on older data sourced from desktop analysis would inform the mitigation and enhancement measures required. As such it is recommended that further surveys are carried out for these species prior to the determination of the application.

The arable flora survey identified that 3 of the fields supported rare species including Round-leaved Fluellen and Dwarf Spurge. The assessment of the site as being of up to regional value for rare arable weeds in table 9.14 of the Environmental Statement is considered to result in the likely environmental effect being more than “minor adverse” and “not significant” as stated in the ES.

As well as barn owl, the breeding bird survey identifies a number of breeding bird territories for red and amber list species on the site and in close proximity to it. These are all considered by the survey report conclusions to be of local importance and the survey concludes that the value of the site to breeding birds would not be greatly impacted by the development. However, given skylark, yellowhammer, house sparrow and linnets are all red listed species under the British Trust for Ornithology’s Birds of Conservation Concern (BOCC 5), the importance of the site is considered to be higher than indicated especially if population trends are born in mind.

The winter bird survey also identified a number of birds using the site over the winter months, but again the survey conclusions considered the site to be of local value to wintering birds. It should also be noted that the records of Green Sandpiper in the wintering bird surveys are indicative of the presence of a UK nationally important wintering population on the nearby River Ely.

The dormouse survey found no signs of the presence of dormice.

The great crested newt survey showed no evidence of great crested newts in the ponds surveyed in the vicinity of the site.

The application advises that the proposal will have a significant adverse effect on the Land North-West of Nant-Bran and Coed Nant-Bran SINC, due to permanent habitat loss resulting from the construction of a hard surface footpath.

Cumulative impacts have been considered in respect of breeding and wintering birds and rare arable weeds in conjunction with the consented and proposed DNS schemes outlined above. While there are expected to be some cumulative impacts on breeding birds (skylark) and rare arable weeds, particularly in conjunction with the potential development of the land south of St Lythans (Parc Worlton) for a solar farm, the Environmental Statement concludes these are of local importance only. The importance attributed to the sites for these species is queried. Nevertheless, it is considered that in respect of the site subject of this application, impacts can be addressed through series of measures as set out below.

In order to address the impacts of the proposal on biodiversity as set out above, a robust set of mitigation, enhancement and management proposals are required. A mix of management treatments will be required between the arrays to benefit biodiversity.

It is recommended that conditions are imposed in respect of the provision of a Construction Environment Management Plan, landscaping and an Ecological Enhancement, Mitigation and Management Plan. It is noted the applicant has suggested that an Ecological Management Plan will be implemented, but it is considered that this should also set out the mitigation and enhancement proposed. A number of measures are set out within the Environmental Statement and accompanying surveys. The measures within the plan should be based on these, and include, but not exclusively include, a rare arable weeds conservation strategy, proposed hedgerow and grassland management and enhancements, reptile and amphibian mitigation and enhancement measures, skylark plots and proposals for nesting/roosting boxes

Notwithstanding the above, it would appear that no tree/hedgerow clearance is proposed, but this cannot be verified without a tree survey and arboricultural impact plan. It is considered this should be provided prior to determination of the application (see above section on Visual and Landscape Impact).

**It is considered that the proposal would be likely to have an initial moderate negative impact on ecology and biodiversity. A robust Ecological Enhancement, Mitigation and Management Plan would result in the potential for the proposal to have a minor positive impact on ecology and biodiversity, when the identified measures have been implemented. However, further survey work as described above, would be required prior to the determination of the application to fully assess its impacts on ecology and biodiversity.**

### Historic Environment

Of particular relevance to the proposals in this regard are LDP Policies SP10 (Built and Natural Environment) and MD8 (Historic Environment) that ensure development proposals protect the qualities of the historic environment in the Vale of Glamorgan. A desk based cultural heritage assessment has been submitted as an appendix to the Environmental Statement.

In respect of the site itself, a geophysical study has been carried out which identified a number of archaeological features on the site, including three barrows likely dating to the Bronze Age (two of which had already been recorded) and possible field systems and trackways, two enclosures and two possible ring ditches. A number of pre-historic flint implements have also been recovered previously from the site. A possible early Medieval ecclesiastical site is located to the south of the site. The site therefore has potential for significant archaeological remains to be present, particularly from the Neolithic, Bronze Age and early Medieval period. The Environmental Statement acknowledges that the ground works that are proposed would have a high level of impact on the archaeological receptors on the site.

Additional archaeological work will be needed prior to the determination of the application to ensure that mitigation is undertaken to identify and record historic assets, and that such provision extends to mitigation for responding to the discovery of previously unknown historic assets or finds during the development works. Following this, the development should allow for the preservation *in-situ* of any remains. As a minimum following this work, it is likely to be recommended that a condition requiring the applicant to submit and implement a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent.

It is likely that a number of hedgerows on the site mark historic field boundaries and are therefore considered historically important under the Hedgerow Regulations. As set out in the Landscape and Visual Impact section, further information is requested to provide more clarity on the impact of the development on hedgerows.

A number of historic designations surrounding the site were identified for detailed assessment due to the development having the potential to impact on their significance as a result of a change to their settings, particularly Tinkinswood Burial Chamber scheduled monument and the registered Dyffryn Gardens. However, it is noted that Cadw advised in their pre-application response that they concurred with the applicant's findings that impact on the setting of historic assets, including the above, will be low and not have a significant impact. It is considered the impact on the settings of Tinkinswood Burial Chamber and Dyffryn Gardens are limited by the topography of the land and intervening hedgerows, although again the comments above regarding requiring further information on arboricultural impact should be noted.

*View towards the site from Tinkinswood Burial Chamber:*



In respect of cumulative impact, the Environmental Statement concludes that in conjunction with the potential development of the land south of St. Lythans (Parc Worlton) there is likely to be a minor cumulative impact on the scheduled St Lythans Burial Chamber.

While no application has been submitted yet for Parc Worlton, due to its proximity to St Lythans Burial Chamber, it is considered likely that development will have a greater impact on its setting than the Parc Dyffryn proposal.

While the intervisibility between Parc Dyffryn and Dyffryn Gardens is limited as described above, there is concern regarding the potential for two large solar farms in such close proximity to impact on the setting and significance of Dyffryn Gardens registered historic gardens and the Grade II\* listed Dyffryn House.

This issue should be given greater consideration in the Environmental Statement prior to determination of the application.

The proposal will also impact on the setting of St Nicholas Conservation Area, but again the impact on this is limited by the topography of the land and intervening trees and hedgerows.

**It is considered that the proposal in itself is could have a moderate negative impact on the historic environment, but this could reduce to a minor negative impact with further archaeological fieldwork and appropriate mitigation measures (if required) being put in place. However, cumulatively the proposal in conjunction with Parc Worlton could have a moderate negative impact on the historic environment, specifically in relation to its setting and significance. Additional information in the form of further archaeological fieldwork and further consideration of cumulative impacts as set out above would be required prior to determination to fully assess the impact of the proposal on the historic environment.**

### Residential Amenity

Policy MD2 (Design of New Development) of the Local Development Plan requires that development proposals safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

The main issue in respect of residential amenity is considered to be the potential impact of glint and glare from the solar panels.

A glint and glare study has been submitted as an appendix to the Environmental Statement. As a result of this, mitigation measures are recommended for one dwelling to prevent adverse impacts on neighbour amenity (and also for a section of the A48). It is recommended that the layout plan is amended to show these mitigation measures to clarify what they are and so the impact of these measures in respect of visual impact and on residential amenity can be fully assessed.

The dwelling where mitigation for glint and glare is proposed is the dwelling at Vianshill Farm itself to the east of the site.

Noise is also a potential issue of concern to residents. It is not considered likely there would be a significant issue in respect of noise from the site when operational, but the Construction Environmental Management Plan (CEMP) should include a noise management plan and hours of construction.

It is also noted that Lodge Farm, St Lythans is adjacent to the south east corner of the site. Solar panels are proposed approximately 6 metres from the boundary of this. While the proposed panels are relatively low in height, the proximity of a residential property increases the sensitivity of this part of the site. It is considered that the panels should be set back further from the boundary here to provide the development being overbearing on its neighbour.

**Overall, it is considered that the proposal could have a minor negative impact on residential amenity, but that further information is required in the form of revised plans as set out above prior to determination to assess the impact of mitigation measures and avoid the development being overbearing on an individual neighbour.**

## Climate Change

Addressing climate change has become a key issue for planning and Policy 17 of Future Wales provides strong support for renewable energy and low carbon developments on this basis.

The development is proposed to provide electricity for the equivalent of 20,000 homes and is estimated would contribute a saving of 1.14 million tonnes of CO<sub>2</sub> emissions towards reduced carbon emissions over its lifetime.

The Environmental Statement acknowledges that there will be emissions as a result of the manufacturing and construction process. It is estimated that net reduced emissions will be achieved in the 10<sup>th</sup> or 12<sup>th</sup> year of operation. While this is a significant period (approximately 25% of the project's lifespan), it is acknowledged the construction impacts will be significantly outweighed by the CO<sub>2</sub> reduction from the operation of the solar farm.

**It is therefore considered that the proposal could have a moderate-significant positive effect on climate change.**

## Socio-Economic Effects

At paragraph 2.27, Policy Wales advises that planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process. Environmental and cultural matters (particularly historical significance) are considered elsewhere in this report. At paragraph 2.28 the following key social and economic factors are set out:

### *Social*

- who are the interested and affected people and communities;
- how does the proposal change a person's way of life, which can include: – how people live, for example how they get around and access services; – how people work, for example access to adequate employment; – how people socialise, for example access to recreation activities; and – how people interact with one another on a daily basis;
- who will benefit and suffer any impacts from the proposal;
- what are the short and long-term consequences of the proposal on a community?
- how does the proposal support development of more equal and more cohesive communities?

### *Economic*

- the numbers and types of long-term jobs expected to be created or retained;
- whether, and how far, the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing local employment opportunities or upgrading the environment;
- the contribution the development would make to achieving wider strategies, for example the growth or regeneration of certain areas;
- the contribution this economic activity will have to wider policy goals; and

- how the proposal would support the achievement of a more prosperous, low carbon, innovative and resource efficient Wales.

The applicant has advised that construction will result in jobs and increased local expenditure while construction is taking place and that maintenance of the site will generate future employment opportunities. The Socioeconomic Benefits Assessment submitted with the application estimates that a maximum of 221 jobs will be created by the construction process, with 95 of these being direct on-site jobs and a 126 being generated in the wider economy. It estimates 26 full time jobs will be created at the operational stage, with 12 being direct operational jobs on site (although the Design and Access Statement notes that no permanent staff presence is required and the frequency of vehicular trips is expected to be no more than 3 or 4 visits a year) and 14 being generated in the wider economy. There are also considered to be benefits of the development in respect of economic output and business rate revenues received.

Improvement to countryside access across the site (including from the bus stop on the A48 to Dyffryn House and Gardens), habitat management and educational opportunities through “education points” on the site are given as social benefits, as is the provision of electric charging points within the development. The report also suggests that carbon offset is considered by people to be important so can be considered a social benefit.

**It is acknowledged that there are socio-economic benefits associated with the development, but it is considered likely the site will directly generate a relatively small number of jobs. As such, the socio-economic benefit could have a minor positive impact on the local economy and population.**

### Public Rights of Way

Policy MD1 (Location of New Development) requires new development to have no unacceptable impact on the countryside, including on rights of way that allow access to the countryside.

The visual and landscape impacts for users of the public rights of way that cross the site are discussed above in the “Visual and Landscape Impact” Section of the report. Therefore, this section deals solely with the routes and usability of the public rights of way that cross the site.

A surfaced path is proposed between the existing access to Vianshill Farm (to allow access from the bus stop on the A48) to Dyffryn Lane (opposite the entrance to Dyffryn Gardens). This will require the diversion of sections of the public right of way and the creation of a new section of public right of way leading from the A48 into the site.

*Entrance to proposed path to be created across the site (from Dyffryn Lane):*



It is considered this new track should be 3 metres in width to allow it to be recorded as a Bridleway and provide access for horse riders and cyclists. This should be shown on a revised layout plan.

**Subject to the above amendment to the plans be submitted prior to the determination of the application, it is considered the scheme could have a minor positive impact on the provision of rights of way across the site.**

### 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 flood risk and its consequences.

A Flood Consequences Assessment and Conceptual Drainage Strategy has been submitted as an appendix to the Environmental Statement.

Parts of the site are considered at risk of surface water flooding, with potential ponding depths of up to 0.9 metres identified in localised areas. However, measures such as raising of levels of panels, raising the level at which electrical equipment is stored and waterproofing of cables and use of permeable track materials will be undertaken to reduce the potential for water impact and the impact on surface water flows. Drainage measures are proposed to provide attenuation for areas of hard surfacing, including an attenuation pond, and mitigation is proposed to deal with impacts on drainage due to soil compaction. It is however recommended that prior to determination of the application further consideration is given as to whether there are

existing features on the site that could be utilised for drainage as an alternative to providing a new attenuation pond.

It is noted that an application is likely to be required for the surface water drainage to the Sustainable Drainage Systems Approval Body (SAB application) as the surfacing works required will be over 100 square metres in size.

During construction, it is recommended that a Construction Environmental Management Plan is put in place to ensure, among dealing with other issues, that the construction of the development does not result in water pollution.

**Subject to the above consideration of alternatives for drainage prior to determination and a condition for a CEMP, the proposed development is considered to have a minor negative impact on the water environment and flood risk.**

### Mineral Resource

The site is safeguarded for mineral resources. Policy MG22 (Development in Mineral Safeguarding Areas) specifies that 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.

The applicant considers that given the “temporary” nature of the development, the development will not sterilise reserves or hinder extraction, or hinder extraction in the future as technology changes, and as such, there is no requirement for a minerals assessment for the proposed development.

**It is acknowledged that the limited lifespan of the proposal and being largely reversible would result in it being unlikely to have any significant long term impacts on mineral resources. As such, the proposal could have a minor negative impact on mineral resources.**

### Ground Conditions

The Preliminary Risk Assessment undertaken as part of the Ground Conditions Assessment Desktop Study has not identified any potentially significant potential source-pathway receptor linkages relating to the proposed development of the site.

Although the ground conditions desk study has not identified any significant risks from contamination and contamination is not known at this site, the potential for this cannot be ruled out. A condition is therefore recommended in respect of unforeseen contamination.

Aggregate may be required as part of the development process for the provision of additional access tracks/ site compound areas. Conditions are recommended requiring that should there be any materials imported as part of the construction of the development, that it is demonstrated that they are suitable for the end use. This is to prevent the introduction of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

**Subject to the above conditions, it is considered the proposal could have a neutral-minor negative impact on ground conditions.**

### Human Health

Policy MD7 (Environmental Protection) of the Local Development Plan requires proposals not result in an unacceptable impact on people, residential amenity, property and / or the natural environment.

There is a chapter assessing the impact of the development on human health in the Environmental Statement, which considers the impacts of the development at construction and operational phases on a variety of aspects of human health, including lifestyles, living and environmental conditions, social and community influences, access to and quality of services and macro-economic environmental and sustainability factors.

**While the impacts of the scheme vary depending on the aspect of human health being discussed, overall it is considered by officers that the impact of the proposal on human health could be neutral.**

### Risk of Major Accidents

Policy MD7 (Environmental Protection) of the Local Development Plan requires proposals not result in an unacceptable impact on people, residential amenity, property and / or the natural environment.

There is a chapter assessing this risk in the Environmental Statement. This includes fire hazards due to the electrical equipment on site and at safety at construction stage.

It is considered inevitable that construction work will result in an increased risk of accidents. However, constructors would be expected to follow health and safety procedures when working that fall outside planning's control and there is not considered to be any particular reason why the construction of this site will be more hazardous than other building sites.

In respect of fire risk while the site is operational, the applicant considers in the Environmental Statement that the implementation of a Battery Storage Management Plan would mitigate fire risk. This is recommended as a condition.

**Subject to the above condition, there is considered to be a minor negative impact due to risk of accidents.**

### Secondary Consents

The submitted application form does not include details of any secondary consents to be considered alongside this DNS application. It is however queried whether the battery storage facility would need to be considered as a secondary consent under the Developments of National Significance (Specified Criteria, Fees and Fees for Deemed Applications) (Wales) (Amendment) Regulations 2016 (as amended).

The impact of the battery storage facility has been considered in the above analysis of the development of the whole site. As the proposal is an integral part of the development of the site, the battery storage facility contributes to the impacts of the proposal and generally the conclusions reached above would not differ for the battery storage unit in itself.

In respect of matters that would specifically relate to the battery storage, it is not considered that this aspect of the proposal would contribute to glint and glare and it is approximately 450 metres away from the nearest residential property.

**As such in itself it could be considered to have a neutral impact on residential amenity.**

In respect of the risk of major accidents, the applicant considers that the main risk when operational is fire risk from battery storage. As stated above, the Environmental Statement advises that the implementation of a Battery Storage Management Plan would mitigate fire risk. This is recommended as a condition.

**Subject to this condition, there could be a minor negative impact due to risk of accidents from the battery storage.**

**No rights of way require diversion to accommodate the battery storage, so in itself this could have a neutral impact on the provision of rights of way across the site.**

The suggested conditions would be as recommended below.

### Other Issues

It is also noted that further consents will be needed from the Council for the development.

It is noted the application does advise that a separate planning application for a Transport Interchange Facility will be submitted to the Vale of Glamorgan Council in due course.

It is also unclear if there is an intention to submit a Sustainable Drainage Systems Approval Board (SAB) application for the surface water drainage, although, as noted

above, such approval will be required as the area covered by construction work will exceed 100 square metres.

An application will need to be made to divert public rights of way to accommodate the development.

It is considered that further information is needed on a number of issues as set out above. In addition, the provision of a topographical survey plan of the site would also assist in assessing this application.

### Suggested Planning Conditions

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 41 years from the date when electricity is first exported, or within one year of the cessation of the generation of electricity from the site, the solar photovoltaic panels, frames, foundations, and all associated structures and fencing hereby permitted shall have been dismantled and removed from the site and the site restored in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The developer shall notify the local planning authority in writing no later than five working days following the commencement of export of electricity and cessation of power production.

Reason:

In the interests of visual amenity and to ensure compliance with Policies MD1 (Location of New Development), MD2 (Design of new Development) and MG17 (Special Landscape Areas) of the Local Development Plan.

2. No development shall commence, (including any site clearance works and / or demolition), until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:
  - The parking of vehicles of site operatives and visitors;
  - Loading and unloading of plant and materials;
  - Storage of plant and materials and vehicle maintenance areas used in constructing the development, including appropriate containment and appropriately sized buffer zones between these areas and any watercourse or surface drain;
  - The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
  - Wheel washing facilities, including how wash water will be disposed of;
  - Measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction, including measures to reduce the risk and significance of any potential pollution event (from run-off and airborne pollutants) that could impact habitats in surrounding areas and in particular, habitats in adjacent/ nearby designated sites and areas of ancient woodland;

- A scheme for recycling/disposing of waste resulting from demolition and construction works.
- Hours of construction;
- Lighting, including measures to control light spill to prevent impacts on surrounding retained vegetation or other ecologically important features, and any light sensitive species that may utilise these features;
- Management, control and mitigation of noise and vibration, including a noise management plan;
- Odour management and mitigation;
- Diesel and oil tank storage areas and bunds;
- How the developer proposes to accord with the Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)) during the course of the construction of the development; and
- A system for the management of complaints from local residents which will incorporate a reporting system;
- Measures to control the spread of any invasive / alien plant species that may be recorded on site;
- Biosecurity Safe Systems of Work, where applicable, including for working in / near water, or dealing with diseased plants;
- Details of surface water run off;
- Details of site clearance;
- Details of topsoil strip, storage and amelioration for re-use, measures to prevent soil run off and suspended solid pollution;
- Details of construction drainage, including areas with prevalent runoff where drainage is to be actively managed;
- Reference to all species and habitat protection and mitigation measures that are required;
- Reference to any areas of habitat requiring protection throughout the construction period, including works-free buffer zones, fencing requirements and restrictions on working in the area;
- Details of tree and hedgerow protection;
- A briefing for all staff highlighting the importance of water quality, the location of watercourses and pollution prevention included within the Site induction;
- The requirement to attend Toolbox Talks, including the ecology measures required;
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details, including the designated Landscape/Ecology Clerk of Works;
- Timetable for construction;
- Details of water consumption, wastewater and energy use;
- Details of emergency spill procedures and incident response plan.

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 and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policy MD7 (Environmental Protection) of the Local Development Plan.

3. No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of trees and hedgerows on the site. The approved scheme shall be carried out during throughout the course of the development.

Reason:

In order to avoid damage to trees and hedgerows on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Development) and MD8 (Historic Environment) ] of the Local Development Plan.

4. No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a comprehensive scheme of landscaping based on an accompanying landscaping strategy. The strategy and scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development (during both construction and operational phases) and include timescales for additional planting.

Reason:

To safeguard local visual amenities and biodiversity, and to ensure compliance with the terms of Policies SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments), MD8 (Historic Environment) and MD9 (Promoting Biodiversity) of the Local Development Plan.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the agreed timescales set out in Condition 4 and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2

(Design of New Developments), MD8 (Historic Environment) and MD9 (Promoting Biodiversity) of the Local Development Plan.

6. Prior to the commencement of development (including any site clearance) an Environmental Mitigation, Enhancement and Management Plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be based on the mitigation and enhancement measures set out in the Biodiversity Chapter of the Environmental Statement and the accompanying ecological surveys and shall include, but not exclusively include, the following:
- Grassland enhancement and management measures;
  - Hedgerow enhancement and management measures;
  - A rare arable weeds conservation strategy;
  - Breeding bird nest boxes, including a barn owl nest box;
  - Bat roost boxes;
  - The introduction of skylark plots;
  - Reptile and amphibian mitigation, enhancement and management measures;
  - A process for reviewing the plan during the lifetime of the development and amending it where appropriate.

The measures within the plan shall be carried out in accordance with the approved details for the lifetime of the development.

Reason:

To ensure biodiversity impacts are mitigated and appropriate enhancement and management is secured, in accordance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

7. Prior to the commencement of works to create the path across the site from the A48 to Dyffryn Gardens and the proposed vehicular access tracks, a method statement for these works, including the use of permeable materials, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason:

To ensure the creation of this path does not adversely impact on ecology, biodiversity and flood risk in accordance with Policies MD7 (Environmental Protection) and MD9 (Promoting Biodiversity) of the Local Development Plan.

8. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority and the programme and scheme shall be fully completed as defined in the approved details.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

9. Prior to the commencement of development / site clearance or bringing of any machinery / vehicles on site (in connection with the development hereby approved) , a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of parking for construction traffic, the proposed routes for heavy construction vehicles, space for loading and unloading plant and materials, suitable areas for turning and passing to allow vehicles to leave the site in a forward gear evidenced with swept path/tracking analysis, timings of construction traffic and deliveries and the means of defining and controlling such traffic routes and timings, and measures to control mud and debris to prevent them entering the highway. The construction phase of the development shall thereafter be carried out in accordance with the approved Management Plan.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected by the construction of the development and to meet the requirements of Policies MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

10. Prior to any installation, full details of lighting on the site shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:
  - Details of the siting and type of external lighting to be used including hours of use;
  - Drawings setting out light spillage in key sensitive areas (e.g., new and retained habitats used by bats and other nocturnal protected species);
  - An assessment of the impact of the lighting on conservation requirements for protected species.

The lighting shall be installed and retained in accordance with the approved details.

Reason:

To ensure that the lighting does not adversely impact nocturnal species, particularly bats, in accordance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

11. Prior to the first beneficial use of any part of the solar farm, a battery storage management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out measures to be taken to avoid fire and other risks associated with battery storage. The plan shall thereafter be implemented in accordance with the approved details for the duration of the development.

Reason:

In the interests of public safety, in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

13. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason:

To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

13. 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 that approved around the perimeters of the substation and battery storage compounds and 2.4 metre high deer fencing around the site perimeter, shall be erected within and along the boundaries of the site.

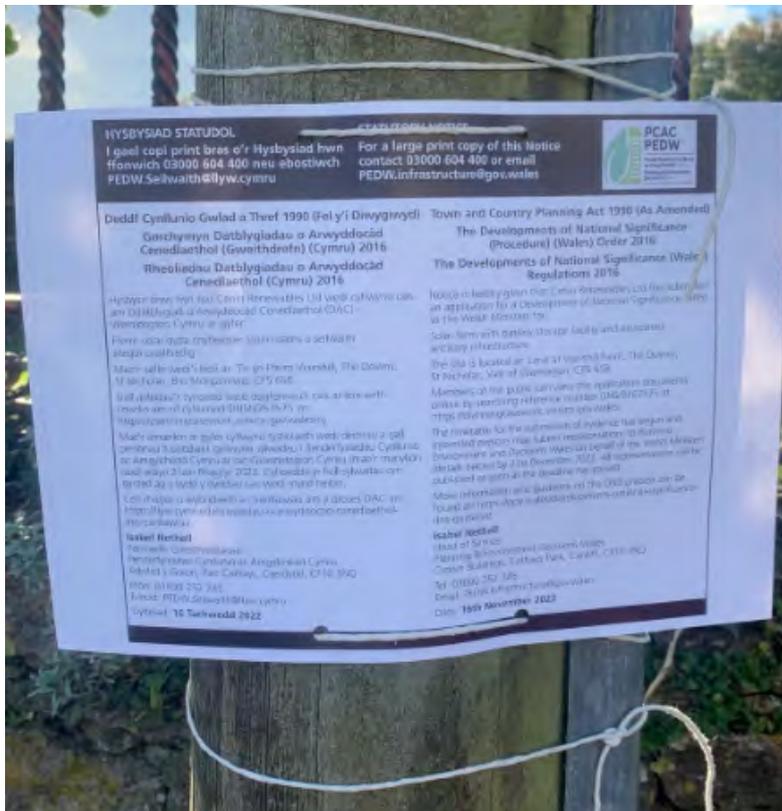
Reason:

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 (Design of New Development) and MD8 (Historic Environment) of the Local Development Plan.

# APPENDIX A: SITE NOTICES

<p><b>HYSBYSIAD STATUDOL</b> I gael copi print bras o'r Hysbysiad hwn ffonwch 03000 604 400 neu ebostiwrch PEDW.Seilwaith@llyw.cymru</p>	<p><b>STATUTORY NOTICE</b> For a large print copy of this Notice contact 03000 604 400 or email PEDW.infrastructure@gov.wales</p>	
<p><b>Deddf Cynllunio Gwlad a Thref 1990 (Fel y'i Diwygiwyd)</b> <b>Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016</b> <b>Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Cymru) 2016</b></p>	<p><b>Town and Country Planning Act 1990 (As Amended)</b> <b>The Developments of National Significance (Procedure) (Wales) Order 2016</b> <b>The Developments of National Significance (Wales) Regulations 2016</b></p>	
<p>Hysbysir drwy hyn fod Cenin Renewables Ltd wedi cyflwyno cais am Ddatblygiad o Arwyddocâd Cenedlaethol (DAC) i Weinidogion Cymru ar gyfer:</p> <p>Fferm solar gyda chyfleuster storio batris a seilwaith ategol cysylltiedig</p> <p>Mae'r safle wedi'i leoli ar: Tir yn Fferm Vianshill, The Downs, St Nicholas, Bro Morgannwg, CF5 6SB.</p> <p>Gall aelodau'r cyhoedd weld dogfennau'r cais ar-lein wrth chwilio am rif cyfeirnod DNS/3267575 yn: <a href="https://planningcasework.service.gov.wales/cy">https://planningcasework.service.gov.wales/cy</a></p> <p>Mae'r amserlen ar gyfer cyflwyno tystiolaeth wedi dechrau a gall personau â buddiant gyflwyno sylwadau i Benderfyniadau Cynllunio ac Amgylchedd Cymru ar ran Gweinidogion Cymru (mae'r manylion isod) erbyn 21ain Rhagfyr 2022. Cyhoeddir yr holl sylwadau cyn gynted ag y bydd y dyddiad cau wedi mynd heibio.</p> <p>Ceir rhagor o wybodaeth a chanllawiau am y broses DAC yn: <a href="https://llyw.cymru/datblygiadau-o-arwyddocad-cenedlaethol-dns-canllawiau">https://llyw.cymru/datblygiadau-o-arwyddocad-cenedlaethol-dns-canllawiau</a></p> <p><b>Isabel Nethell</b> Pennaeth Gweithrediadau Penderfyniadau Cynllunio ac Amgylchedd Cymru Adeilad y Goron, Parc Cathays, Caerdydd, CF10 3NQ Ffôn: 03000 252 245 E-bost: PEDW.Seilwaith@llyw.cymru Dyddiad: <b>16 Tachwedd 2022</b></p>	<p>Notice is hereby given that Cenin Renewables Ltd has submitted an application for a Development of National Significance (DNS) to the Welsh Ministers for:</p> <p>Solar farm with battery storage facility and associated ancillary infrastructure</p> <p>The site is located at: Land at Vianshill Farm, The Downs, St Nicholas, Vale of Glamorgan, CF5 6SB.</p> <p>Members of the public can view the application documents online by searching reference number DNS/3267575 at: <a href="https://planningcasework.service.gov.wales/cy">https://planningcasework.service.gov.wales/cy</a></p> <p>The timetable for the submission of evidence has begun and interested persons may submit representations to Planning Environment and Decisions Wales on behalf of the Welsh Ministers (details below) by 21st December 2022. All representations will be published as soon as the deadline has passed.</p> <p>More information and guidance on the DNS process can be found at: <a href="https://gov.wales/developments-national-significance-dns-guidance">https://gov.wales/developments-national-significance-dns-guidance</a></p> <p><b>Isabel Nethell</b> Head of Service Planning &amp; Environment Decisions Wales Crown Buildings, Cathays Park, Cardiff, CF10 3NQ Tel: 03000 252 245 Email: PEDW.infrastructure@gov.wales Date: <b>16th November 2022</b></p>	

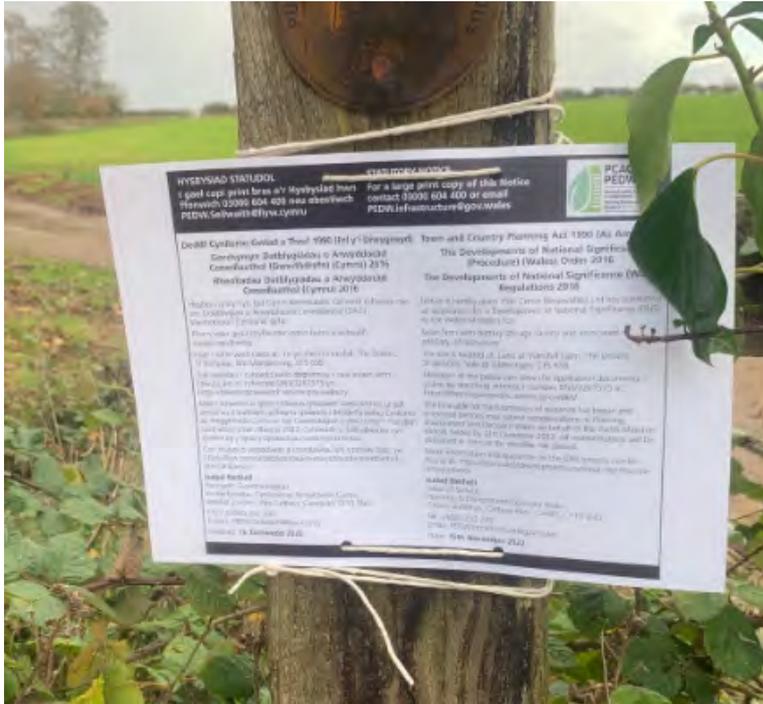
Site Notice 1:



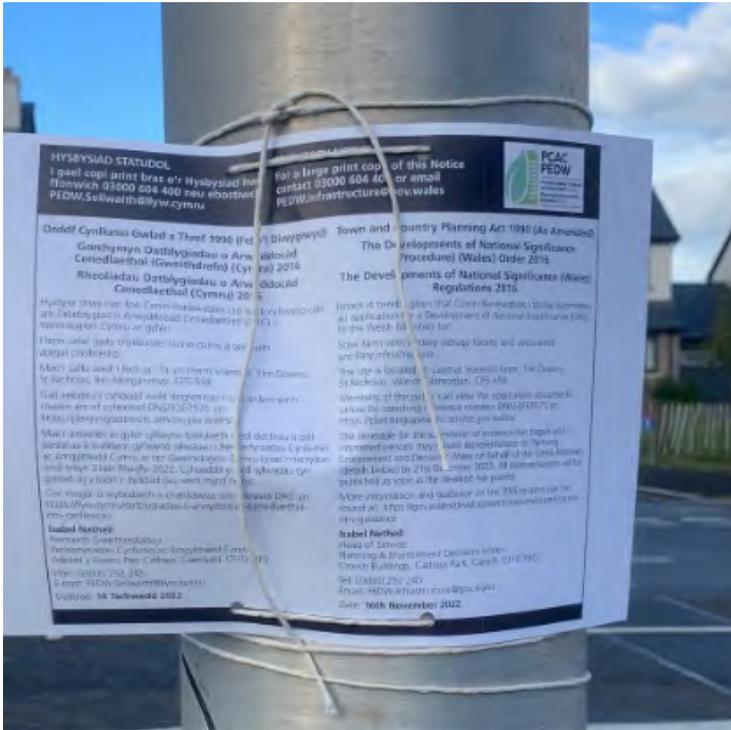




Site Notice 6:



Site Notice 8:

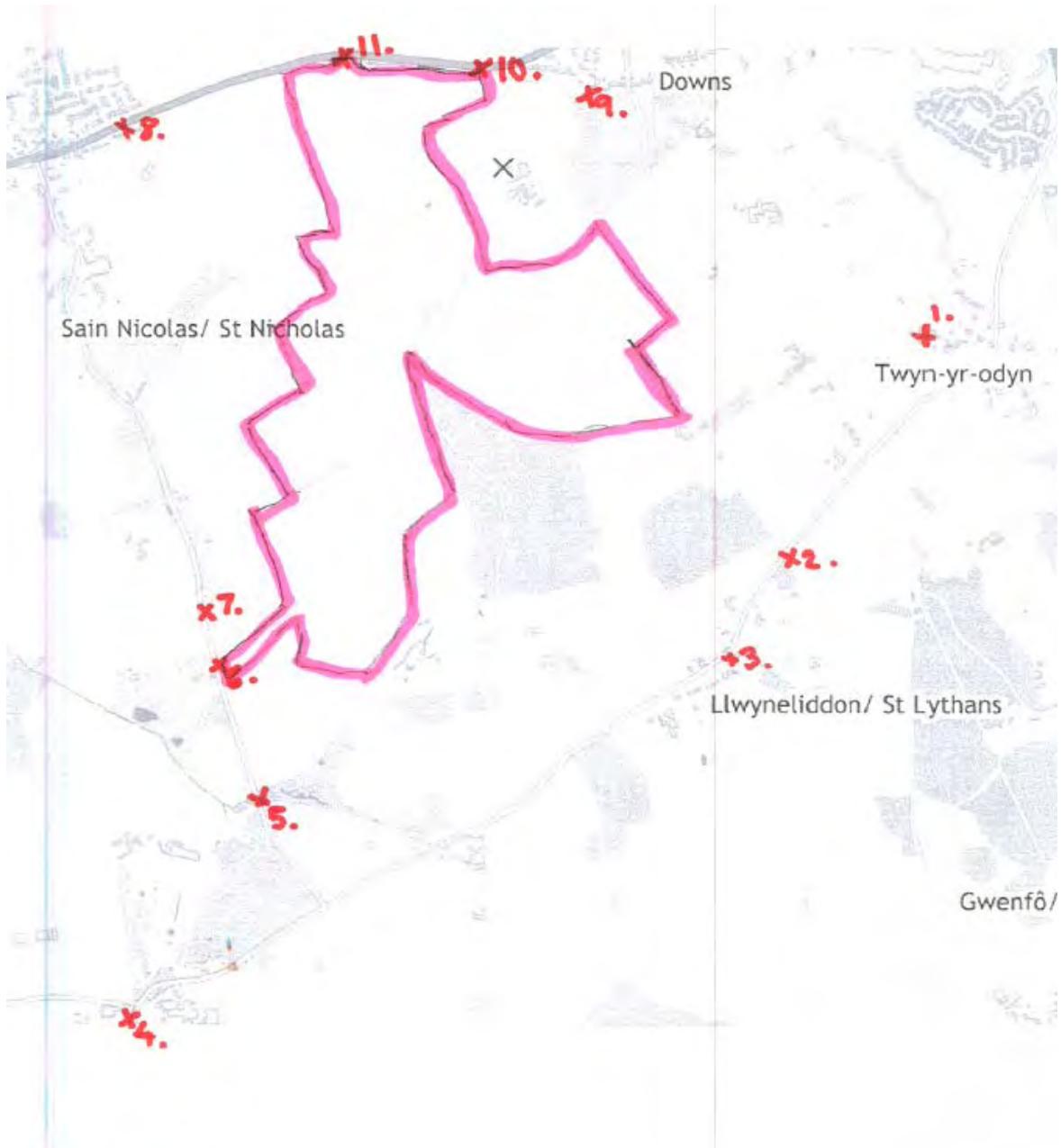


Site Notice 9:

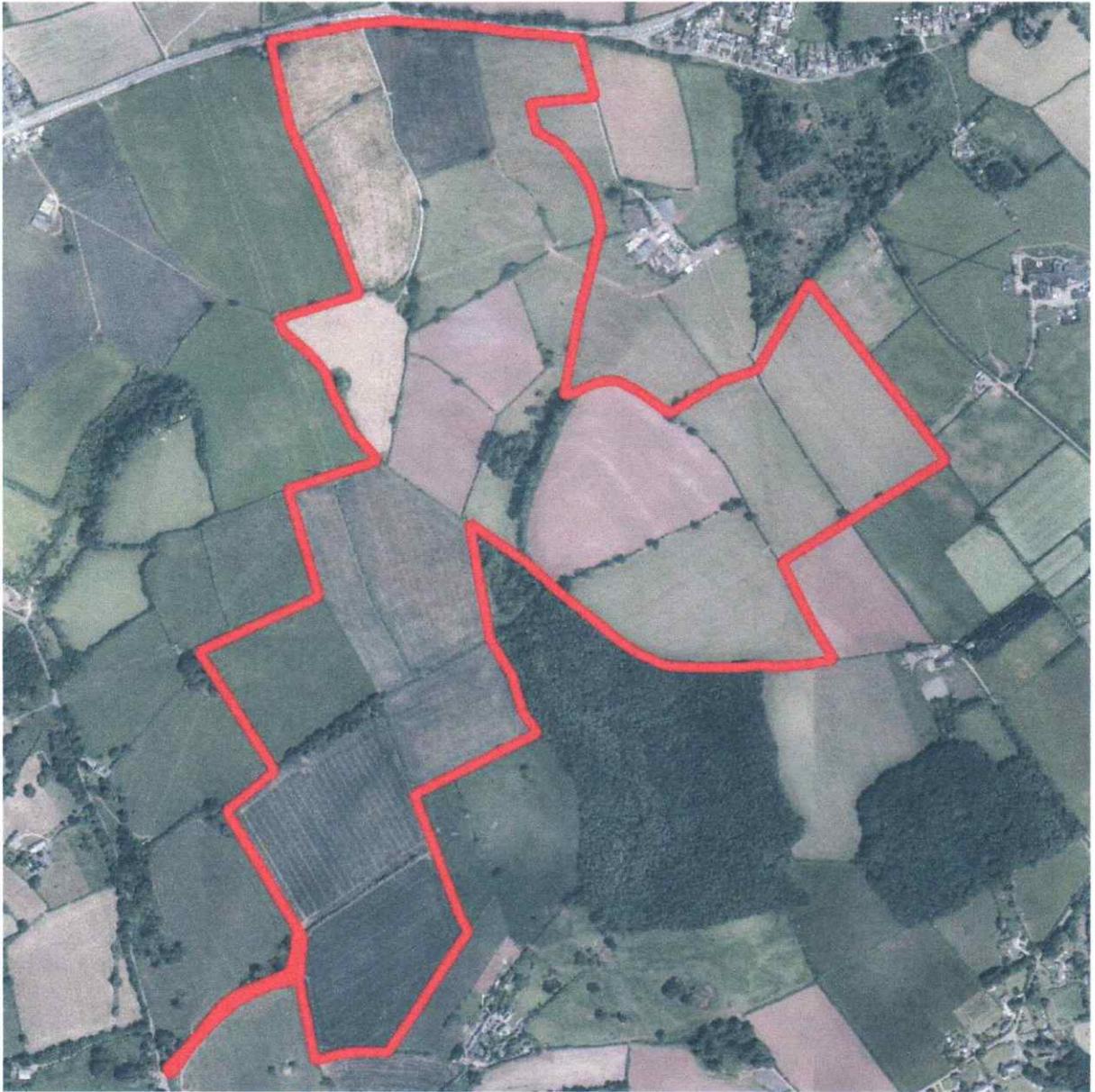


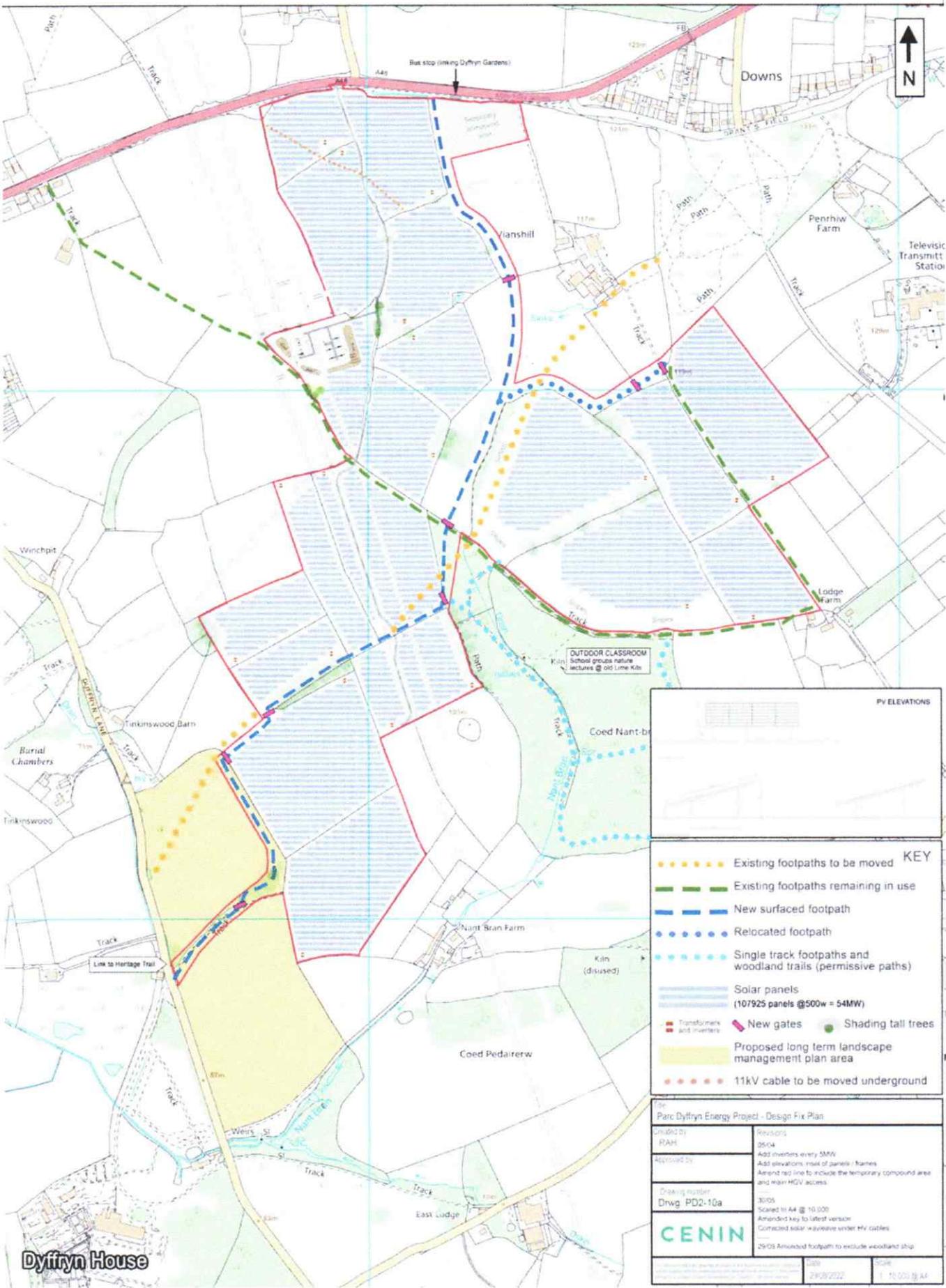


Plan showing location of site notices (approximate site boundary outlined in pink):









**PV ELEVATIONS**

**KEY**

- Existing footpaths to be moved
- Existing footpaths remaining in use
- New surfaced footpath
- Relocated footpath
- Single track footpaths and woodland trails (permissive paths)
- Solar panels (107925 panels @500w = 54MW)
- Transformers and inverters
- New gates
- Shading tall trees
- Proposed long term landscape management plan area
- 11kV cable to be moved underground

<p>Parc Dyffryn Energy Project - Design Fix Plan</p>	
<p>Created by RAM</p>	<p>Revisions 05/04 Add inverters every 5MW Add elevations, most of panels / frames Amend red line to include the temporary compound area and main HGV access</p>
<p>Approved by</p>	<p>3/05 Scaled to A4 @ 10:000 Amended key to latest version Connected solar + separate under HV cables 29/03 Amended footpath to exclude woodland strip</p>
<p>Drawing number Drwg PD2-10a</p>	<p>CENIN</p>
<p>Date 29/03/2022</p>	<p>Scale 1:10,000 @ A4</p>



## COFNOD / MEMORANDUM

I / To:	<b>Mrs. Helen Winsall</b>	Oddi Wrth / From:	<b>Environment Team – Land Quality</b>
Adran / Dept:	<b>Development Control</b>	Ein cyf / Our ref:	<b>SRS/E/12396/22/dm</b>
Dyddiad / Date:	<b>22 November 2022</b>	Ffôn / Tel:	<b>03001236696</b>
Eich Cyf / Your Ref:	<b>P/DC/LC/HW/2022/00001/DNS</b>	Ebost / Email:	<b>EnvPlan-SRSWales@valeofglamorgan.gov.uk</b>

**SUBJECT: PLANNING APPLICATION NO: 2022/00001/DNS: LAND AT VIANSHILL FARM, THE DOWNS, ST NICHOLAS; SOLAR FARM WITH BATTERY STORAGE FACILITY AND ASSOCIATED ANCILLARY INFRASTRUCTURE (PARC DYFFRYN SOLAR FARM).**

Shared Regulatory Services (SRS) Environment Team provides the following comments in relation to land quality:

The site has been identified as predominantly agricultural pasture. Small scale historical quarrying is recorded. The ground conditions desk study submitted has not identified any significant risks from contamination. Contamination is not known at this site, however the potential for this cannot be ruled out.

It is noted that aggregate may be required as part of the development process for the provision of additional access tracks/ site compound areas. Should there be any materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

Shared Regulatory Services requests the inclusion of the following conditions and informative statement for any consent granted.

### CONDITIONS

#### **1. CONTAMINATED LAND MEASURES – UNFORESEEN CONTAMINATION**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

# COFNOD / MEMORANDUM

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## 2. IMPORTED AGGREGATES

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced.

### ADVISORY/INFORMATIVE

#### **CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE**

The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.

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## COFNOD / MEMORANDUM

- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

**Environment Team**  
**Shared Regulatory Services**  
**Bridgend, Cardiff & the Vale of Glamorgan**



## Vale of Glamorgan Highway Authority Observation Sheet

Planning Application Ref:	2022/00001/DNS
Observations By:	James Aitken
Date:	24 November 2022
Location:	Parc Dyffryn Solar Farm
Proposal:	Solar Farm with battery storage facility and associated ancillary development.
Case Officer:	Mrs. Helen Winsall

The proposals seek to construct a new 65MW (85Ha) solar farm on land South of the A48 between St Nicholas Village and The Downs and Dyffryn Lane.

The primary means of access to the site for construction and future maintenance is proposed to be an existing field/agricultural access on the Southern side of the A48. It is estimated that vehicle trips will be on average 6 per day (3 arrivals and 3 departures) although it is recognised that depending on operations on site this could be significantly higher at certain times.

Although construction works will be temporary, we will need to ensure that safety issues and concerns regarding congestion and obstruction is kept to a minimum during this period and for the lifetime of the site. The A48 is a busy arterial route, and the speed limit is national speed limit along this section.

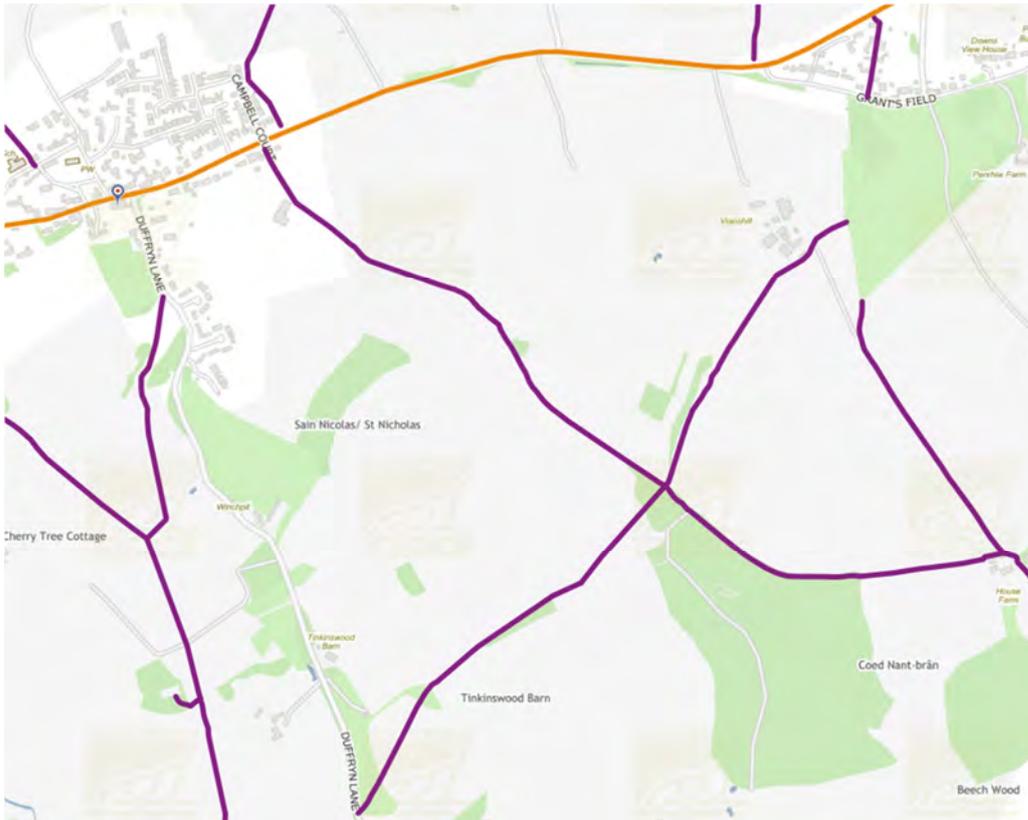
The highway authority has the following comments:

1. The proposed access to the site will need to be formalised as a new junction arrangement and the engineering details/designs of the new junction arrangement will need to be approved by the Local Highway Authority. The details shall include provision of 15m Radius kerbing on either side to tie into the existing edge of carriageway and vision splays shown in accordance with the standards. X-distance of 4.5m should be used and then y-distances based on observed 85<sup>th</sup> percentile speeds along this stretch of carriageway. The new junction bellmouth shall be completed in tarmac and appropriately tie into the existing carriageway. Although an existing access, for 12-18 months the use of

this will be intensified. If there are land constraints achieving an appropriately designed junction. An alternative location should be sought/discussed which may be the existing access to the West of the compound access.

2. ATC (automatic traffic count) surveys will need to be undertaken including recording vehicle speeds to then calculate the 85<sup>th</sup> percentile speeds and determine the appropriate y-distance visibility splays. The survey should be conducted 24 hrs a day for 7 days and the locations should first be agreed with the Local Highway Authority.
3. For the proposed internal access road, this should be constructed to enable two large vehicles to safely pass each other. It is not clear on the layout provided yet how vehicles will access from the compound area to the rest of the site as there appears to be no internal road to it. This will need to be clarified to ensure there is no risk of vehicles waiting along the A48 to gain access.
4. Swept paths for the largest HGV accessing the site should be provided for approval for the proposed new access to ensure safe ingress and egress.
5. A Construction Traffic Management Plan will need to be provided for approval. This is mentioned in the information however a plan appears to not yet have been submitted. If one has been created please forward for approval. The details of the plan will need to include but not be limited to:
  - A plan showing the haulage route for construction vehicles.
  - A detailed plan of the site compound including sufficient space for contractor vehicles and other vehicles to park
  - Enough space for the loading and unloading of plant and materials
  - A suitable area for turning and evidenced with swept path/tracking analysis. Vehicles must be able to leave the site in forward gear.
  - Times of operation and to ensure that deliveries and construction vehicles do not access the site during peak hours.
  - Measure to control mud and debris entering the existing highway. a wheel wash facility should be provided near to the site compound access.
  - Any abnormal loads will need prior approval.
  - Condition surveys of the existing highway along the haulage route will be required prior to commencement and following completion. Any repairs required as part of the second condition survey should be carried out if they are a direct result of construction traffic wear and tear.
6. Information will need to be provided as to envisaged access post construction phase. Likelihood is only routine maintenance and inspections will be necessary however access point and trips should be provided for the development.
7. The footpath along the frontage of the compound access should be maintained for pedestrians and access to the bus shelter.

8. It is positive that a footpath is proposed to link from the A48 and bus shelter to Duffryn Gardens. Details of this should be provided for approval and consider point 9 below.
9. There appears to be as a result of this development works to existing Public Rights of Way/public footpaths. Please note, approval and consultation should be sought via our PROW section for any proposed amendments and to agree procedures & Health and Safety during construction phase. Plan below showing existing routes in purple.



Unless the above information is provided there is a likelihood the Highway Authority would object to the proposals as they currently stand.

# MEMORANDUM / COFNOD

The Vale of Glamorgan Council  
Regeneration & Planning  
Dock Office, Barry Docks, Barry, CF63 4RT



3.

To / I:	Helen Winsall Senior Planning Officer
Dept / Adran:	Regeneration and Planning
Date / Dyddiad:	06 December 2022
Your Ref / Eich Cyf:	

From / Oddi Wrth:	Public Rights of Way Officer
My Ref / Fy Cyf:	
Tel / Ffôn:	(01446) 704705

**Subject / Testyn: DNS/3267575 – Parc Dyffryn Solar Park**  
**Applicant – Cenin Renewables Ltd**  
**Land at Vainshill Farm, The Downs,**  
**St Nicholas, CF5 6SB.**

The Public Rights of Way Section have attended a site meeting to discuss the Public Rights of Way that cross the proposed development: Nos.1, 2, 3 and 4 St Lythans (status of each – Footpath), Nos.6 and 11 St Nicholas (status of each – Footpath) and No.62 Wenvoe (status – Footpath).

Document – 2022-10-05-APP014 – Parc Dyffryn Site Layout Plan accurately reflects the current position of the public rights of way network in the area and the proposed changes as discussed with the Public Rights of Way Section.

The Public Rights of Way Section welcome the addition of a surfaced path connecting the A48 to Dyffryn Gardens, the path being created partly by the diversion of existing public rights of way and partly by the creation of new sections of public rights of way.

Since the release of the consultation the Public Rights of Way Section have received correspondence asking that we ensure the availability of the proposed new route for horse riders, we therefore request that the proposed path between the A48 and Dyffryn Gardens be provided to a minimum width of 3 metres and be recorded with Bridleway status to provide a path available to walkers, horse riders and cyclists.

A diversion order must be obtained, confirmed and implemented prior to any development affecting the public rights of way taking place. The granting of Planning Permission does not give the applicant permission to close or divert a public right of way. It also does not mean that any application to alter the public rights of way network will succeed.

Should the footpaths require temporary closure to assist in facilitating works an order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should not be sought in order to allow construction of permanent obstructions.

No adverse effect should result to the footpaths, the applicant should ensure that

materials are not stored on the paths and no barriers, structures or any other obstructions placed across the legal alignment of the path. Any damage to the surface of the path as a result of the development is to be made good at the applicant's own expense.

Sandra Thomas  
On behalf of David Hunt



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

To / I:	Operational Manager Development & Building Control	From / Oddi Wrth:	Ecology, Development Services  Countryside and Economic Projects.
FAO	Helen Winsall		Mr Colin Cheesman
Date / Dyddiad:	8 <sup>th</sup> December 2022	Tel / Ffôn:	(01446) 704855 07514 623147
Your Ref / Eich Cyf:	2022/00001/OUT	My Ref / Fy Cyf:	
Location	Land at Vlanshill Farm, The Downs, St Nicholas		
Proposal	Solar Farm with battery storage facility and associated ancillary infrastructure (Parc Dyffryn Solar Farm)		

ECOLOGY RESPONSE	
<input type="checkbox"/> No comment	<input checked="" type="checkbox"/> Notes for applicant
<input 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 checked="" type="checkbox"/> Approve

**Summary**

Current status: Outline application for DNS

Previous status:

**Comments**

The approach and methodology is fairly comprehensive. The applicants have engaged RPS to undertake an Environmental Statement.

The commitment to a range of environmental improvements outlined in paragraph 9.427 of the ES (reference JPW 1591 and dated June 2022) is to be welcomed.

With reference to breeding birds and the assessment of the importance of the site it should be noted that skylark, yellowhammer, house sparrow and linnet are all red listed species under the BTO's Birds of Conservation Concern (BOCC 5). The importance of the site is higher than indicated especially if population trends are born in mind.

It should also be noted that the records of Green Sandpiper in the wintering bird surveys are indicative of the presence of a UK nationally important wintering population on the nearby River Ely.

It is disappointing that no surveys were undertaken for either slow worm or grass snake. Both Slow worm and Grass Snake are species listed under Section 7 of the Environment (Wales) Act 2016 and knowing if they are present closer to or on site rather than relying on old data sourced from desktop analysis would inform both the CEMP and the operational EMP. This should be rectified before the planning application is submitted.

It is excellent that a detailed consideration has been given to the importance of arable plants in the assessment and in the potential management of the site if the development is allowed. The assessment of the site of being of Regional value in table 9.14 of the ES needs also to be reflected in the Summary of Likely Environmental Effects on Ecology 9.5. where the significance of the effect in the operational phase is regarded as Minor adverse and not significant.

Indeed, for both birds and arable plants more attention to population trends in the assessment would have been helpful.

## **Conclusion**

The Environmental Assessment is largely comprehensive and the proposed management and future mitigations outlined in it are to be welcomed.

A survey for reptiles would add to our site knowledge and ability to manage both construction and operational land management.

The presence of a UK nationally important site for Green Sandpiper nearby also needs to be borne in mind.

**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 an 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 e.g., 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 – e.g., 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 of 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).

# MEMORANDUM / COFNOD

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



To / I:	Mrs. Helen Winsall
Dept / Adran:	Planning
Date / Dyddiad:	12/12/2022
Your Ref / Eich	
Cyf:	

From / Oddi	Operational Manager Environment and Engineering
Wrth:	
My Ref / Cyf:	EE/SP/GTD/L5/1
Tel / Ffôn:	02920 673 235
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**Subject / Testyn:** Planning Application No. 2022/00001/DNS Land at Vianshill Farm, The Downs, St Nicholas.

**Proposal:** Solar farm with battery storage facility and associated ancillary infrastructure (Parc Dyffryn Solar Farm)

The majority of the development site is located within DAM Zone A, considered to be at little or no risk of tidal or fluvial flooding. A marginal area at the western boundary of the development is located within DAM Zone B in an area known to have flooded in the past evidenced by sedimentary deposits. NRW Flood Risk Mapping identifies the site to be of low risk to surface water flooding.

Information submitted to support this application suggests surface water runoff generated by the proposed solar panels will be permitted to drain freely to the ground beneath. Appropriate vegetation will be provided below and between solar panels in order to dissipate the energy of potential runoff. It is proposed that impermeable areas such as the battery storage facility will drain to SuDS features in the form of an attenuation basin, prior to discharge to a watercourse at an attenuated rate.

The applicant is advised that the development and DNS status is not exempt to Schedule 3 of the Flood and Water Management Act 2010. As such where construction work with drainage implications equals or exceeds 100 sq.m it will be required that a detailed design is submitted through the SAB process for these elements.

**Advisory:**

New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.

Further information of the SAB process can be found at our website or by contacting our SAB team:  
sab@valeofglamorgan.gov.uk

**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  
Principal Engineer – Environment

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

Our Ref: VOG1471/RD

ARCHAEOLOGICAL PLANNING



Head of Planning and Transportation  
The Vale of Glamorgan Council  
Dock Office  
Barry Docks  
BARRY  
CF63 4RT

6.

23rd November 2022

Dear Sir

**Re: Solar farm with battery storage facility and associated ancillary infrastructure  
(Parc Dyffryn Solar Farm)  
Land at Vianshill Farm, The Downs, St Nicholas  
Pl.App.No.: 2022/00001/DNS**

Thank you for notifying us regarding this proposal and we have read the accompanying Environmental Statement on behalf of Cenin Renewables Ltd (JPW1591, dated November 2022) with interest.

As noted in Chapter 10 (Cultural Heritage) of the ES, an archaeological desk-based assessment (RPS 2022, Appendix 10.1) and a geophysical survey (SUMO 2022, Appendix 3) have been completed. Bronze Age barrow burials have been identified, along with possible field systems and trackways. Two enclosures and two possible ring-ditches have also been noted, as have historically significant hedgerows. A possible Early-medieval ecclesiastical site is also located to the south of the site. As such it is very likely that archaeological remains will be effected by any potential development.

In advising on any appropriate mitigation, the current Government advice in Planning Policy Wales Edition 11 2021, and the supporting TAN24: The Historic Environment is that archaeological deposits should remain preserved *in situ*, and if the need for the development is considered to outweigh the importance of the archaeological resource, then the requirement will be preservation by record.

Appropriate archaeological work will be needed to ensure that mitigation is undertaken to identify and record historic assets, and that such provision extends to mitigation for responding the discovery of previously unknown historic assets or finds during the development works.

Chapter 10 suggests that some areas can be mitigated by design changes such as use of concrete feet mounting systems. If such changes result in no ground-intrusion works in selected areas, it would allow preservation *in-situ* of any remains and thus be appropriate. However, as per PPW and TAN24, it is likely that a pre-determination archaeological field evaluation would be required in areas outside of such design changes.

Such work will need to be carried out in accordance with an agreed a written scheme of investigation/project design, compiled by the archaeological contractor. It will need to adhere to the relevant standards and guidance of the Chartered Institute for Archaeologists (CIfA) and further information on compiling such a document for

Glamorgan-Gwent  
Archaeological Trust  
Limited  
Ymddiriedolaeth  
Archeolegol  
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without share capital

Registered charity  
No.505609



development in south east Wales is available from our website at:  
<http://www.ggat.org.uk/archplan/monitoring.html>.

Following the pre-determination evaluation work, dependent on the results we would be likely to recommend further archaeological mitigation works. As a minimum we are likely to recommend that a condition requiring the applicant to submit and implement a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by the Ministers.

If you require further information, please contact us.

Yours faithfully

*R. Dunning*

Rob Dunning BSc MCifA

Archaeological Planning Officer