

Application No.
P/15/0169

Date
1st June 2015

Determining Authority
MTCBC

Proposed Development

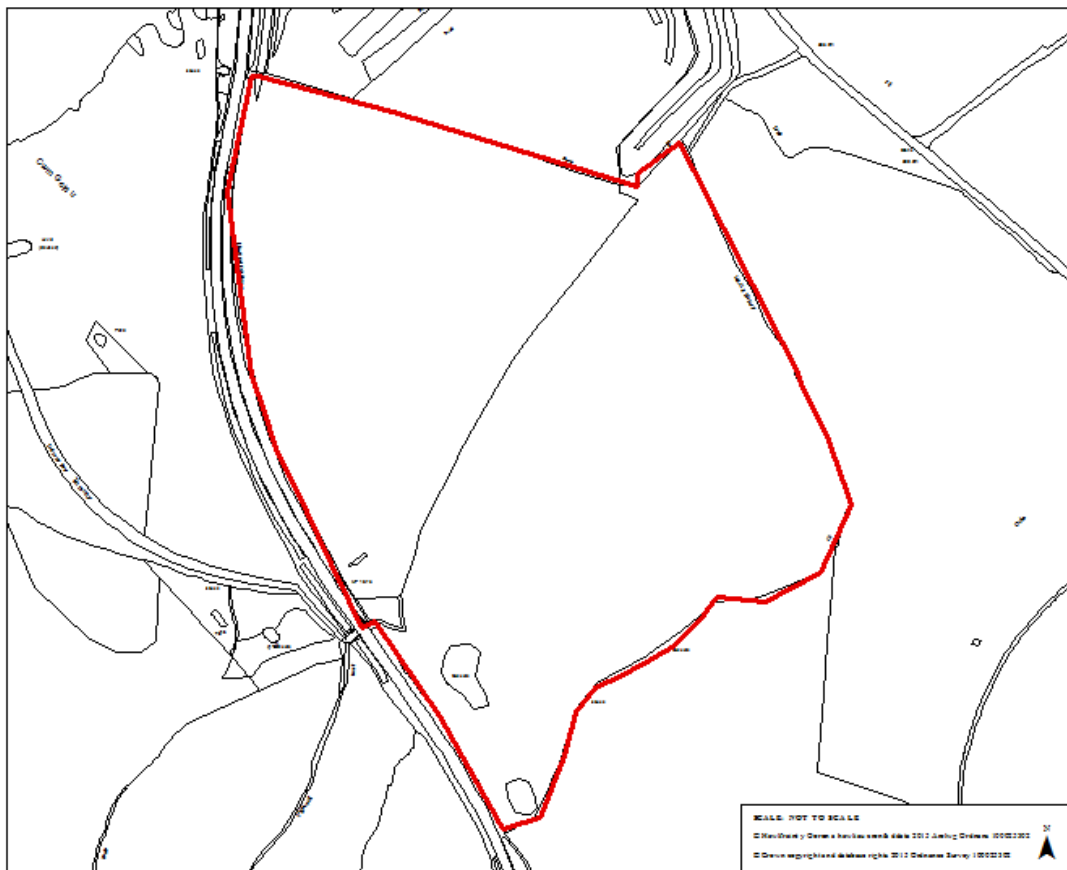
Location

Name & Address of Applicant/Agent

Construction of solar photovoltaic park with associated infrastructure, including access tracks, inverter stations, transformer, switch gear, DNO cabinet, fencing and security cameras

Land At Cwmbargoed
Bogey Road
Mountain Hare
Merthyr Tydfil

KS SPV 51 Ltd
c/o Laurence Associates
F.a.o. Mr J Lee
Lander House
May Court
Threemilestone Business Park



APPLICATION SITE

This application relates to an area of agricultural land within a countryside location measuring approximately 15 hectares. The site is located on the eastern edge of Merthyr Tydfil County Borough and adjoins the Cwm Bargoed Disposal Point to the north, which forms part of the Ffos-y-fran Land Reclamation Scheme.

The site comprises two fields of open grassland which are used for grazing. There are no distinguishable features on the site other than a rough track that crosses through the centre with stock mesh and timber post fencing along the boundaries.

The site is situated in an area of undulating open moorlands adjacent to the Gelligaer and Merthyr Tydfil common land. It is typically used for grazing and recreational purposes and is largely characterised by expansive grassland with little other vegetation, which reinforces a sense of openness. Along the western boundary of the site is a mineral railway line which serves Ffos-y-fran and to the south and east of the site is agricultural land. Access into the site is via an existing unmade track that links to the main highway (Fochriw Road) to the north-east. It is noted that part of the access track lies within Caerphilly County Borough.

The site generally slopes down from the north-east to the south-west with a fall of 1 in 3 at the steepest part. Due to the topography of the surrounding area with the land rising to the south-east and overburden mounds to the north-west, the majority of the views of the site are from elevated positions to the south-west.

PROPOSED DEVELOPMENT

Full planning permission is sought for the construction of a 5MW solar photovoltaic park. It would involve the erection of lines of photovoltaic panels laid in modules on a west to east axis across the site. The scheme would comprise a total of 28,952 photovoltaic panels, all of which would face south. The solar panels would be mounted on steel frames measuring approximately 3m deep by 25m in length, which are pile driven approximately 1.5m into the ground. The height of the solar panels would vary between 2.3m and 2.7m depending on the gradient of the land.

The existing unmade track which crosses through the centre of the site from north-east to south-west would be utilised and improved where necessary to provide access to the proposed inverter stations, transformer, switchgear and distribution network operator (DNO) building. Two new tracks would be provided to either side of the existing track measuring approximately 115m in length by 3.5m wide. A hard standing area would also be provided at the southern part of the site measuring approximately 30m by 20m deep adjacent to the centre station (where the transformer, switch gear and DNO building are grouped together). The access tracks and hardstanding areas would be constructed with a rough gravel base and a hardcore surface.

A total of six inverter stations would be provided adjacent to the proposed tracks measuring 6.9m wide by 2.5m deep and 2.9m high above ground level, with part of the structure being 0.8m below ground.

The proposed transformer would measure 1.5m wide by 1.5m deep and 2.85m high. The proposed switch gear would measure 4.1m wide by 2.5m deep and 2.85m high. The DNO building would measure 6.7m wide by 5.3m deep and 4.8m high with a pitched roof.

It is proposed that a 2.1m high mesh security fence would be erected around the perimeter of the application site together with a total of 15 CCTV cameras mounted on 3m high posts.

It should be noted that planning permission for the part of the access track which lies within the adjoining authority will be determined separately to this proposal by Caerphilly County Borough Council.

PLANNING HISTORY

There is no relevant planning history relating to the application site.

CONSULTATION

Internal consultees

- | | | |
|--|---|---|
| Engineering and Highways Manager | - | No objection subject to a condition relating to surface water drainage. |
| Town Planning Division's Policy and Implementation Group Leader | - | No objection. |
| Town Planning Division's Countryside Officer | - | No objection subject to a condition relating to a wildlife management plan. |
| Town Planning Division's Design, Heritage and Conservation Officer | - | No objection. |
| Town Planning Division's Landscape Architect | - | No objection. |
| Rights of Way | - | No response. |
| Environmental Health Manager | - | No objection. |

External consultees

- | | | |
|---|---|---|
| Natural Resources Wales (NRW) | - | No objection subject to conditions relating to the restoration of field boundaries and a Method Statement to address Great Crested Newts during construction. |
| Glamorgan Gwent Archaeological Trust (GGAT) | - | No objection subject to a condition relating to the submission of a programme of archaeological works. |
| Caerphilly County Borough Council | - | No response. |
| Cadw | - | No objection. |
| Coal Authority | - | No objection subject to a condition relating to further site investigation and remedial works. |

Welsh Water	-	No response.
Network Rail	-	No objection.
Wales & West Utilities	-	No objection.
Western Power Distribution	-	No response.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) Order 2012, letters were sent to the adjoining land owners on the 3rd June 2015. Four site notices were displayed within the vicinity of the site on the 10th June 2015 and a press notice was displayed in the local newspaper on the 11th June 2015.

As a result of this publicity exercise a letter of objection was received from Gelligaer and Merthyr Commoners Association and a holding objection was received from Miller Argent's agent raising the following concerns:

- The site borders the Gelligaer and Merthyr Common and access to the site crosses Common Land. As such, the proposal would impede grazing animals, impact on commoner's rights and include works which will be detrimental to the common land and will change the nature of the land surface.
- The access road serving the site is on common land which requires consent from the Welsh Government. There are concerns that the owner and users of the common land have been ignored.
- Cwmbargoed Disposal Point relies on an efficient and continuous electricity supply and any interruptions to this supply could have significant consequences.
- The proposed access would intersect links to public rights of way in the vicinity, one of which is proposed as part of the Nant Llesg Surface Mine proposal in Caerphilly County Borough.
- Concerns that the glare from the development would impact on the Cwmbargoed Disposal Point.
- The development would be in close proximity to explosives which are stored at the Cwmbargoed Disposal Point.

POLICY CONTEXT

National planning policy

Planning Policy Wales (PPW), 7th Edition, July 2014

Section 4.5 - Planning for climate change.

Para 4.5.2 sets out the Welsh Government's commitment towards a low carbon economy to tackle future climate impacts through a number of key areas, which includes energy generation.

Para 4.5.7 recognises the need to proactively reduce the demand for energy and facilitate the delivery of new and more sustainable forms of energy provision at all scales as a means towards a low carbon economy.

Section 5.5 - Development management and the conservation and improvement of the natural heritage.

Para 5.5.1 highlights the importance of biodiversity and landscape considerations in the determination of planning applications and the need to take reasonable steps to safeguard or enhance the environmental quality of land.

Para 5.5.2 acknowledges that regard should be given to the environmental impacts of development proposals and the need to avoid any adverse effects. Where there are potential impacts, this should be balanced with other material considerations and the local planning authority should seek to minimise any effects and where practicable enhance features of nature conservation.

Section 6.5 - Development management and the historic environment.

Para 6.5.1 emphasises the importance of preserving an ancient monument and its setting and the presumption in favour of preserving in situ archaeological remains of national importance. In cases that involve an impact on lesser archaeological remains, regard should be given to the importance of those remains against other factors, including the need for the proposed development.

Para 6.5.25 highlights the need to protect historic landscapes and to consider the implications a development may have on that landscape, which may be of more than local importance.

Para 6.5.9 indicates that where a development affects a listed building or its setting, special regard should be given to the desirability of preserving the building, or its setting, or any features of special architectural or historical interest which it possesses.

Section 8.7 – Development management and transport

Para 8.7.1 sets out the criteria that should be taken into account when considering development proposals that have potential transport implications.

Para 8.7.2 identifies the importance of Transport Statements as a mechanism for assessing anticipated highway impacts of a development proposal.

Section 12.10 - Development management and renewable and low carbon energy

Para 12.10.1 sets out the criteria that should be considered in the assessment of applications for renewable and low carbon energy development and associated infrastructure.

- The contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- The wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- The impact on the natural heritage, the Coast and the Historic Environment;
- The need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- Ways to avoid, mitigate or compensate identified adverse impacts;
- The impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts;
- Grid connection issues where renewable (electricity) energy developments are proposed; and
- The capacity of and effects on the transportation network relating to the construction and operation of the proposal.

Technical Advice Note (TAN):

TAN 5 - Nature Conservation and Planning, September 2009

Para 4.1.1 sets out the measures that should be followed in delivering the protection and enhancement of nature conservation required by PPW.

Para 4.6.1 – 4.6.2 supports the use of appropriate conditions that may contribute to biodiversity conservation.

TAN 6 – Planning for Sustainable Rural Communities, July 2010

Para 3.7.2 supports the diversification of agricultural land to accommodate renewable energy schemes.

TAN 8 - Renewable Energy, July 2005

Para 2.1 acknowledges the role of the planning system to meet the Welsh Government's commitment to enabling the deployment of all forms of renewable energy technologies.

TAN 18 – Transport, March 2007

Para 9.19 supports the use of conditions to secure transport measures and facilities as part of a development proposal, which may include details of deliveries to the site and mitigations to offset any highway implications.

Local planning policy

Merthyr Tydfil County Borough Local Development Plan (LDP) 2006-2021:

Section 2.2.11 of the LDP identifies the need to combat climate change through the promotion of energy efficiency and renewable energy technologies to assist in the reduction of CO2 emissions. This is reinforced by the vision and primary aim of the LDP, as set out in its Strategic Objectives. However, the merits of the proposed development need to be considered against the policies listed below.

- Policy BW4 - Settlement boundaries/location constraints
- Policy BW5 - Natural heritage
- Policy BW6 - Townscape and built heritage
- Policy BW7 - Sustainable design and place making
- Policy BW8 - Development and the water environment
- Policy BW10 - Mineral safeguarding
- Policy BW12 - Development proposals and transport
- Policy TB7 - Renewable energy
- Policy TB9 - Mineral buffer zone
- Policy TB11 - Access, parking and accessibility of local facilities

Policy TB7 of the LDP specifically relates to renewable energy schemes and states that:

Development proposals that contribute to meeting national and local renewable energy targets will be favourably considered providing:-

- 1. In the case of wind turbine developments, their capacity does not exceed 25MW on urban and industrial brownfield sites, and 5MW elsewhere in the County Borough.*
- 2. They do not have an unacceptable impact on biodiversity and landscape including the setting of the Brecon Beacons National Park*
- 3. They do not have an unacceptable impact on the amenity of residential areas.*

Supplementary Guidance

Supplementary Planning Guidance (SPG) 5 – Nature and Development, May 2015

PLANNING CONSIDERATION

Land Use

The planning system has an important role in achieving the Welsh Government's commitment to enable the deployment of all forms of renewable energy technologies in Wales. Section 12.8.9 of PPW highlights the need for local authorities to facilitate the development of renewable and low carbon energy.

Whilst there is an aim to secure an appropriate mix of energy provision for Wales, Section 12.8.6 of PPW highlights that this should be balanced against the need to avoid, and where possible minimise environmental, social and economic impacts. The importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development is recognised at all levels of policy.

The proposed solar park would be located outside of the settlement boundary as defined by the LDP Proposals Map and is therefore regarded to be located within the open countryside. The development of the site is generally supported by policy BW4 of the LDP, which acknowledges that renewable energy schemes are an acceptable form of development in countryside locations, subject to its compliance with other relevant policies. Furthermore, policy TB7 of the LDP states that development proposals that contribute to meeting the national and local renewable energy targets should be favourably considered provided it does not have an unacceptable impact on biodiversity, the landscape or the amenity of residential areas.

Therefore the proposed development is considered to be acceptable in principle and complies with policies BW4 and TB7 of the LDP.

Archaeology and Cultural Heritage

Whilst the application site lies outside of the Landscape of Historic Interest as defined by the LDP Proposals Map, it is acknowledged that the proposal would be situated within the Merthyr Tydfil Landscape of Outstanding Historic Interest and immediately north of the Gelligaer Common Landscape of Special Historic Interest. As such, an Assessment of the Significance of the Impact of Development on Historic Landscapes (ASIDHOL) was submitted in support of the application.

There are no designated historical assets located within the application site. However, within a 2km radius of the site, the ASIDHOL has identified a Grade II listed building (a timber aqueduct) and thirteen scheduled ancient monuments, which includes 11 cairns, a roman road and a medieval pond and water course associated with the Dowlais Ironworks. A total of 299 records of non-designated heritage assets have also been identified, the majority of which relate to the post medieval period. It is noted that five of the scheduled ancient monuments lie within the Zone of Theoretical Visibility (ZTZ) namely:

- GM494 Sarn Howell Pond
- GM220 Gelligaer Common Round Cairns
- GM222 Merthyr Common Round Cairns
- GM314 Platform Houses and Cairn Cemetery on Dinas Noddfa
- GM496 Deserted Iron Mining Village, Ffos-y-fran

The ASIDHOL provides an assessment of the potential direct and indirect impacts of the development on the designated historical assets, which includes consideration of the potential visual impacts from where the development can be seen, and the visual connections between related features.

The application site lies within the Taff Bargoed Historic Landscape Character Area (HLCA 076), which forms part of the Merthyr Tydfil Landscape of Outstanding Historic Interest. The ASIDHOL considers the development to have a slight impact on the various characteristics that contribute to the quality of this HLCA, with the overall direct impact on the Taff Bargoed character area being moderate.

When considering the indirect impacts, the ASIDHOL takes into account the potential effects to the setting and key characteristics of the Taff Bargoed HLCA, Merthyr Common South (HLCA 077) and Pen Garnbugail/Mynydd Fochriw Open Common (HLCA 006).

Regard is also given to the potential impact on the historical assets within each of these character areas. The ASIDHOL indicates that the proposed development would have a slight indirect impact on each of the character areas, with the overall impact being moderate on the landscape. It is concluded in the ASIDHOL that the overall significance of any impact on the registered historic landscapes, as a result of the proposed development, would be moderate at worst.

Policies BW6 and AS4 of the LDP seek to preserve or enhance the character, setting and quality of the built heritage and historic landscapes. Although the development would have an overall moderate impact on the registered landscapes, the key characteristics of these areas would not be adversely affected by the development. Furthermore, the impact on the setting of the HLCA's and scheduled ancient monuments would be slight at worst. It is considered that the ASIDHOL adequately demonstrates that the proposed development would not cause significant harm to the historical environment. In this respect it is acknowledged that neither the Design, Heritage and Conservation Officer or Cadw have objected and GGAT have not raised any objection to the proposal, subject to a condition requiring the submission of a programme of archaeological works.

Therefore, the proposal is considered to comply with Policies BW6 and AS4 of the LDP.

Landscape and Visual Impact

A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application, which is accompanied by an Addendum Report and a series of figures and photomontages to inform the assessment of the development. To determine the extent that the development would be visible within the landscape, a Zone of Theoretical Visibility (ZTV) plan has been produced, which illustrates that the solar park would be mainly seen from the north, south and south west of the site, particularly from elevated positions. Due to the topography of the surrounding area, which naturally screens the development, distant views are generally limited and extend up to 2km to the north and west and approximately 5km to the south. There would be no distant views of the solar park to the east other than along a small section of Fochriw Road.

Through an assessment of sensitivity and magnitude of effects on landscape character areas, judgements can then be made about the significance of effects of the change in the landscape qualities, the value placed on the landscape and how it is experienced by receptors. In this respect the LVIA considers the potential landscape effects and the visual effects from a number of viewpoints. The high value placed on the landscape is acknowledged in the LVIA, particularly in relation to its historic and cultural qualities, with its multi-period character and the archaeological features relating to industrial resource extraction, as well as the medieval and pre-historic remains.

In terms of the effects on the landscape, the LVIA concludes that the site is located in an area where very few designations are directly impacted by the development and subsequently there are few receptors that would be affected in any quantitative capacity. The LVIA considers the magnitude and significance of any impact during the construction and operational phases of the development would largely be negligible.

In regard to the potential visual effects of the development, the LVIA primarily focuses on the areas that fall within the ZTV where sensitive receptors are located. A total of 16

viewpoints have also been selected, which includes views of the development along Fochriw Road and to the south and west of the site, where the proposal can be seen from elevated positions, adjacent to scheduled ancient monuments (Cairns), and by walkers using the footpaths and bridleways. The LVIA concludes that the location of the site, where the inherent topography screens the development, means that there are few viewpoints that would be affected in any quantitative capacity. The greatest significance of effect would be moderate for users along short stretches of public footpaths to the south-east of the site, where the solar panels would be seen close-up (within 0.5km), due to the open nature of the landscape. Currently the views of the development from the south-east would be seen in relation to existing overburden mounds and the Cwm Bargoed Disposal Point.

The Addendum Report considers the effects of the development within a restored industrial landscape, when the Ffos-y-fran Land Reclamation Scheme is complete. The report acknowledges that the restoration of the landscape would result in a greater value being placed on its quality. However, it would take a number of years for it to mature into a characteristic landscape with valued features. The Addendum Report concludes that although the solar park would have detractive qualities on the restored landscape, the restoration works would have a wider beneficial impact that enhances the surrounding landscape, and the significance of effects of the development would be minor.

Whilst NRW consider that the ASIDHOL assessment and the LVIA have underestimated the visual impacts and sensitivity of the upland landscape and argue that the solar park would be highly noticeable in the views across the upper part of Cwm Bargoed and would detract from the appreciation of the area, they consider the overall significance of effect on the two registered landscapes to be moderately adverse and have raised no objection to the proposed development.

It is accepted that the proposed development would have some impact on the landscape. However it is considered that the LVIA adequately demonstrates that the solar park would not cause significant harm to the landscape character or the visual amenity of the area. As such, the character and integrity of the landscape would largely be maintained. It is acknowledged that the Town Planning Division's Landscape Architect has not raised an objection to the proposal. Regard has also been given to the potential recreational use of the restored industrial landscape, which may increase the values placed on the quality of the landscape. In the absence of any clear strategy/policy for longer term recreational benefits, it is considered that the development would be in keeping with the anticipated effects as identified in the LVIA. Furthermore, the Town Planning Division's Landscape Architect and NRW have highlighted that there remains opportunities to mitigate the adverse effects on the historic landscape through the management and provision of appropriate boundary treatments, which may limit the views of the development, particularly where it is seen close-up. This can be dealt with by means of an appropriately worded condition.

Therefore, the proposal complies with Policies BW5 and AS4 of the LDP.

Environment

An Extended Phase 1 Habitat Survey has been submitted in support of the application, which involved a walkover survey of the site and surrounding land. The report takes into account the potential use of the site by a number of protected species, including bats,

nesting birds, badgers, reptiles and Great Crested Newts. It is acknowledged that the site does not lie within an area designated for its ecological value. However, the site would be adjacent to the Cwm Golau Site of Importance to Nature Conservation (SINC) to the north-west, which is separated from the site by the mineral railway line. Additionally, the land to the south and east, which lies within Caerphilly County Borough, forms part of the Cefn Gelligaer SINC.

The survey highlights that there is some potential for the site to be used by ground nesting birds and reptiles, however the grassy areas were generally considered to be too short which limits the suitability of the site. The survey acknowledges that there are four ponds or groups of ponds within 250m of the site, where Great Crested Newts are present, to the north, west and east of the site.

The survey concludes that the proposal would have no foreseeable impact on the SINC's during the construction or operational stages of the development. There would be a moderate risk to nesting birds during the spring and summer months and low impact on reptile species. The survey considers there to be a low-moderate risk that Great Crested Newts may stray into the western part of the site, although this is likely to be hindered by the mineral railway line. The ponds to the north and east of the site are either too far away from the site or are protected by newt/reptile fencing. Therefore, the survey indicates that the development would unlikely have any impact on habitats or protected species. It is noted that NRW and the Town Planning Division's Countryside Officer agrees with the conclusions made in the survey subject to a condition relating to a wildlife management plan.

Therefore, the proposal complies with policy BW5 of the LDP.

Ground Conditions

The proposal is located within an area identified by The Coal Authority to be at high risk to past mining operations, which may have implications of the ground stability of the site. A Coal Mining Risk Assessment has been submitted in support of the application. The Coal Authority has indicated that it is satisfied with the conclusions made in the Mining Risk Assessment and that any risks to the development can be adequately addressed. Therefore no objection has been received subject to a condition that requires further site investigation works and details of any necessary remedial works.

It is noted that the site falls within a coal and sandstone safeguarding area and as such is protected by Policy BW10 of the LDP. The majority of the site also lies within a mineral buffer zone, of which Policy TB9 of the LDP seeks to avoid any new development that may affect the operations of Ffos-y-fran land reclamation scheme. It is considered that the solar park is temporary in nature and would not sterilise the site from future mineral extraction. It would be classed as non-sensitive development and is therefore unlikely to affect the operations within the Ffos-y-fran reclamation scheme.

Therefore the proposal complies with policies BW10 and TB9 of the LDP.

Flooding Consequence

The development could increase the concentration of surface water run-off from the photovoltaic panels, which can give rise to flooding concerns. As such, a Flood Consequence Assessment (FCA) has been submitted which includes a sustainable drainage strategy.

The FCA report indicates that the site is not at any risk from direct flooding and is therefore focused on reducing the risks associated with surface water run-off. It is concluded in the report that the development would only have a small impact on the surface water discharge rates from the site. The introduction of swale/bund systems in parts of the site would effectively reduce the surface water run-off rate to less than the undeveloped (current) run-off rates, as storage and infiltration on site would be improved.

As such, it is considered that the proposed development would have a minimal impact on the water environment. The Engineering and Highways Manager has not raised any objection subject to a condition relating to further details of the proposed surface water drainage scheme.

Therefore the proposal complies with policy BW8 of the LDP.

Glint and Glare Impacts

The proposed photovoltaic panels have the potential to cause glint and glare effects from solar reflections that by their nature, extent or duration bring about dangers, significant disadvantages or significant nuisances to the general public, which may be considered a harmful environmental effect i.e. light pollution.

A Light Pollution Report has been submitted in support of the application which considers the effect on the surrounding area, in particular the impact on drivers along Fochriw Road and the impacts on the mineral railway line and its signalling systems.

It is concluded in the report that whilst the development would be partly visible to drivers along a small section of Fochriw Road, the effects of any glare would be outside the field of view and is not considered to cause any disturbance. Similarly, the report indicates that the development would not result in a disturbing glare effect to the train drivers along the mineral railway line, nor would it impact on the railway signalling system. It is acknowledged that the Engineering and Highways Manager and Network Rail have not raised any concerns in respect of the effects of glint or glare. Furthermore, it is noted that the development would not be visible from any residential property in the surrounding area, as such, the report concludes that the proposal would not have an impact on any dwellings.

Therefore, the proposal complies with policies BW7 and BW12 of the LDP.

Highways

The existing unmade track which crosses through the site would be upgraded with a hardcore surface to enable a suitable means of access into the site during the construction and operational phases of the development. Additional tracks would also be created to provide access to the inverter stations in various locations within the site. It is noted that the initial part of the track lies within Caerphilly County Borough Council and is the subject of a separate planning application, to be determined by them.

The greatest impact on the highway infrastructure would be during the construction phase of the solar park. A Construction Traffic Management Plan has been submitted in support of the application. The report indicates that the construction period of the development would take up to 14 weeks with a total of 234 HGV vehicles visiting the site, which equates to roughly three a day. Once the development is operational, there would be approximately three visits a year by van or 4x4 vehicles to maintain the equipment on site.

The components of the solar park would be transported by road using a combination of strategic and local road networks. It is anticipated that the construction traffic would travel north along the A470 trunk road and exit onto the A4060 in Pentrebach. The construction traffic would then travel through Pengarnddu Industrial Estate and take the third exit at the mini roundabout (adjacent to Lidl) and head north-east for 0.7 miles, until it reaches the junction onto Fochriw Road which leads to the site entrance.

The Construction Traffic Management Plan concludes that the proposed access serving the site can adequately accommodate the development and the traffic generated would result in no material impact on the highway network. In this respect, it is noted that the Engineering and Highways Manager has not raised any highway safety concerns subject to a condition relating to surface water drainage.

Therefore, the proposal complies with policies BW12 and TB11 of the LDP.

Residential Amenity

The nearest residential properties to the proposed development are those located at Fochriw, approximately 0.75km to the west of the application site. It is considered that the development would not be visible from any residential area. As such, the development would not have an adverse impact on residential amenity in terms of nuisance caused from any reflections off the photovoltaic panels, which is confirmed in the Light Pollution Report. Given the separation distance between the development and any residential property, the proposal would not result in unacceptable levels of noise and disturbance. In this respect, the Environmental Health Manager has raised no objection to the proposal.

Therefore, the proposal complies with policy BW7 of the LDP.

Representations

The following comments are made in response to the objections raised in the publicity section.

- Whilst concerns have been raised that the development would impact on the use of common land for grazing, it is noted that only the existing access track which lies within Caerphilly County Borough is situated on common land. The use of this track to gain access into the site would not impede on commoners rights to use the land for grazing. In this respect the fields where the solar panels are located, could continue to be used for grazing purposes during the operational phases of the development. Furthermore, it is acknowledged that the developer has been in discussions with the Commoners Association and that an application under Section 38 of the Commons Act has already been submitted to the Welsh Government.

- It is indicated on the submitted plans that the development would connect to the national grid. Any impact this may have on the electricity supply to the Cwmbargoed Disposal Point would need to be addressed by Western Power Distribution.
- There are no rights of way crossing through the main part of the development where the proposed solar panels are to be located. Any necessary works required to the existing access track which lies within Caerphilly County Borough, would be unlikely to have an adverse impact on any rights of way. In any event any potential impacts are a matter for Caerphilly County Borough Council.
- Concerns relating to glare from the development have been addressed in detail above.
- It is considered that the development would not have an impact on any explosives stored at the Cwmbargoed Disposal Point. The health and safety risks to the site and the storage of explosives would also be governed by regulations outside of the planning system.

CONCLUSIONS

The principle of the proposed solar park within a countryside location is considered to be acceptable and would contribute to the Welsh Government's commitment to optimising renewable energy generation.

The primary considerations in the determination of this application relate to the potential impacts on the character/quality of the historic landscape and visual amenity. For the reasons set out above, it is considered the proposed development can be accommodated within the landscape without significant harm to its character or integrity.

The proposed development is considered to be acceptable and complies with the relevant LDP Policies. Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

1. The development shall begin not later than five years from the date of this decision.
Reason - To comply with Section 91 of the Town and Country Planning Act 1990.
2. The permission shall be for a period of 25 years from the date when electricity is first generated to the grid. This date shall be notified in writing by the developer to the Local Planning Authority. Not later than 12 months before the expiry of this 25 year timescale the following schemes shall be submitted to and approved in writing by the Local Planning Authority:
 - a) the removal of all surface elements of the solar park including any foundations and hardstanding areas.
 - b) the restoration and aftercare, following consultation with such other parties as the Local Planning Authority considers appropriate.

The approved schemes shall be implemented within 12 months of the expiration of the 25 year timescale.

Reason - To ensure derelict and obsolete structures do not adversely affect the environment.

3. **No development shall commence** until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the solar park being connected to the grid and retained for the duration of the development.

Reason - To ensure adequate surface water drainage in accordance with Policy BW8 of the Merthyr Tydfil Local Development Plan.

4. **No development shall take place** until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a. An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c. 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).
- d. Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) 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 with the approved details and timing of the plan

Reason - To protect the natural environment in accordance with Policy BW5 of the Merthyr Tydfil Local Development Plan.

5. **No development shall take place** until a site investigation has been carried out and a scheme to deal with existing ground conditions has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an intrusive investigation of the site and an assessment to identify any remedial measures deemed to be required in the design and construction of the proposed

development in order to minimise any risks arising from past shallow mine workings. The scheme shall be constructed in accordance with the approved structural design.

Reason - To ascertain the stability of the site and to determine the structural suitability of the development thereon in view of prevailing ground conditions and to ensure that no development is undertaken which may be prejudiced by existing ground conditions.

6. Notwithstanding the details submitted **no development shall take place** until a scheme for the provision of natural stone walls and landscaping within the site and along its boundaries has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a plan indicating the positions, height and design of the natural stone walls;
- a landscaping plan with written specifications (including cultivation and other operations associated with plant and grass establishment) and a schedule of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;

All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development or when electricity is first generated to the grid, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The boundary walls shall be constructed in accordance with the approved details before the solar park is brought into use.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy BW7 of the Merthyr Tydfil Local Development Plan.

7. **No development shall take place** until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

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.
