

PLANNING & DEVELOPMENT COMMITTEE

23 November 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0994/08 (MF)
APPLICANT: Rhondda Cynon Taf County Borough Council
DEVELOPMENT: Solar farm, including ground mounted solar panels, sub stations, inverters, access tracks, security fencing and private wire.
LOCATION: LAND AT FORMER COED ELY COLLIERY, OFF THE A4119, COED ELY.
DATE REGISTERED: 11/09/2023
ELECTORAL DIVISION: Tonyrefail West

RECOMMENDATION: Approve, subject to conditions.

REASONS: The provision of a solar farm in this location will result in a considerable contribution to the Local Authority's commitment to becoming 'net zero' in terms of its carbon footprint by 2050. Further, it will greatly assist in powering an existing nearby hospital to the benefit of all residents; and the delivery of clean, renewable energy provides clear environmental benefits.

It is accepted the proposed development will inevitably result in a degree of impact to the character and appearance of the area, but subject to appropriate conditions/mitigation, it is considered any potential impact would not be unacceptable.

Finally, it is not considered there would any undue impact to the amenity levels currently enjoyed by the closest neighbouring residents, and the impact of the scheme upon ecology and land drainage can be properly mitigated.

The proposed development is therefore considered to be in accordance with the aims and objectives of Future Wales 2040, Planning Policy Wales and the Rhondda Cynon Taf Local Development Plan. The application is subsequently recommended for approval.

REASON APPLICATION REPORTED TO COMMITTEE

The application has been submitted by the Council and the Council's interest is more than minor in nature.

APPLICATION DETAILS

Full planning permission is sought for the construction of a ground based solar farm across approximately 15ha of land adjacent to (west of) the former Coedely Colliery site (now Parc Coed Elai Business Park). The scheme would generate up to 6MW of power, 5MW to be connected directly to the National Grid and 1MW to be connected to the nearby Royal Glamorgan Hospital.

The scheme would comprise 10,992 photovoltaic (PV) panels, each secured to metal framework approximately 2.5m above ground level and with 4m between rows to allow sheep grazing to continue in future. The solar farm would have an east/west orientation meaning that 50% of the panels would face due east and 50% due west allowing use throughout the day. It is also noted that the panels would be installed at a 'non-conventional' low pitch of 10 degrees to significantly reduce any potential glint and glare sometimes associated with solar farms. An existing access from the adjacent Parc Coed Elai Business Park would be utilised, which in turn links to the nearby A4119.

The scheme would also include various landscaping works and biodiversity enhancement measures; 4 electricity substations; 18 inverters; 2m high perimeter fencing and CCTV; and internal service tracks.

It is detailed that the development has purposely been kept out of any high ecologically valued habitat and that very little site clearance would be required, limited to the immediate areas of the solar panel supporting structures and mostly consisting of minor hedgerow clearance and removal of some low ecologically valued grassland.

Below ground cables would connect the solar farm to the local distribution network and the nearby Royal Glamorgan Hospital, through the Business Park and under the A4119.

The applicant advises that the scheme has been developed with the primary goal of decarbonisation of the Council by delivering carbon reductions of over 7355 tonnes during its 40 year lifetime, after which the facility would be decommissioned and all equipment removed from site.

SITE APPRAISAL

The main element of the application site is located in the open countryside to the west of the settlements of Coedely/Thomastown. It is located on a steep valley hillside, which rises from east to west, directly adjacent to the former Coedely Colliery site (west of) which is in the process of being redeveloped for employment use as Parc Coed Elai. Given its close proximity to the former Colliery site, this area of the site was subject to landfill associated with past industrial use but is now greenfield in character and used for grazing. Access is gained from a private gated maintenance track that

connects to the new employment site, which in turn connects to the nearby A4119 (Ely Valley Road).

The main settlements of Thomastown and Coedely are located approximately 0.5km to the north-east / south-east respectively. The immediate locality is therefore generally rural in nature, aside from the adjacent former Colliery site and several isolated residential dwellings scattered throughout the surrounding hillside.

The red line also extends southwards down the Valley to the nearby Royal Glamorgan Hospital, along the A4119. This is to accommodate an underground cable that would provide the public facility with energy generated by the solar farm.

The main element of the site is within the Mynydd Hugh and Llantrisant Forest Special Landscape Area (SLA); a Sandstone Resource Area; is an area of potentially contaminated land from previous industrial use and land reclamation; and is in an area where there is a high risk from historic underground coal mining. Public Right of Way (PRoW) RAN/6/7 also crosses through this element of the site. It is also noted that the main site is directly adjacent to the Tonyrefail Mountains and River Ely Sites of Importance for Nature Conservation (SINC).

The cable route is crossed by PRoW RAN/23/3 and a short section at the Coedely roundabout (A4119) is located within a C2 flood zone.

PLANNING HISTORY

The surrounding hillside is subject of a long planning history associated with the construction of several wind energy developments. Many of those application sites include access tracks which convey this site. Land directly to the east, where the proposed cable route would pass through, is also subject of a long planning history associated with both the former Colliery use and its recent redevelopment. However, those applications are not considered germane to the development proposed and only the planning history considered relevant to this application is set out below:

23/0429/36 – Environmental Impact Assessment Screening Opinion for proposed ground based solar farm.

Decision: Environmental Impact Assessment not required, 22/05/23

PUBLICITY

222 of the closest neighbouring properties were individually notified of the application by letter. 10 notices were placed on and within the vicinity of the application site and a notice was placed in the local press (Western Mail). No representations have been received.

CONSULTATION

Highways and Transportation – No objection subject to conditions.

Public Health and Protection – No objection subject to conditions.

Countryside, Landscape and Ecology – No objection subject to conditions.

Flood Risk Management – No objection or conditions suggested.

Public Rights of Way Officer – No objection subject to condition.

Natural Resources Wales – No objection subject to conditions.

The Coal Authority – No objection subject to condition.

Dwr Cymru Welsh Water – No objection subject to condition.

National Grid – No objection or conditions suggested. Standard advice offered in respect of grid connections.

South Wales Fire and Rescue Service – No objection or conditions suggested. Standard advice offered in respect of access for firefighting equipment and grass fires.

No other consultation responses have been received within the course of the application.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan (LDP)

The current LDP's lifespan was 2011 to 2021. It has been reviewed and is in the process of being replaced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 04 January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 04 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24 September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.

The entire site, save for the section of cable route that would be within the curtilage of the hospital, is located outside of settlement limits.

Policy CS2 – sets out criteria for development in the Southern Strategy Area.

Policy CS10 – seeks to protect mineral resources in the County Borough.

Policy AW2 – supports development in sustainable locations which includes sites that are within the defined settlement boundaries, are accessible by a range of sustainable

transport modes, have good access to key services and facilities, and would not unacceptably conflict with surrounding uses.

Policy AW4 – details the criteria for planning obligations including Section 106 agreements and the Community Infrastructure Levy (CIL).

Policy AW5 – sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 – requires development to involve a high-quality design and to make a positive contribution to placemaking, including landscaping.

Policy AW7 – identifies that proposals which affect PRowS will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character of the area / public facilities.

Policy AW8 – sets out the criteria for the protection and enhancement of the natural environment.

Policy AW10 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy AW12 – sets out criteria for renewable and non-renewable energy proposals.

Policy AW 14 – safeguards minerals from development that would sterilise them or hinder their extraction.

Policy SSA23 – advises that development within SLAs will be expected to conform to the highest standards of design, siting, layout and materials appropriate for the site.

Policy SSA24 – identifies several sites within the Southern Strategy Area that are subject of proposed land reclamation schemes due to previous industrial use.

Supplementary Planning Guidance

- Design and Placemaking
- Nature Conservation
- Planning Obligations
- Access, Circulation and Parking

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which is not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24 February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level, although it should form the basis of all decisions.

It is considered the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will Grow
- Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure
- Policy 33 – National Growth Areas – Cardiff, Newport and the Valleys

Other relevant national planning policy guidance consulted:

- PPW Technical Advice Note 5: Nature Conservation and Planning
- PPW Technical Advice Note 6: Planning for Sustainable Rural Communities
- PPW Technical Advice Note 12: Design
- PPW Technical Advice Note 15: Development and Flood Risk
- PPW Technical Advice Note 18: Transport
- PPW Technical Advice Note 23: Economic Development
- WG Practice Guidance – Planning Implications of Renewable and Low Carbon Energy (February 2011)
- WG 'Dear CPO' letter MA-P/CS/1303/16 re: Green Growth (15th March 2016)

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Principle of the Proposed Development

The application seeks full planning permission for the development of a ground based solar farm for a period of 40 years, after which the facility would be decommissioned and all equipment removed from site.

PPW11 states that the planning system should facilitate delivery of renewable energy proposals. Since the withdrawal of TAN 8, FW2040 has set out the context and specific policies for renewable energy development. Policy 17 of FW2040 is particularly

relevant and contains guidance relating to renewable and low carbon energy development. The Policy gives a clear direction to decision makers that significant weight must be attributed to Welsh Government's (WG) target to meet 70% of electricity demand by renewable means by 2030.

In terms of the LDP, Policy AW12 supports renewable energy projects, providing there is no unacceptable impact to the environment, ecology, landscape, public health or residential amenity.

Furthermore, although the location of the solar farm would not be in accordance with some aspects of Policy AW2, in that a site in the open countryside is unlikely to qualify as a sustainable location, this type of development would normally be expected to be found in the countryside or on the settlement fringe. Therefore, the Policy is of less material relevance in this instance and little weight would be attributed to it.

Finally, the provision of a solar farm in this location will result in a considerable contribution to the Local Authority's commitment to becoming 'net zero' in terms of its carbon footprint by 2050; and it will greatly assist in powering the nearby Royal Glamorgan Hospital to the benefit of all RCT residents, all the while delivering clean, renewable energy and environmental benefits.

The development is therefore considered acceptable, in principle, subject to compliance with the other relevant material planning considerations set out below.

Character and Appearance

The main site comprises several fields towards the mid/upper sections of the mountainside in this location, each of which are currently greenfield in character and appearance. Any development will therefore inevitably result in a material change to the character and appearance of the site and the wider landscape which is a designated SLA.

With the above in mind, while the site is located at the opposite side of the Valley and some distance from the nearest settlements of Coedely and Thomastown, the development will be visible from these locations due to the site's elevated nature. However, the site sits directly above (west of) the newly developed Parc Coed Elai Business Park and directly below (east of) the existing Mynydd Portfref wind farm at the mountain top which together, would frame the proposed development. Therefore, while the panels would have some visibility from the north and east, particularly from across the Valley, it is not considered they would be overly prominent in the landscape or would have an unacceptable prominence, especially when compared with the neighbouring wind farm development.

It is also noted that the boundaries of the site comprise mature trees and tall hedgerows which combined with local topography will help screen the development from some views and reduce some general visual impact. Further, the site is located

in a 'Pre-Assessed Area' for wind energy generation within FW2040 which demonstrates that WG generally consider the landscape here is suitable for large scale energy generation schemes.

It is therefore considered that the general construction of a solar farm in this location would not be overly harmful to the character and appearance of the site or the setting of the SLA, subject to conditions in respect of the future decommissioning and remediation of the site.

Neighbour Amenity

There are 3 residential dwellings in close proximity of the site, Tyn-y-Coed Farm and 1 and 2 Tynycoed Villas directly to the north. A further isolated dwelling is also located on this side of the Valley, Graig Fatho Farm approximately 500m to the south. The nearest properties within the main settlements of Coedely and Thomastown are located at the opposite side of the Valley over 500m away.

Given the panels would be static and post-construction traffic would be infrequent, there would be an absence of noise generation at the site. Similarly, the relatively low height and shallow angle of the panels, taking note of the screening provided by vegetation and intervening topography, means that any glint/glare would be minimal and any potential harmful impact to the outlook from the aforementioned dwellings would be limited. It is therefore considered the proposed development would not result in any undue harm to the amenities of the nearest neighbouring residents.

Furthermore, it is not envisaged a scheme/use of this nature would negatively impact upon the amenities or operation of the neighbouring industrial uses within the adjacent employment site.

Ecology

Given the greenfield nature of the site and its close proximity to the nearby SINC's several supporting reports/surveys have been submitted with the application in respect of ecology and biodiversity impacts.

Following consideration of the information Natural Resources Wales (NRW) commented that while they have some concerns with the proposal, the information submitted is generally sufficient to demonstrate that the proposed development would not result in a detrimental impact to protected species, nesting birds or water pollution. This is however subject to the mitigation and enhancement measures set out in the ecology reports being implemented on site. Conditions to these effects are suggested and are set out below.

It was also commented that as the site is located over 1km from the Rhos Tonyrefail Site of Special Scientific Interest (SSSI) the proposed development is not likely to have any impact upon it.

The Council's Ecologist commented that a considerable amount of survey assessment and informed design iteration has advised this application. The site lies within a local context of high biodiversity value and key habitat and priority species have been recorded, but in the main any potential impacts to key biodiversity features have been avoided by the proposed site layout.

A residual ecological impact is however associated with the location of the solar panels within areas of semi-improved, colliery spoil, neutral grassland habitat used by ground nesting birds. However, in reviewing and assessing the impacts of the scheme against the available ecological mitigation, it is considered that providing the long-term mitigation set out in the Biodiversity Management Plan (BMP) can be effectively achieved, and that the ecologically sensitive solar panel array details as identified in the Ecological Assessment (EA) are implemented, then together with post construction monitoring any potential impacts can be appropriately and effectively mitigated. Also, through the provision of the BMP, and several additional smaller scale measures identified in the EA, there is actually capacity for the development to evidence some ecological enhancement at the site.

Finally, the Ecologist also advised that the private wire connection route would affect areas of grass verge, that in some areas have floristic value and that within Parc Coed Elai are included for consideration within an estate wide biodiversity management plan controlled by the S106 agreement attached to that development. Therefore, while the ecological impacts of the cable route would be limited, it is considered clarification should be provided setting out the detail of the excavation required and restoration proposals to ensure there would be no impact in this respect. A condition to this effect is set out below.

Taking the above comments in to account, it is considered the scheme is acceptable in biodiversity terms but that appropriate conditions would be necessary to ensure all ecological mitigation and enhancement measures identified in supporting information are implemented on site, and that they remain in place for the lifetime of the development (as set out below).

Highway Safety

The Highways and Transportation section have no objection to the proposal subject to several relevant conditions being attached to any consent. In coming to this conclusion it was commented that given site access is via an industrial estate served by a classified principal route and the industrial estate is largely unoccupied, construction traffic would have no significant impact. Further, once developed, the proposal would result in insignificant traffic movements.

Parc Coed Elai is subject of a highway agreement under S38 of the Highways Act 1980 between WG and RCT to secure adoption upon satisfactory completion and sufficient occupation of the industrial estate to warrant maintenance at public expense.

As Parc Coed Elai has not yet been adopted it is a private road in the ownership of WG and is gated to restrict public access. As such, any access over the road and industrial estate land would require appropriate permissions from WG. There is some concern that the proposed off site cable route would be located within the unadopted estate road and that installation of the service could result in patches and trench reinstatement of the road surface that could prejudice adoption, but it is considered appropriate mitigation can be provided and that this can be adequately controlled by condition.

The submitted information also indicates that the off-site cable route would be accommodated as part of the current improvements to the A4119 and would be subject of existing legislation and controls under the New Roads and Street Works Act 1991, which is acceptable.

There is some concern that the track from the industrial estate to the development area joins the carriageway at an acute angle, however, given the limited use for inspection and maintenance following construction it is considered acceptable in this instance.

In light of the above no highway objections are raised subject to the conditions set out below being attached to any consent.

Land Drainage and Flood Risk

The Council's Flood Risk Management team raised no objection to the proposal noting that a suitable drainage scheme could be implemented on site that will ensure there is no detriment to the surrounding area; and that this would be covered by the separate, necessary Sustainable Drainage Systems (SuDS) application prior to any development works commencing on site.

NRW noted that a section of the cable between the solar farm and the Hospital would be located within a C2 flood zone, but as the cable would be sited underground and the entire development would be classed as 'less vulnerable development' in flooding terms, they have no concerns in this respect.

Dwr Cymru Welsh Water have no objection to the scheme but request a condition be attached to any consent restricting surface water from the development entering the public sewerage system.

Public Health

Public Health and Protection have advised that the site has the potential to be contaminated by previous land uses and therefore request conditions be attached to any consent requiring site investigations be undertaken prior to any development works commencing. Given the historic industrial use at the site these conditions are considered necessary.

Several further conditions were also recommended in respect of construction noise, waste, dust and lighting. Whilst these comments are appreciated, it is considered that these matters can be more efficiently controlled by other legislation available to the Council. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

Historic Mining Activities

The Coal Authority (CA) confirmed that the application site falls within a defined Development High Risk Area and there are consequently historic coal mining features and hazards within the site which need to be considered in relation to the determination of this application.

It was advised that there are 2 mine entries within the site and a further mine entry close to the site boundary. There are also coal outcrops recorded to be present within the site which may have been subject to workings at shallow depth and may pose a potential risk to surface stability and public safety.

Notwithstanding the above, the CA also noted that the layout of the development has been designed to avoid placing the solar panels over, or close to, the recorded mine entries which is an approach they would support, but that areas where some of the supporting buildings would be sited may need further investigation, as set out in the supporting information submitted by the applicant. Therefore, while no objections are raised it is suggested appropriate ground investigations are undertaken prior to any development commencing, which can be controlled by condition.

Public Rights of Way

As set above, the application site is crossed by 2 PRowS. None are to be permanently stopped up or diverted as a result of the scheme but no information has been submitted in respect of how the developer would ensure they are maintained during and following development. As a precaution the PRow Officer has therefore requested a condition be attached to any consent requiring this information before any development works commence on site.

Other Issues

While the site is located in a Sandstone Resource Area, which Policy AW14 seeks to safeguard from any development that would unnecessarily sterilise it or hinder its extraction, any mineral extraction has already been sterilised at the site by the previous surrounding developments and the established, adjacent employment use. As such there is no objection in this respect.

Community Infrastructure Levy Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The principle of the proposed solar farm would be in accordance with both local and national planning policy for renewable energy developments.

The provision of a solar farm in this location will result in a considerable contribution to the Local Authority's commitment to becoming 'net zero' in terms of its carbon footprint by 2050; and will greatly assist in powering an existing hospital to the benefit of all residents. Further, the delivery of clean, renewable energy provides clear environmental benefits.

Having taken account of all issues identified above, while it is accepted the proposed development will inevitably result in a degree of impact to the character and appearance of the area, subject to appropriate conditions/mitigation, it is not considered any potential impact would be significant enough to warrant refusal of the application.

Furthermore, it is not considered there would any undue impact to the amenity levels currently enjoyed by the closest neighbouring residents, and the impact of the scheme upon ecology and land drainage can be properly mitigated.

It is therefore considered the proposed development complies with the relevant local and national planning policies and is acceptable, subject to the conditions detailed below.

RECOMMENDATION: Approve, subject to conditions below.

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

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans ref:
 - Site Location Plan (A) – 27541-HYD-XX-XX-DR-Y-0001-A Rev. P08
 - Site Location Plan (B) – 27541-HYD-XX-XX-DR-Y-0001-B Rev. P08
 - Site Location Plan (C) – 27541-HYD-XX-XX-DR-Y-0001-C Rev. P08
 - Solar Block Plan – 27541-HYD-XX-XX-DR-Y-002 Rev. P10

- Solar Array Structure Detail – 27541-HYD-XX-XX-DR-Y-0003 Rev. P03
- Fence, Gate, & Proposed CCTV Detail – 27541-HYD-XX-XX-DR-Y-0004 Rev. P04
- Customer Substation Detail – 27541-HYD-XX-XX-DR-Y-0005 Rev. P03
- DNO Solar Substation Detail – 27541-HYD-XX-XX-DR-Y-0006 Rev. P02
- Solar Substation Detail – 27541-HYD-XX-XX-DR-Y-0007 Rev. P04
- Solar Block Plan (with topography background) – 27541-HYD-XX-XX-DR-Y-0009 Rev. P10
- Solar Block Plan (with Google Earth Background) – 27541-HYD-XX-XX-DR-Y-0010 Rev. P10
- Privet Wire Substation Detail – 27541-HYD-XX-XX-DR-Y-0011 Rev. P03
- Hospital Substation Detail – 27541-HYD-XX-XX-DR-Y-0012 Rev. P03
- Temporary Site Set Down and Proposed Swept Path Analysis – 27541-HYD-XX-XX-DR-Y-0013 Rev. P13
- Electrical Services Private Wire Cable Route Sheet 1 of 4 – 27541-HYD-XX-XX-DR-Y-0013a Rev. P05
- Electrical Services Private Wire Cable Route Sheet 2 of 4 – 27541-HYD-XX-XX-DR-Y-0013b Rev. P05
- Electrical Services Private Wire Cable Route Sheet 3 of 4 – 27541-HYD-XX-XX-DR-Y-0013c Rev. P05
- Electrical Services Private Wire Cable Route Sheet 4 of 4 – 27541-HYD-XX-XX-DR-Y-0013d Rev. P05
- Spare Cabin Detail – 27541-HYD-XX-XX-DR-Y-0014 Rev. P02
- Hospital Substation Location – 27541-HYD-XX-XX-DR-Y-0015 Rev. P01
- Electrical Services Proposed Solar Farm CCTV Layout – 27541-HYD-XX-XX-DR-Y-0016 Rev. P04
- Proposed Access Tracks – 27541-HYD-XX-XX-DR-C-2000 Rev. P02
- SUDS Concept Plan – Sheet 1 – 27541-HYD-XX-XX-DR-C-4000 Rev. P01
- SUDS Concept Plan – Sheet 2 – 27541-HYD-XX-XX-DR-C-4001 Rev. P01
- SUDS Details – 27541-HYD-XX-XX-DR-C-5000 Rev. P01
- Proposed Access Details – 27541-HYD-XX-XX-DR-C-5100 Rev. P01

and documents received by the Local Planning Authority unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The permission hereby granted shall endure for a period of 40 years from the date when electricity is first exported from the development hereby approved to the electricity grid network ('First Export Date'). Written confirmation of this shall be provided to the Local Planning Authority within 1 month of the First Export Date.

Reason: In the interest of visual amenity, in accordance with Policies AW5, AW6, AW8 and AW12 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to the first beneficial use of the development hereby approved, a Decommissioning Plan shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Plan shall include details of the works necessary to revert the site to its original agricultural condition, including, but not limited to:
 - i. The method for the removal of all solar panels, structures, enclosures and equipment and all other apparatus above and below ground level from the site and details of their destination in terms of waste/recycling.
 - ii. Details of how the site is to be restored to its original condition and any financial arrangement for this.

The decommissioning works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. Within 40 years and 6 months following completion of construction of the development, or within 6 months of the cessation of electricity generation by the solar photovoltaic facility, or within 6 months following a permanent cessation of construction works prior to the solar photovoltaic facility coming into operational use, whichever is the sooner, the solar photovoltaic panels, frames, fencing, access tracks and all associated structures and foundations, hereby approved shall have been dismantled and removed from the site. The developer shall notify the Local Planning Authority, in writing, no later than 5 working days following cessation of power production.

The site shall subsequently be restored (in accordance with the scheme approved under condition 4) no later than 6 months following the cessation of power production or within 40 years and 6 months of the completion of construction, whichever is the sooner.

Reason: In the interests of visual amenity and to ensure that any derelict or obsolete features do not adversely affect the environment, in accordance

with Policies AW5, AW8 and AW12 of the Rhondda Cynon Taf Local Development Plan.

6. All electricity and control cables within the site shall be laid underground unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the visual amenity of the site and minimise any environmental impacts in accordance with Policies, AW5, AW6, AW8 and AW12 of the Rhondda Cynon Taf Local Development Plan.

7. The development hereby approved shall be carried out in accordance with the methods, recommendations and biodiversity/ecology mitigation and enhancement measures set out in the submitted:

- Ecological Assessment (David Clements Ecology Ltd, V1, 29/05/23)
- Wildlife Protection Plan for the Clearance and Construction Stages (David Cements Ecology Ltd, V1, 29/05/23)

The biodiversity/ecology mitigation and enhancement measures implemented on site shall be maintained/retained in accordance with the approved details for the lifetime of the development.

Reason: In the interests of biodiversity and the protection of the natural environment, in accordance with PPW and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall commence on site, including any site clearance or general enabling works, until a method statement setting out the details of excavation and restoration of any grass verge areas affected by the private wire connection route has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved method statement.

Reason: In the interests of biodiversity and the protection of the natural environment, in accordance with PPW and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall commence on site, including any site clearance or general enabling works, until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to:

- i. Construction methods: details of materials, how waste generated will be managed.
- ii. General Site Management: details of the construction programme including timetable, details of site clearance, details of site

- construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- iii. Soil Management: details of topsoil strip, storage, and amelioration for re-use.
 - iv. CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
 - v. Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
 - vi. Pollution Prevention: demonstrate how relevant guidelines for pollution prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
 - vii. Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
 - viii. Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure necessary management measures are agreed prior to works commencing on site and are implemented for the protection of species and the environment during construction; to protect the water environment and minimise environmental impact in the vicinity of the application site; and in the interests of biodiversity, in accordance with Policies AW5, AW6, AW8, AW10 and AW13 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall commence on site, other than site clearance and general enabling works, until design, construction and reinstatement details of the route of the proposed private wire electrical connection along the industrial estate road (Coed Parc Elai) have been submitted to and approved in writing by the Local Planning Authority. The private wire electrical connection shall implemented in accordance with the approved details prior to beneficial use.

Reason: To ensure the proposed works do not prejudice future adoption of the road under the terms of the prevailing legal agreement between the landowner and the Highway Authority and in the future interests of highway safety and free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. No development shall commence on site, including any site clearance or general enabling works, until a report indicating the methodology for undertaking a survey of the condition of the access roads between the Coed

Ely Roundabout (A4119) and the proposed development has been submitted to and approved in writing by the Local Planning Authority. The report should include, but not be limited to:

- i. Details of the roads to be surveyed.
- ii. The timescales for undertaking the surveys.
- iii. The method(s) of reporting the findings to the Local Planning Authority (including the use of comprehensive photographs).
- iv. Any potential compensation arrangements.

A condition survey shall then be undertaken in accordance with the approved methodology and the results submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site.

The development shall not be brought into beneficial use until the final survey on completion of the development has been undertaken and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the extraordinary traffic use arising from the proposed development does not have an adverse impact on highway safety and structural integrity, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. The development shall be constructed in accordance with the submitted Construction Traffic Management Plan (Hydrock, P05, 09/08/23) at all times, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. No development, other than site clearance and general enabling works, shall commence on site until:

- i. A detailed assessment and/or intrusive site investigations have been carried out on site to establish the risks posed to the development by past coal mining activity relative to the sensitive structures (transformers/substations) required to facilitate the approved development.
- ii. Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that the development can be carried out safely without unacceptable risks to public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

14. Prior to the development hereby approved being brought into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that the development can be carried out safely without unacceptable risks to public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

15. No development shall commence on site, other than site clearance and general enabling works, until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:
- i. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
 - ii. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (i) above.
 - iii. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

16. The development hereby approved shall not be brought into beneficial use until the measures approved in the scheme referred to in condition 15 have

been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

17. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out in accordance with the approved details thereafter.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through an appropriate remediation strategy to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks to health and safety and environmental amenity, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

18. No development shall commence on site until a method statement has been submitted to and approved in writing by the Local Planning Authority which demonstrates how the Public Rights of Way that cross the site will remain open, accessible and unobstructed during construction together with a schedule of the measures which will be employed to protect the Public Rights of Way during construction. The development shall be carried out in accordance with the approved method statement.

Reason: To protect the integrity of the Public Rights of Way and ensure they are accessible to the public both during and following development, in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

19. No surface water and/or land drainage shall be connected directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.