

## **PLANNING & DEVELOPMENT COMMITTEE**

**11 January 2024**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/1413/10 (MF)  
**APPLICANT:** Talgren Solar Limited  
**DEVELOPMENT:** Construction and operation of a solar photovoltaic farm including access, fencing, CCTV, internal service tracks, ancillary equipment and scheme of landscaping (amended site layout and supporting information received 29/08/23)  
**LOCATION:** RHIWFELIN FAWR FARM, LLANTRISANT  
**DATE REGISTERED:** 29/08/2023  
**ELECTORAL DIVISION:** Llantrisant and Talbot Green

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**RECOMMENDATION:** Approve, subject to conditions and S106.

**REASONS:** The provision of a solar farm in this location will result in a positive contribution to WG's renewable energy targets and will provide clean, renewable energy to the benefit of all RCT residents, as well as providing clear environmental benefits.

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.

Appropriate biodiversity mitigation / enhancement measures would be implemented that would ensure there is no determinant to biodiversity / ecology on and around the site or any impact to the nearby Rhos Tonyrefail SSSI, and these measures can be properly controlled through conditions and a S106. Through the proposed measures, there is actually capacity for the development to evidence some ecological enhancement at the site.

There would be no undue impact to the amenity levels currently enjoyed by the closest neighbouring residents, and the impact of the scheme upon highway safety and land drainage can be suitably mitigated.

The proposed development is therefore 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.**

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## **REASON APPLICATION REPORTED TO COMMITTEE**

The application is accompanied by an Environmental Impact Assessment.

## **APPLICATION DETAILS**

Full planning permission is sought for the construction of a ground based solar farm across approximately 4.3ha of land at Rhiwfelin Fawr Farm, Llantrisant. The scheme would generate up to 9.9MW of electricity, enough to power approximately 2,600 homes per year or take 1100 cars off the road, and offset nearly 2,850 tonnes of carbon each year.

The photovoltaic (PV) panels would be arranged in rows in an east/west alignment across the site and orientated south. Each would be secured to metal framework approximately 3m above ground level and with 3 – 6m between rows to avoid shadowing and to allow future maintenance / grazing. The panels would be set back from any woodland edge by 15m and from any hedgerows, ditches and field drains by 5m.

Primary access to the site will be gained via the Farm's existing access off the adjacent highway, Pantybrad (east). A secondary access is also proposed off Pantybrad which would serve the required substation. It is noted that the secondary access would be used only on an ad-hoc basis for maintenance and repair works when necessary.

The scheme would also include various landscaping works and biodiversity enhancement measures; electricity substations and customer cabins; inverters, transformers and associated cabling (largely below ground); 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 (following amendments) 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.

The solar farm will connect to the local distribution network at an existing substation located approximately 1.3km to the south along the A4119 (Ely Valley Road). The cable from the site to the substation would be below ground and would largely run within the highways.

The solar farm is to be operational for 40 years, after which the facility would be decommissioned and all equipment removed from site, returning the site to its former condition / use.

Members are advised that initial concerns were raised by both the Council's Ecologist and Natural Resources Wales (NRW). The concerns related to the Site's proximity to the nearby Rhos Tonyrefail Site of Special Scientific Interest (SSSI) and potential impacts the development could have upon links between different areas of the SSSI. In light of this issue the scheme was amended on 29/08/23 whereby approximately 1.4ha of the solar panels nearest to the SSSI were relocated from the southern element of the site to new fields outside of the original red line boundary and to the north-east of the farmhouse. This has extended the separation distance between any panels and the SSSI from approximately 50m to approximately 220m, and positioned them in areas of modified grassland that are considered to be low in biodiversity value. The original fields at the south of the site from which the panels have been removed are now included in the 'blue line' and have been set out for biodiversity mitigation / enhancement measures to be controlled long-term by a proposed Section 106 agreement (S106). The proposed mitigation essentially aims to enhance this area to the same biodiversity value as the nearby SSSI.

The application is accompanied by an Environment Statement (ES) following an Environment Impact Assessment (EIA) being undertaken in respect of potential impacts upon biodiversity.

## **SITE APPRAISAL**

The application site amounts to approximately 17.7ha and is split into three distinct areas, the main bulk of the solar panel arrays (approximately 15.6ha), a secondary, much smaller area of panel arrays (1.4ha, following the amending of the site layout), and the cable route from the site to the nearby substation along the A4119. It is noted however that only 4.3ha of land would be covered by the solar panels themselves. The remainder of the site would be taken up by ancillary works, access tracks and landscaping / biodiversity enhancement measures etc. Many areas of the site would also be left undeveloped as they are occupied by existing woodland, hedgerows, etc.

Both the main and secondary elements of the site are located on south facing hillside at Rhiwfelin Fawr Farm. The site is therefore located within a rural, countryside setting and is currently used for grazing. The land rises up above the nearby Llantrisant Business Park (south) into open countryside to the north, east and west.

Access is gained from a private farm track that serves the existing Farm, off Pantybrad to the east. Pantybrad, a country lane, connects to Heol y Sarn to the south (through Llantrisant Business Park), which in turn connects to the nearby A4119 (Ely Valley Road). The third element of the site, the underground grid connection cable, would follow this route to an existing substation along the A4119, opposite the Royal Glamorgan Hospital.

The nearest settlements are that of Ynysmaerdy, approximately 1km to the south-west, and Llantrisant, approximately 2.5km to the south-east. There are however

several isolated residential properties scattered throughout the surrounding hillside, the nearest sited approximately 215m to the west (excluding the host farm and excluding any proximity to the cable route).

A much smaller (2MW) solar farm and two wind turbines (the 'Daffodils') are located directly to the east of the site.

The two main elements of the site are within the Mynydd y Glyn and Nant Muchudd Basin Special Landscape Area (SLA); a Sandstone Resource Area; an area where there is a high risk from historic underground coal mining; are directly adjacent to the Rhiwfelin Fawr and Garth Grabben Slopes Sites of Importance for Nature Conservation (SINC); and are in relatively close proximity of the Rhos Tonyrefail SSSI (the closest areas of the SSSI are located approximately 220m south and 500m north of nearest parts of the site).

The cable route is crossed by Public Right of Way (PRoW) ANT/222 and sections within Llantrisant Business Park and along the A4119 are located within a C2 flood zone.

## **PLANNING HISTORY**

Previous planning applications submitted at the site:

22/0124/36 – Scoping opinion for a proposed solar farm at Talbot Green.

Decision: Scope of EIA is appropriate, 25/03/22

21/1252/35 – Screening opinion for a proposed solar farm at Talbot Green.

Decision: EIA required, 24/11/21

## **PUBLICITY**

The public consultation process was undertaken initially and following receipt of amended plans/documents. 84 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 in respect of the Construction Management Plan, traffic management and a road conditions survey.

Flood Risk Management – No objection or conditions suggested. The site drainage arrangements would require separate Sustainable Drainage Systems (SuDS) approval from the SuDS Approval Body (SAB) prior to any development works

commencing on site. This separate process would ensure appropriate site drainage methods are implemented on site.

Public Health and Protection – No objection subject to conditions in respect of construction noise, waste, dust and lighting.

Countryside, Landscape and Ecology – No objection subject to conditions in respect of biodiversity mitigation and enhancement measures and a S106 to ensure the long-term delivery and management of the biodiversity measures for the lifetime of the development.

Natural Resources Wales – No objection subject to conditions in respect of dormice protection and Landscape Ecological Management / Construction Environmental Management Plans.

Public Rights of Way Officer – No objection subject to condition in respect of protecting the PRoW during and following development.

The Coal Authority – No objection subject to condition. The Applicant's Coal Mining Risk Assessment (CMRA) report sets out that it is unlikely the construction of solar panels would be affected by any historic underground coal mining features, but that some rotary probe drilling works should first be undertaken in areas of sensitive structures and access roads. The Coal Authority concurs with this conclusion and suggests a condition is attached to any consent in this respect.

Cadw – No objection or conditions suggested. Cadw agrees with the conclusions of the Applicant's Heritage Desk Based Assessment, in that there would be no impact upon the setting of any designated historic assets in the locality.

Glamorgan Gwent Archaeological Trust – No objection subject to condition. The Historic Environment Records indicate that the site is located in an area of archaeological potential; and the Applicant's own Archaeological Desk Based Assessment indicates that there could be medieval, prehistoric and bronze age interests. It is therefore considered a detailed written scheme of investigation for a programme of archaeological work is required before any works commence on site, which can be controlled via condition.

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

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

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 within Llantrisant Business Park, 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.

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 historic assets and 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.

### **Supplementary Planning Guidance**

- Design and Placemaking

- The Historic Built Environment
- 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), WG's 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 (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.

It is also noted that this scheme would present a diversification of use of a small proportion of land within a single wider agricultural holding whilst retaining the agricultural management of the site for grazing.

It is therefore considered the proposal is supported by both local and national planning policy and would provide a much needed contribution to meeting WG's renewable energy targets, all the while delivering clean, renewable energy and environmental benefits, to the benefit of all RCT residents.

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 elements of the site comprise several fields towards the mid/upper sections of the hillside to the north of Llantrisant Business Park, each of which are currently greenfield in character and appearance. Any development here 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. Further, given the elevated position, the site is visible from the south and east, particularly from the northern extents of Llantrisant and from Llantrisant Common.

The Landscape and Visual Impact Assessment (LVIA) submitted sets out that the proposed solar farm can be assimilated within the local landscape of the site without wide scale significant landscape effects. It notes that the proposed development is to take place within the existing field structure of the site with only minor hedgerow removal proposed. Further, the site comprises an existing pastoral farm surrounded by mature landscape features which will limit the scale of effect upon the character in the immediate area, and that landscape effects will generally be restricted to the site area and immediately adjoining areas forming the prevailing setting to the site, with views from wider areas being restricted by the undulating topography of the area and existing landscape features in-between.

The report also notes that the main changes will relate to the landcover and landscape pattern characteristics of the landscape character rather than the overall defining structural character of the site, which will remain. It also comments that the effects, whilst long-term, would be wholly reversible upon decommissioning and that the proposed mitigation and management measures such as new hedgerow and tree planting would, over time, enhance the landscape structure of the area and aid the integration of the development whilst also providing an overall net gain in site wide biodiversity.

As such, the Applicant's LVIA concludes that the proposed development would have minimal effect upon the existing landscape.

In considering the potential visual impact of the scheme it is firstly acknowledged the site is in close proximity of two existing wind turbines, which due to their scale and design might be considered something of a local landmark. However, the appearance of these tall, slim structures is not necessarily comparable with a mass of solar panels across over 4ha of open fields, possibly with glint and glare qualities, and would arguably be of less aesthetic appeal.

Secondly, the proximity of Llantrisant Business Park to the application site is noted which is characterised by large industrial units, service yards and associated infrastructure etc., however since the Industrial Estate is located along the valley floor, the solar farm would neither appear to be part of it or an extension to it, which might otherwise offer some mitigation for its visual intrusion.

There is subsequently some concern that the solar farm would have undue prominence at a higher level in the wider landscape where there is little or no development at that elevation other than that related to agriculture, and where the SLA designation requires development proposals to demonstrate a high standard of design quality.

Despite this concern, it must be acknowledged that there is an existing solar farm at adjacent fields which has some visual impact, an impact that would be comparable to that which occur as result of this proposed development, albeit the existing development is of a smaller scale to that proposed (across approximately 2ha of open fields) and the proposed development could result in a cumulative impact.

In considering the recently consented existing solar farm Committee were of the view that it would not be overly prominent in the immediate setting, being well screened by a combination of sloping and undulating topography, mature vegetation around the site, and with the limited number of receptors within the site's immediate context.

Being sited at the adjacent fields to the existing development and with similar development proposed, despite covering approximately twice the ground area of the existing development, it is considered the proposed solar farm would essentially appear as an extension of the existing solar farm. With no change in circumstance to the aforementioned mitigating factors and with the fields to be covered in panels (including the existing) forming a relatively small element of the landscape in this area, it is not considered the proposed additional solar farm in this area would significantly increase any current visual impact to the landscape; and furthermore, would ensure there is no cumulative impact in this context.

As noted above however, given the elevated position of the site, it is visible from the northern extents of Llantrisant and from Llantrisant Common from which the proposed development would be most prominent and where views of it combined with that of the existing solar farm and nearby wind turbines could have a cumulative impact.

Welsh Government Practice Guidance 'Planning Implications of Renewable and Low Carbon Energy' sets out the land use planning impacts and benefits of different forms of such developments, including solar energy generation. The Guidance recognises that solar PV arrays are an emerging technology in the UK and provides a summary of potential impacts and design mitigation and enhancement measures of solar installations.

Nevertheless, since the site is not flat any mitigation by landscaping, as suggested by the Practice Guidance, would not address the southerly fall across the site and the effectiveness of any screening in views from Llantrisant and the Common would likely be limited.

Additionally, the location of the site close to Llantrisant Conservation Area and several scheduled monuments around the historic town means that TAN 24 must be a consideration. In its consultation response Cadw noted that the conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a Scheduled Ancient Monument or not.

Cadw has advised that it will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument, and that TAN 24 presumes against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

On the basis of the Heritage Desk Based Assessment submitted alongside the application the proposed development was considered in relation to several scheduled monuments in the surrounding area, with the key monument being considered Llantrisant Castle.

The Assessment concludes that the development would be seen from the upper parts of Llantrisant Castle, but the solar farm would not have an adverse impact on the setting of the Monument. The proposed development would not be visible from any other scheduled monuments and would not have any impact on their settings. Cadw has stated that it concurs with the conclusions of this assessment and raises no objection to the scheme.

Whilst it is evident that the development would neither conflict with TAN 24 or LDP Policy AW7, concern remains about the long views towards the site from the south/east and whether the development can be justified within the SLA setting.

Nonetheless, the submitted LVIA recognises that the proposed development would affect an area of recognised landscape character but due to the limited areas with visibility of the site, only the northern extents and several high points within Llantrisant and from the Common, that this would be insubstantial and of minor significance within the local context. Therefore, while there is some concern in respect of views of the site from Llantrisant and the Common, it is considered this is an appropriate assessment of the potential visual impacts, and that the conclusions are generally sound and acceptable.

Subsequently, and on balance, subject to conditions in respect of the future decommissioning of the solar farm and the remediation of the site, it is considered that the proposed development would not be overly harmful to the character and appearance of the site and surrounding area; or when viewed with the existing neighbouring solar farm development, would result in a cumulative visual impact of a degree sufficient to warrant a recommendation of refusal.

## **Neighbour Amenity**

Excluding the host farm and any properties in close proximity of the underground cable route, the nearest settlement to the site, Ynysmaerdy, is located approximately 1km to the south-west and the nearest dwelling within the surrounding countryside approximately 215m 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 existing 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 industrial uses within the nearby employment site.

## **Ecology**

Given the scale of the proposed development, the greenfield nature of the site and its close proximity to the nearby SSSI and SINC, it was considered any potential impacts upon biodiversity and ecology should be considered at EIA level. As such, an ES including several supporting reports/surveys has been submitted with the application in this respect.

Members are advised that initial concerns were raised by both the Council's Ecologist and NRW. The concerns related to the Site's proximity to the nearby Rhos Tonyrefail SSSI and potential impacts the development could have upon links between different areas of the SSSI.

NRW noted that the nearby SSSI (originally approximately 50m away from the Site at its closest point) is designated for its marsh grassland habitat, its flush spring and soligenous marsh habitat, and for supporting marsh fritillary butterfly. The SSSI is therefore a key area for this protected species within South Wales.

NRW also commented that the Site supports priority habitats of purple moor grass and rush pasture and upland acid grassland that perform functions for the conservation of the marsh fritillary butterfly in the local landscape and act as habitat conduits for the species between the different areas of the SSSI. Therefore, the location of solar panel across these habitats could potentially impact upon the function of these areas as good linkages for the species and the ecosystem resilience between the SSSI areas. NRW were also uncertain as to whether the habitat corridors proposed within the Site, as originally proposed, were sufficient to perform as appropriate habitat linkage for the butterfly. It was therefore recommended development be removed from the fields

closest to the nearest SSSI area (the southern element of the scheme) and this area is instead used for biodiversity mitigation / enhancement measures.

The Council's Ecologist concurred with NRW's views but noted that the southern area of the site is also occupied by nesting birds which should also be protected.

Further concerns were raised by NRW with regard the proposed removal of approximately 160m of hedgerow throughout the site and the potential impact this could have upon dormice habitat. As such further information was also requested with regard this issue.

In light of the concerns raised the scheme was amended on 29/08/23 whereby approximately 1.4ha of the solar panels nearest to the SSSI, the southern element of the scheme, were relocated to other fields north-east of the farmhouse, extending the separation distance between any panels and the SSSI from approximately 50m to approximately 220m, and positioning them in areas of modified grassland that are considered to be low in biodiversity value.

The ES and supporting surveys/reports were also updated and a S106 proposed to ensure the long-term maintenance of the proposed biodiversity mitigation / enhancement measures. The S106 proposes the original fields at the south of the site, from which the panels have been removed, are instead utilised for biodiversity mitigation / enhancement measures.

Following consideration of the updated information NRW commented that they still have some concern with the proposal but are satisfied that 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 dormice. This is however subject to the mitigation and enhancement measures set out in the ES being implemented on site and conditions/S106 being added to any consent to control this.

It was noted that the removal of panels from the southern element of the site and instead using this area, approximately 6.8ha, for biodiversity mitigation / enhancement measures to be controlled long-term through a S106 overcomes the initial concerns and will ensure there is no adverse impact to the marsh fritillary population within the neighbouring SSSI. A condition is however suggested to ensure construction works would not impact upon the protected species.

NRW also commented that most of the hedgerows on site are to be retained and the 160m to be removed are recently planted 'gappy' hedgerow lengths which is unlikely to be detrimental to the maintenance of the population of dormice in the area. Further, 263m of new hedgerow would be planted which is considered an appropriate mitigation / enhancement measure. Conditions were however suggested to ensure dormice are protected during construction works.

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

As such, in reviewing and assessing the impacts of the scheme against the available ecological mitigation, it is the Ecologist's view that, providing the long-term mitigation set out in the ES is appropriately managed through a comprehensive scheme controlled by conditions/S106, which will need to include post construction monitoring, any potential biodiversity impacts would be appropriately and effectively mitigated and there is actually capacity for the development to evidence some ecological enhancement at the site. As such, no objections are raised subject to the inclusion of relevant conditions and a S106 for the long-term management of the biodiversity mitigation / enhancement measures being included with any consent; as well as the conditions suggested by NRW to ensure construction works do not have any impact.

Taking the above comments in to account, it is considered the scheme is acceptable in biodiversity terms but that appropriate conditions/S106 would be necessary to ensure all ecological mitigation and enhancement measures identified in the supporting information are implemented on site, and that they will 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 a country lane and an industrial estate served by a classified principal route, construction traffic would have no significant impact. Further, once developed, the proposal would result in insignificant traffic movements.

As both Heol y Sarn (through the industrial estate) and the A4119 (Ely Valley Road) are dual carriageway the most critical part of the access route is therefore Pantybrad and the site access off it. Swept path analysis undertaken of Pantybrad illustrates that it is wide enough along the entire route for an articulated vehicle. It is also wide enough for the first 450m (from the junction with Heol y Sarn until past the recycling centre) for an estate car to pass an articulated vehicle. However, beyond this, for circa 1km to the site access, Pantybrad is too narrow for a car to pass an articulated vehicle. As such construction traffic will need to be managed both in terms of vehicle sizes and traffic movements on this section, but that the site access off Pantybrad is sufficient for an articulated vehicle.

The Submitted Transport Statement and Construction Method Statement demonstrates appropriate management of deliveries over a 6 month construction

period with measures in place to minimise the disruption to the existing general highway users using Pantybrad. Subsequently, no highway objection is raised in respect of access. The developer will however be required to undertake a joint condition survey of Pantybrad from Heol y Sarn and rectify any damage caused as a result of the development at their own cost, which can be controlled by condition.

The submitted information also indicates that the off-site cable route would be accommodated within adopted highways. This element of the scheme would be subject of separate, existing Highways legislation and controls, which is acceptable.

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 SuDS application prior to any development works commencing on site.

NRW noted that a section of the cable route between the solar farm and the A4119 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.

### **Public Health**

Public Health and Protection suggest several conditions 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.

The CA note that the Applicant's CMRA sets out that it is unlikely the construction of solar panels would be affected by any historic underground coal mining features, but that some rotary probe drilling works should first be undertaken in areas of sensitive

structures and access roads. The CA concurs with this conclusion and suggests a condition is attached to any consent in this respect.

### **Public Rights of Way**

An element of the cable route is crossed by a PRow. The path would not 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 it is maintained during and following development. As a precaution the PRow Officer has 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, nearby residential properties / employment use. There is consequently no objection in this respect.

### **Section 106 Contributions / Planning Obligations**

Section 106 (S106) of the Town and Country Planning Act (as amended) enables Local Planning Authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 06 April 2010, states that a planning obligation, under S106, may only legally constitute a reason for granting planning permission if it is:

- Necessary to make the development acceptable in planning terms.
- Directly related to the development.
- Fairly and reasonably related in scale and kind to the development.

Welsh Office Circular 13/97 Planning Obligations provides procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and when it meets the three tests above. PPW advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local



Development Plan and the Council's SPG: Planning Obligations, however it is made clear that this is only intended to form the basis of negotiations between all parties.

In this case the developer would be required to enter a S106 with the Council for the following:

- Ecology/Biodiversity/Landscape – the delivery of long-term habitat management on-site and at the off-site locations indicated within the 'blue line areas' set out on plan ref. WN1006/01/02 Rev. 2 – Planning Application Boundary.

It is considered that these requirements meet all of the above tests and are compliant with the relevant legislation. Members are also advised that the applicant has agreed to these terms.

### **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 positive contribution to WG's renewable energy targets and will provide clean, renewable energy to the benefit of all RCT residents, as well as providing 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.

It is also considered appropriate biodiversity mitigation / enhancement measures would be implemented that would ensure there is no determinant to biodiversity / ecology on and around the site or any impact to the nearby SSSI, and that these measures can be properly controlled through conditions and a S106. Through the proposed measures, there is actually capacity for the development to evidence some ecological enhancement at the site.

Finally, it is not considered there would be any undue impact to the amenity levels currently enjoyed by the closest neighbouring residents, and the impact of the scheme upon highway safety 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 and S106 above.

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 – WN1006/01/01 Rev. 2
- Planning Application Boundary – WN1006/01/02 Rev. 2
- Site Layout – WN1006/01/03 Rev. 2
- PV Panel Details – WN1006/01/04 Rev. 0
- DNO Substation Details – WN1006/01/05 Rev. 0
- Transformer and Control Equipment Details – WN1006/01/06 Rev. 0
- Customer Cabin Details – WN1006/01/07 Rev. 0
- Spares Cabin Details – WN1006/01/08 Rev. 0
- Fencing and Security Details – WN/1006/01/09 Rev. 1
- Deer Mesh Fencing Details – WN1006/01/10 Rev. 0
- Palisade Fencing Details – WN1006/01/11 Rev. 0
- Temporary Site Set Down Area Details – WN1006/01/12 Rev. 0
- Proposed Cable Route – WN1006/01/013 Rev. 4
- Internal Access Tracks Construction Details – WN1006/01/14 Rev. 0
- Landscape and Ecological Mitigation Plan – WN1006/07/03 Rev. 3
- Environmental Statement and Appendices (Sirus Planning, November 2022)
- Addendum to Environmental Statement and Appendices (Sirus Planning, August 2023)

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: To define the scope of this consent and in the interests 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 Plan.

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, AW6, AW8 and AW12 of the Rhondda Cynon Taf Local Development Plan.

6. All electricity and control cables within the site, excluding minor DC string cables, shall be laid underground.

Reason: To protect the visual amenity of the site and minimise any environmental impacts in accordance with Policies, AW5, AW6, AW8, AW10 and AW12 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence on site, including any site clearance or general enabling works, until a site wide method statement confirming how dormice will be conserved during hedgerow clearance works has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include, but not be limited to:
  - i. Details of the methods of work (e.g. phased cuts, working direction, etc.).
  - ii. Timing and duration of works.
  - iii. Action to be taken in the event dormice and/or their nests are found.

The development shall be carried out in accordance with the approved method statement.

Reason: To afford protection to dormice affected by the development, in the interests of biodiversity and ecology 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 Hedgerow Mitigation Plan including full details of all hedgerow retention, new plantings, proposals for translocation, mitigation and enhancement measures, and aftercare has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Plan thereafter.

Reason: In the interests of biodiversity and ecology 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 Landscape Ecological Management Plan (LEPM) for the provision, management and maintenance of the landscape and ecological features at the site has been submitted to and approved by the Local Planning Authority. The LEMP shall include, but not be limited to:

- i. Details of habitats, environmental and ecological features present or to be created at the site for dormice.
- ii. Details of the desired/target conditions of features (i.e. hedgerows present and to be created) at the site.
- iii. Details of short and long-term management, monitoring and maintenance of the new features described in (ii) above and existing environmental and ecological features at the site to deliver and maintain the desired condition.
- iv. Details of replacement measures should any environmental features die, be removed, or become seriously damaged or diseased at both pre and post establishment of habitats.
- v. Details of management and maintenance responsibilities.
- vi. Details of length of plan, the method to review and update plans (informed by the monitoring) at specific intervals as agreed.

The LEMP shall be implemented on site in accordance with the approved details, with a written report of the effectiveness of the plan provided to the Local Planning Authority every 5 years throughout the lifetime of the development. Any arising revisions of the plan (informed by monitoring) shall be agreed in writing with the Local Planning Authority prior to implementation.

Reasons: To ensure necessary landscape and environmental management measures are agreed prior to the development commencing and are implemented to ensure the site's landscape and environmental features are adequately managed long-term, in accordance with PPW and Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

10. 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 and ecology, in accordance with PPW and Policies AW8 and AW10 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 Wildlife Protection Plan for Construction (WPPC) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include, but not be limited to:
  - i. An appropriate scale plan and descriptions showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented including hedgerows, trees, woodlands, grasslands and field ditches.
  - ii. Details of protective measures (both physical measures and sensitive working practices) to avoid species impacts during construction and precautionary mitigation and management measures, to include nesting birds, bats, dormouse, otter, reptile and badger.
  - iii. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
  - iv. Details of physical protection measures, including protection of root protection zones.
  - v. Details of wildlife sensitive site lighting.
  - vi. Details of the wildlife sensitive management of excavations.
  - vii. Details of water quality protection and waterborne pollution prevention.
  - viii. Details of toolbox talks for contractors and WPPC site signage.
  - ix. An agreed programme of monitoring and reporting to the Local Planning Authority during the delivery of the WPPC.

- x. Persons responsible for:
  - a. Compliance with legal consents relating to nature conservation.
  - b. Compliance with planning conditions relating to nature conservation.
  - c. Installation of physical protection measures during construction.
  - d. Implementation of sensitive working practices during construction.
  - e. Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction.
  - f. Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the Plan.

Reason: In the interests of biodiversity and ecology, in accordance with PPW and Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

12. The approved Construction Traffic Management Plan Volume 2 shall be adhered to throughout the development process.

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

13. Notwithstanding the details shown on the approved plans, no development shall commence on site, including any site clearance or general enabling works, until details of the traffic management control and associated signage along Pantybrad have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to commencement of any development on site and shall remain throughout the construction phase.

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

14. No development shall commence on site, including any site clearance or general enabling works, until a report indicating a methodology for undertaking a conditions survey of Pantybrad affected by 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. The timescales for undertaking the surveys and the method(s) of reporting the findings to the Local Planning Authority.
- ii. Comprehensive photographs.
- iii. 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 works commencing on site.

The development shall not be brought into beneficial use until the final survey on completion of the development hereby approved 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, in the interests of highway safety and the free flow of traffic, in accordance with Policy AW5 the Rhondda Cynon Taf Local Development Plan.

15. No development shall commence on site, including any site clearance or general enabling works, until a written scheme of historic environment mitigation has been submitted to and agreed in writing by the Local Planning Authority. The archaeological work must be undertaken either by a Chartered Institute for Archaeologists (CIfA) registered organisation or an accredited Member and to the appropriate standards and guidance set by the CIfA. The development shall be carried out in accordance with the approved scheme thereafter.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, in accordance with Policy AW7 the Rhondda Cynon Taf Local Development Plan.

16. No development shall commence on site, including any site clearance or general enabling works, until a method statement has been submitted to and approved in writing by the Local Planning Authority which demonstrates how the Public Right of Way that crosses 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 Right 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 Right of Way and ensure it is accessible to the public both during and following development, in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

17. 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.