

Julie James AS/MS  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref qA1474309  
Eich Cyf/Your ref: GR/BRS.4254

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23 July 2021

Dear Mr Roberts,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 62D AND SECTION 62F. THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (WALES) REGULATIONS 2016. INSTALLATION, OPERATION AND SUBSEQUENT DECOMMISSIONING OF A RENEWABLE ENERGY SCHEME COMPRISING GROUND MOUNTED PHOTOVOLTAIC SOLAR ARRAYS TOGETHER WITH SUBSTATION COMPOUND; TRANSFORMER STATIONS; INTERNAL ACCESS TRACK; LANDSCAPING; BIODIVERSITY MEASURES; PERMISSIVE FOOTPATH, SECURING FENCING; SECURITY MEASURES; ACCESS GATE; ACCESS IMPROVEMENT AND ANCILLARY INFRASTRUCTURE. THE APPLICATION PROPOSAL IS FOR A TEMPORARY STRUCTURE WITH A MODELLED OPERATIONAL LIFESPAN OF 35 YEARS. FOLLOWING CESSATION OF RENEWABLE ENERGY GENERATION AT THE SITE, AND AS PART OF CONTRACTUAL OBLIGATIONS WITH THE LANDOWNER, THE PHOTOVOLTAICS ARRAYS WOULD BE DECOMMISSIONED AND REMOVED FROM SITE. AS PART OF THE DECOMMISSIONING, THE PERMISSIVE FOOTPATH WOULD ALSO BE REMOVED. LAYING OF CABLES WOULD BE REQUIRED THROUGH THE GRADE II LISTED MASONRY CILDDEWI BRIDGE AND THIS ELEMENT OF THE PROPOSAL IS SUBJECT TO A SECONDARY CONSENT APPLICATION FOR LISTED BUILDING CONSENT. LAND AT BLAENHIRAETH FARM, LLANGENNECH, LLANELLI, SA14 8PX APPLICATION REF: DNS/3213164**

1. Consideration has been given to the report of the Inspector, Declan K Beggan BSc (Hons), MSc, DipTP, DipMan, MRTPI who held hearings to examine the planning and listed building consent application.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

2. In accordance with sections 62D and 62F of the Town and Country Planning Act 1990 and Regulation 3 of The Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016, the application was made to the Welsh Ministers for determination.
3. In exercising functions, as part of carrying out Sustainable Development in accordance with the Well-being of Future Generations (Wales) Act 2015 ("the FG Act 2015"), section 2 of the Planning (Wales) Act 2015 requires the Welsh Ministers, as a public body, to ensure the development and use of land contributes towards improving the economic, social, environmental and cultural well-being of Wales. In order to act in this manner, the Welsh Ministers have taken into account the ways of working set out in section 4 of 'SPSF1: Core Guidance, Shared Purpose: Shared Future- Statutory Guidance on the Future Generations Act 2015' by dealing with the planning and listed building consent application by way of the Hearings procedure in accordance with Part 7 of The Developments of National Significance (Wales) Regulations 2016.
4. The Inspector held Hearings on 9, 10 and 11 March 2021 and made a site visit on 17 March 2021. The Inspector recommends both planning permission and listed building consent be granted subject to conditions. A copy of the Inspector's report ("IR") is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.

### **Main Considerations**

5. I agree the main considerations are those listed at IR 224:
  - (i) Principle of development;
  - (ii) The effect of the proposed development on the character and appearance of the surrounding area both in terms of landscape and visual impacts;
  - (iii) The effect of the proposed works on the character and special interest of the listed bridge with particular regard to the proposed cable route;
  - (iv) The effect of the proposed development on ecology;
  - (v) The effect of the proposed development on highway safety;
  - (vi) The effect on the living conditions of local residents with particular regard to glint and glare, and noise.

### **Principle of development**

6. Future Wales is the national development framework, setting the direction for development in Wales to 2040 as the highest tier of development plan which is focused on solutions to issues and challenges at a national scale. Future Wales provides that its specific purpose "is to ensure the planning system at all levels is consistent with, and supports the delivery of, Welsh Government ("WG") strategic aims and policies." (IR 225-226)
7. Policy 17 (Renewable and Low Carbon Energy and Associated Infrastructure) of Future Wales highlights the role current and emerging renewable energy technologies can contribute towards Wales' energy and decarbonisation targets. The Inspector recognises in determining planning applications for renewable development, decision-makers must give significant weight to the need to meet Wales' international commitments and the target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency. (IR 227-228)

8. Policy 18 (Renewable and Low Carbon Energy Developments of National Significance) sets out the criteria against which renewable and low carbon DNS projects are to be assessed. (IR229)
9. The Inspector notes the application site is within the South West region in Future Wales and Future Wales sets out how the provision of renewable energy is vital for the region to play its role in decarbonisation. (IR231)
10. The Inspector considers it is clear achieving decarbonisation and climate-resilience is one of the “key national priorities” for Wales, and Future Wales recognises the need for Wales to focus on generating the energy it needs to support its communities and industries over the next twenty years. Future Wales through policies 17 and 18 supports the principle of the proposal. (IR 232-234)
11. The Inspector notes Planning Policy Wales’ (“PPW”) primary objective is to ensure the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural being of Wales as required by the FG Act 2015. In line with Future Wales, PPW’s renewable energy target is for Wales to generate 70% of its electricity consumption from renewable energy by 2030. The Inspector is of the view there is no dispute this proposal will increase the installed renewable energy capacity of Wales, contributing to meeting local and national renewable energy goals, reducing reliance on energy generated from fossil fuels and actively facilitating the transition to a low carbon economy; and he is of the view this carries significant weight in the determination process. (IR235-237)
12. The Inspector has considered the relevant policies in the Adopted Carmarthenshire Local Development Plan (“LDP”) and states Future Wales is the highest tier of development plan in Wales and local development plans “are required to be in conformity with Future Wales and must be kept up to date to ensure they and Future Wales work together effectively”. Future Wales represents, supported by PPW, the most up to date planning policy position in terms of assessing schemes such as that proposed in this application, and the WG’s wider strategic aims and policies. The more up to date policy stance in Future Wales carries significant weight in the determination of this application and outweighs the more restrictive and less up-to-date planning policy position taken in the LDP. (IR238-245)
13. The Inspector is of the view in broad terms LDP policies support the principle of renewable energy development and are consistent with the principles of sustainable development and renewable energy objectives, however the policies carry less weight than the updated policy stance in Future Wales, PPW and the FG Act 2015. (IR246)
14. The Inspector is of the view the development represents a highly efficient method of generating electricity. Therefore, the Inspector attaches significant weight to the contribution the development would make to producing energy from a renewable source in order for Wales to meet its international commitments, and its carbon and renewable targets as part of national and local planning policies. The proposal would also accord with WG’s overall approach to tackling climate change and increasing energy security. However, the Inspector acknowledges he must also balance that significant benefit against the potential environmental and other impacts of the proposal in considering whether the scheme would be inherently acceptable. (IR247)

## Character and Appearance

### *Landscape Character*

15. The overall site is located within gently undulating open countryside comprising of the Afon Morlais and Afon Dafen Valleys and is bisected by the Afon Morlais. It is characteristically agricultural in nature with improved grassland fields bounded by hedges, ditches and woodland, interspersed with sporadic development such as farmsteads, single dwellings, or roadside hamlets. The wider area, whilst rural in nature, is influenced by the presence of built development, and various infrastructure such as electricity pylons, a solar farm, wind turbines and telecommunications masts. The site is not located within any statutory or non-statutory landscape designations. (IR 250)
16. The Inspector is of the view the submitted Landscape and Visual Impact Assessment (“LVIA”) is sufficient to enable the potential landscape and visual impacts to be understood. The Inspector states in his assessment of this main issue he has taken the LVIA into account along with the other information available, including his inspection of the application sites A, B and C, and the various vantage points within the immediate and wider area, including those selected for the LVIA. (IR 248-249)
17. The site is predominantly located within the LANDMAP Llanelli Hills visual and sensory aspect area with the exception of a small part of the grid connection route crossing the grade II listed Cilddewi Bridge which is within the Morlais Valley and Swiss Valley visual and sensory aspect. In terms of evaluation its character is deemed to be ‘moderate’ as the area does not have a very distinct character. The Inspector states the overall evaluation for the Llanelli Hills visual and sensory aspect area covering the site has been assessed by LANDMAP as being ‘moderate’ due to its rural landscapes and it providing an attractive area of countryside on the hinterland of Llanelli. The Morlais Valley and Swiss Valley sensory area is described as steep sided and well wooded valleys and because of the steep valley sides there are few views out of the area. The Inspector states in terms of evaluation of its character, this is deemed ‘high’ on account of the steep wooded valley sides and the water bodies within it, whilst its overall evaluation is also high due to its scenic qualities and unspoilt character. (IR 251-253)
18. The Inspector notes the site is classed as having medium sensitivity in terms of the ‘Carmarthenshire Solar PV Development – Landscape Sensitivity and Capacity Study’ a background document which informed and is referred to in the Carmarthenshire County Council’s (“the LPA”) Supplementary Planning Guidance (“SPG”) on Wind and Solar Energy. (IR 254)
19. The proposal would inevitably result in the loss of an area of pastoral grassland and therefore the Inspector agrees with the findings of the LVIA that the development would result in a major (significant) effect on the pastoral grassland and character of Sites A, B and C. However, a relatively limited number of hedgerows would require removal, other hedgerows would be planted/augmented as mitigation. The Inspector also notes significantly, due to the physical and visual enclosing nature provided by topography, woodlands, high sided banks and hedgerows, and ‘green’ buffers, the effects would, in general terms, visually lessen significantly beyond the site boundaries and the character of the wider area. Also, in terms of character, the pastoral grassland would not be removed entirely, and the agricultural land use would be retained through sheep grazing beneath the solar arrays. (IR 255)

20. The Inspector also notes visibility does not necessarily result in harm to landscape character, and the generally low-level nature of the development would significantly screen it from view. At close quarters, the development would be experienced over short stretches of the landscape and only for brief periods. Medium and distant viewpoints would be restricted, with only partial elements of the proposal seen at any one time, with many observers' experience likely to be fleeting or transitory in nature. The grouping together of the substation and grid connection point with other built development such as the Blaenhiraeth Farm complex of buildings and pylon and transmission line development assists in further limiting potential harm to the overall landscape character of the area. (IR 256)
21. The Inspector notes the operational, approved and 'in planning' solar schemes relevant to the proposed development are shown in Figure 6.13 and are listed in Table 6.5 of the Environmental Statement ("ES"). Table 6.5 of the ES shows there are no large-scale solar developments within the immediate surroundings of Sites A, B and C therefore the scope for in combination, sequential or in-succession effects is very limited. The Inspector agrees with the findings of the ES that due to the locations of Sites A, B and C within lower areas of the Afon Morlais Valley and the visual containment it provides, in-succession views between existing or planned solar developments when travelling along the A476 are unlikely to be observed, experienced or be very limited as regards any cumulative effect. As a result, the Inspector notes any cumulative impacts of the proposed development would be negligible. The Inspector also notes the LPA's stance is the cumulative impact of the scheme with other solar development is not considered material. (IR 258-259)
22. Having regard to the above, the Inspector considers the proposed development would not be at odds with the predominant LANDMAP visual and sensory characteristic or evaluation for the Llanelli Hills, or the small portion of the site which lies with the Morlais Valley and Swiss Valley visual and sensory area. Consequently, the Inspector considers the proposed development would not have any significant effects on the landscape character of the area. (IR 260)
23. The Inspector states, given the scale of the development proposed and the renewable energy benefits this provides, the effects on character and appearance are considered to be localised. The Inspector is satisfied the proposed development would not be in conflict with Policy 18 of Future Wales, Policies SP11, RE3 and, GP1 of the LDP, or PPW 11 in terms of the landscape character of the area. (IR 261)

### *Visual Impact*

24. In addition to the LVIA, the visual impact of the proposal was also considered in a separate Residential Visual Amenity Assessment ("RVAA") which focussed on any effects on the private views of representative surrounding farms and residential properties. Visual receptors as identified within the LVIA include those people who live in the area, people travelling through the area, and users of public rights of way. The proposal would be visible to varying degrees from those vantage points between higher topography at Mynydd Sylen to the west down to lower topography areas such as the rural lane ("U2309") to the east, and Medelfyw Road to the south. The Inspector notes in visual terms, the impact of the development is of limited significance from the majority of the identified viewpoints as indicated in the LVIA and the RVAA due to screening by local topography and existing vegetation, and the fact that overall the scheme is relatively low level in height. The siting of the development capitalises on these natural features to screen it and aid assimilation into the local environment. (IR 262-266)

25. Whilst the proposal would be experienced from some Public Rights of Way (“PRoW”) and other public vantage points, the Inspector notes these viewpoints would not be sustained over long periods, would be transitory in nature and would not result in any significant change or appreciation of the rural character of the area, nor fundamentally alter the landscapes’ overall character and appearance. The vast bulk of all potential views of the development are unlikely to be sustained over long periods due to local topography and the screening effects of vegetation, along with further landscape augmentation. Therefore, the Inspector considers its effect on visual amenity would not be significant. (IR 267)
26. The proposed substation and grid connection point would be located in close proximity to the Blaenhiraeth Farm complex of buildings and next to existing pylons and transmission lines. The Inspector notes the screening effects of the existing development limits and mitigates potential visual harm. Further afield, the Inspector is satisfied the development, in most instances, would not be clearly perceptible and therefore any effect on visual amenity would be minor and insignificant. The Inspector also notes in succession views between other solar developments when travelling within the locality are unlikely to be observed or experienced as a cumulative effect, or if so barely perceptible. (IR 268-269)
27. The Inspector notes a site of the size proposed will be visible from existing dwellings in the locality. Elements of the proposal would be visible to varying degrees from the assessed properties surrounding the site, and others which the Inspector noted during a site visit. However, bearing in mind factors such as the partial screening effects of topography, existing landscaping, the proposed additional landscaping, the generally significant setback distance from those properties, along with the relatively low level nature of the development, the Inspector does not consider residential properties in the locality would be unacceptably affected in visual terms. (IR 270-271)
28. The RVAA identifies 3 other properties where effects would range from moderate to major in significance i.e. Cware Farm, Wayside and Medelfwy Farm. Regarding Cware Farm, the Inspector does not consider any effects would be unduly visually detrimental. The Inspector notes from Wayside views of the development are not considered to pose any significant detriment to the amenities of that property. Regarding Medelfwy Farm, the Inspector is of the view any visual impact is not considered to be significant or materially detrimental to the amenities the property would currently enjoy. (IR 272-274)
29. Access onto the site will be created from the A476, improving an existing farm access. It is proposed to remove or maintain any vegetation within the proposed visibility splays within the applicant’s control to achieve the minimum relevant visibility splays. Concerns were raised in terms of the potential removal of hedging along the A476 to facilitate the widened access, and the Inspector considers ideally in visual terms the retention of the hedge in situ is preferred. However, if necessary, the hedging would be translocated, an option the Inspector considers would not be materially detrimental to the visual amenities of the area and which could be dealt with by conditions. Regarding other hedges across the site the Inspector is of the view whilst there will clearly be some unavoidable losses to create access points/ access tracks, the extent of such losses is limited, and the applicant proposes a significant amount of compensatory hedging planting. (IR 275-277)
30. Overall, the Inspector concludes on this main issue, for the reasons given above, the proposed development would not be detrimental to the character and appearance of the area, both in terms of landscape and visual impacts. The proposed development would therefore not be in conflict with policy 18 Future Wales, policies SP11, RE3 and,

GP1 of the LDP, and PPW, which collectively and amongst other things, seek to protect the natural environment, landscape character, and the visual amenities of the area. (IR 278-279)

### **Effect of the proposed works on the character and special interest of the listed bridge with particular regard to the proposed cable route**

#### *Heritage Assets in the Locality*

31. The submitted Heritage Assessment (“HA”), identified one Scheduled Monument, one Grade II\* Listed Building, 13 Grade II Listed Buildings and one designated historic asset within the site comprising of the grade II listed bridge over the Afon Morlais, through which the cable route is proposed. (IR 280)
32. Setting aside the effect on the grade II listed bridge within the site, in terms of other heritage assets within the wider area, the HA states there is no relationship between the assets and the site, visual and otherwise, as the surrounding topography and vegetation prevent any visual relationship, as demonstrated by the Zone of Theoretical Visibility (“ZTV”) ZTV (Fig. 3) of the HA. The HA also finds no historical or functional relationship with the site is apparent, which collectively indicates there will be no change to the significance of the assets. Based on the findings of the HA, Cadw and his site observations, the Inspector is satisfied there will be no impact on any designated heritage asset, aside from the aforementioned grade II listed bridge. (IR 281-283)

#### *Listed Bridge – Listed Building Consent*

33. The application for listed building consent was accompanied by a Revised Heritage Impact Assessment (“HIA”) which focused solely on the impact of the proposed development on the grade II listed bridge over the Afon Morlais. The bridge is an early 19th century two-arch structure of rubble masonry, with ashlar voussoirs. There is a larger projecting stone as a keystone on both the upstream and the downstream faces. The parapets are tall with surviving original round copings on the upstream side; the other coping is mortared. The architectural features identified above contribute to the special architectural and historic interest of the structure and its significance as a heritage asset. (IR 284-285)
34. The setting of this bridge is provided by the Afon Morlais and the road which crosses over it. The physical and functional location of the river and road provide the historical context and functional use for the bridge, positively contributing to its significance. The Cadw listing gives the reason for its designation as being a ‘Picturesque minor vernacular bridge probably of c1800’. (IR 286)
35. The Inspector notes Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the 1990 Act”) require the decision-maker, in considering whether to grant listed building consent, for any works, or development, affecting a listed building, or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Inspector also notes the relevant policies in Future Wales, the LDP and Technical Advice Note (“TAN”) 24: The Historic Environment. (IR 287)
36. The proposed works to the bridge involve routing 3 no. 11kV triplex cables and one communication cable within the bridge road surface. A depth of 350mm of excavation is required to bury the cable run. The detailed methodology refers to works including

drilling a series of 16mm pilot holes to confirm the depth of the road makeup at the crown, measured from the top surface of the tarmac to the top of the masonry arch. The applicant explains if these investigations reveal a makeup of less than 350mm of modern road surface or make-up material of historic interest then an alternative methodology will need to be designed and agreed in conjunction with Cadw and the LPA. (IR 288)

37. The Inspector notes, in the event of the modern fabric of the bridge not being the required depth, the applicant argues it may be that 'reasonable modifications' would need to be introduced and this could be subject to a planning condition. He also notes that both the Council and Cadw accept the significance of the listed bridge would be unharmed should the assumed depth required to lay the cables be achieved thereby safeguarding any historic fabric. However, in the absence of detailed confirmatory surveys, they expressed concern the approach may be unfeasible and ultimately may detrimentally impact upon the historic fabric of the bridge. Therefore, both the LPA and Cadw considered such confirmatory information was necessary and should be available prior to a decision on the granting of listed building consent. (IR 289-292)
38. In the absence of detailed investigative works, the Inspector notes the concerns of both the LPA and Cadw regarding the potential impact on the historic fabric. Should the investigations reveal sufficient depth i.e. in excess of 350mm depth of modern road surfaces and make-up material of no heritage significance then the works would pose no adverse impacts or harm to the significance of the bridge as a heritage asset. In these circumstances, the Inspector is satisfied the works as detailed at paragraph 3.9 in the Revised HIA dated 17 March 2021 would safeguard the heritage asset subject to an appropriately worded condition. The Inspector notes any variation to the methodology as detailed in the Revised Heritage Impact Statement would need to be addressed via a separate listed building consent to allow the LPA to fully assess the nature of the changes and likely impacts in terms of the listed bridge. (IR 293-295)
39. The Inspector notes other concerns raised regarding the structural integrity of the bridge, however he is satisfied there is no evidence to suggest that would be the case, and the proposed methodology would provide adequate safeguards in this respect. (IR 296)
40. The Inspector is of the view, on balance, the proposed routing of the cables through the listed bridge would not be detrimental to the historical significance of the listed bridge, and would preserve the structure, and its setting, and any features of special architectural character or historic interest which it possesses. The Inspector considers the proposed works therefore would not run contrary to the 1990 Act, Policy 18 of Future Wales, Policies SP13 and EQ1 of the LDP, PPW, in addition to advice as contained within TAN 24, which collectively seek to protect heritage assets. (IR 297)

## **Ecology**

41. The Inspector notes in terms of ecology matters, the key principle in any new development proposal is to protect and enhance biodiversity. This is supported at a national level within the Future Wales, PPW and at the local level in Policies GP1, SP14, and EQ4 of the LDP, and SPG's. The proposal's impact on ecology has been assessed in terms of construction and operation of the scheme. (IR 298)

### *Hydrology and receiving watercourses*

42. The Inspector notes the site is hydrologically linked to the Carmarthen Bay and Estuaries Special Area of Conservation (“SAC”), Bury Inlet Special Protection Area (“SPA”), Burry Inlet Ramsar and Loughor Estuary and the Burry Inlet and Loughor Estuary Site of Special Scientific Interest (“SSSI”). The impacts identified relate to the degradation of watercourses through silt and sediment run-off during construction as well as accidental pollution events during construction. (IR 299)
43. Mitigation has been proposed which is set out within a Construction and Environmental Management Plan (“CEMP”). The Inspector agrees with Natural Resources Wales (“NRW”) that subject to appropriately worded conditions to protect watercourses as detailed in the draft CEMP, along with measures in the Construction and Ecological Management Plan (“CEcMP”) and Landscape and Ecological Management Plan (“LEMP”), that the ecology of the nearby SAC, SPA, Ramsar and SSSI will not be adversely effected. (IR 300-302)

### *Grassland*

44. The Inspector notes the application site consists of improved/poor semi-improved pasture grassland, and wetter rush dominated areas interspersed with native broadleaf woodland, species-rich hedgerows with ditches and streams, and the Afon Morlais which flows through the site. Ecological surveys have been carried out at the site which have identified a range of habitats on or/immediately adjacent to the site, however, many of these habitats were of low ecological value. The Inspector states the layout of the solar arrays would largely avoid impacts on the high value habitats, with the array located primarily on areas of improved or semi-improved grassland of low ecological value. (IR 303)
45. The Inspector states the existing grassland will be managed through the CEMP and states it is highly likely the proposal would offer a more diverse grassland when compared with similar agricultural land, particularly with wildlife-focussed management as promoted by the CEMP and CEcMP. (IR 304)

### *Woodlands and hedgerows*

46. The Inspector states, regarding woodland areas within the site, no trees are proposed to be removed and the cable route has been modified to avoid such areas, therefore there will be no impacts on trees. However, he notes there is potential for damage to tree roots while laying the cable over the road by the Afon Morlais adjacent to a woodland should the cable be laid at the edge of the road where tree roots may be. However, the Inspector is of the view any damage is likely to be temporary and unlikely to cause no more damage than the current agricultural vehicles used on the farm. He is satisfied the inclusion of ecological mitigation such as buffer zones further reduces the likelihood of any detrimental impacts on woodlands. (IR 305)
47. The Inspector agrees with NRW’s view that generally, the retention, protection and the subsequent ecologically driven management of the hedgerow network would enhance that network, and the addition of new hedgerow will make a measurable contribution towards locally and nationally important habitat. The Inspector also considers the draft CEMP and CEcMP set out measures to appropriately protect the hedgerows and field boundaries during construction and this will be in line with the relevant British Standard in relation to trees. (IR 306-307)

### *Birds*

48. An area of land is designated within the red line boundary but outside the footprint of the arrays is to be managed for ground nesting birds. The Inspector is of the view the land set aside for bird mitigation and subsequent management as set out within the LEMP, can be secured via a planning condition, and is appropriate. (IR 308)

### *Other Protected Species*

49. The Inspector notes the site has the potential for protected species such as the dormouse, bats, otters and badgers and he is satisfied the CECMP, the CEMP, and LEMP would set out adequate measures to safeguard any adverse impacts on these species. (IR 309)
50. Overall, the Inspector is of the view the proposal has been designed and would be managed to protect and encourage biodiversity and ecological interests. He is satisfied the proposal would avoid, mitigate and compensate potential negative impacts, ensuring no significant adverse effects on areas of conservation interest such as the SAC or locally protected habitats and species. The Inspector considers the proposed development would not result in an unacceptable impact on water quality or the loss of or harm to trees or hedgerows which have wildlife value. In all these respects the proposed development would comply with the ecological objectives of the above mentioned LDP Policies, Policy 18 of Future Wales and PPW. (IR 310-311)

### *Habitats Regulation Assessment ("HRA")*

51. The HRA process was introduced by the 'Habitats Directive' and the 'Birds Directive' and was transposed into domestic law primarily by the Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations") and the Conservation of Offshore Marine Habitats and Species Regulations 2017. It is required where a plan or project is deemed to have possible impacts on a European designated site, which encompass SACs, SPAs and Ramsar sites. Candidate SACs and proposed SPAs are also included within the assessment. (IR 312)
52. The Habitats Regulations requires the Competent Authority, the Welsh Ministers in this case, before deciding to give consent for a plan or project which is likely to have a significant effect on a European Site (either alone or in combination with other plans or projects), and which is not directly connected with or necessary to the management of that site, to make an "Appropriate Assessment" ("AA") of the implications for that site in view of its conservation objectives. (IR 313-314)
53. Conscious of the requirements of Regulation 63 (3) of the Habitats Regulations, regard has been had to the comments of NRW in carrying out this assessment. To enable the Welsh Ministers to be able to carry out the AA process, evidence has been provided in the form of the submitted HRA Screening Matrix and an additional document entitled "Information to Support Habitat Regulations Assessment". The Inspector notes the applicant accepts an AA is required for the proposal. (IR 315-317)

### *AA*

54. The Inspector states a total of 4 European designated sites lie within 10km of the proposed development. These are: Burry Inlet SPA and Ramsar (6km south at its closest point), Caeau Mynydd Mawr SAC (6km north east at its closest point), Cernydd Carmel SPA (8.8km north east at its closest point) and Carmarthen Bay and Estuaries SPA (3.2km south east at its closest point). Burry Inlet SPA and Ramsar and

Carmarthen Bay and Estuaries SAC are therefore the focus of this assessment. (IR 318-320)

55. The Inspector has previously identified the SAC, SPA, and Ramsar could be impacted through the release of pollution during construction which may directly impact the sites further downstream, or directly impact otters which may be associated with the site via noise or vibration during construction. Other potential impacts identified were pollution events or through noise/vibration affecting otters which are associated with the designated sites although are likely to utilise watercourses further away. No likely impacts have been identified during the operation of the plant and the cessation of intensive agriculture is likely to result in benefits to the watercourses. (IR 321-323)
56. The Inspector notes prior to decommissioning, updated ecological surveys would be conducted as the site is likely to have changed considerably. He considers the same impacts are likely to apply during removal of the panels and associated structures and so a CEMP would be prepared to support that stage of development to ensure the watercourses and otters are duly considered and protected. Mitigation measures have been put in place which are detailed within a CEMP and CEcMP. The Inspector states both these plans set out precautions to ensure the watercourses are protected from pollution during construction and also to ensure otters are not injured. The Inspector is of the view the mitigation measures can be secured by planning conditions and implemented in full by the applicant. (IR 324-325)
57. In terms of other plans or projects, none have been identified which may result in cumulative effects, therefore no effects are anticipated. The AA concludes there would be no adverse effect on the integrity of the European site or features as a result of the proposed development, alone or in combination with other plans and projects. Accordingly, the Inspector considers planning permission may be granted subject to the necessary conditions being attached. (IR 326-328)

### **Traffic and Highway Safety**

58. With regard to traffic and highway safety, the Inspector acknowledges the overwhelming bulk of traffic movements generated by the proposal would be during the construction phase. Traffic during the operational phase would be limited and insignificant. The Inspector notes concerns raised on this matter are mainly in respect of the amount and movements of construction traffic and the size of vehicles to be used particularly at the main access point for the proposal at Site B, and effects on the local highway network. (IR 329-332)
59. The Inspector notes the construction phase of the development would clearly result in additional traffic movements associated with deliveries and personnel travelling to and from the site. However, the submitted Construction Traffic Management Plan ("CTMP") explains how the transport impact would be managed and minimised during the construction period. In addition to the physical mitigation works, other mitigation measures include a variety of measures to be agreed between the applicant and the LPA. The Inspector is satisfied the highway concerns raised by objectors to the proposal would be adequately addressed via the various mitigation measures outlined in paragraphs 333-339 of the IR. (IR 333-340)
60. The Inspector is satisfied there is nothing to suggest the addition of the forecast construction trips, over a relatively short period of time, would, as indicated by local objectors, have any significant impact on the safety of the local highway network. (IR 341-342)

61. The LPA consider the proposal would have a neutral impact on the existing highway network; the Inspector states he has no reason to disagree. The Inspector is of the view the proposal would accord with policies GP1 and TR3 of the LDP which seek to protect highway safety. In addition, it would not conflict with Policy 18 of Future Wales, or PPW. The Inspector is satisfied the proposal would not give rise to any significant highway safety issues or result in traffic generation exceeding the capacity of the highway network. It would provide suitable and safe access arrangements. (IR 343)

## **Living Conditions**

### *Noise*

62. The Inspector notes third party objectors argue the scheme will be detrimental to residential amenity due operational noise. The applicant's Noise Assessment ("NA") assessed the potential noise impacts arising from its operation in relation to noise sensitive receptors (dwellings) nearby. Based on this information, the modelling indicated operational noise during the likely daytime operating hours would be within the prescribed noise limits at nearest sensitive receptors for all non-financially linked properties. (IR 344-347)
63. In addition to operational noise, third parties raised concerns in terms of noise during construction. The Inspector is satisfied noise during the construction period could be controlled and minimised as indicated in the measures referred to in the CEMP which would be implemented through a condition. (IR 348)
64. The Inspector is of the view the proposed development would not have a significant adverse effect on local amenity including in terms of noise. In this respect it would comply with Policy LDP 18 of Future Wales and Policies SP11, GP1 and RE3 of the LDP. (IR 349)

### *Glint and Glare*

65. The Inspector notes a number of third party objections related to impacts on residential amenity and highway safety from glint and glare effects of the proposal. The application was accompanied by a 'Glint and Glare Assessment' ("GGA") which assessed the possible effects upon ground-based receptors near the proposed development; in particular, the nearby dwellings and A476 road. The report modelled reflections throughout the year towards dwellings and the road users of the A476 within 1 km of the proposed development. (IR 350)

### *Residential Amenity*

66. The Inspector notes a total 38 dwellings were assessed, of these 24 were deemed to have the geometrical potential to experience solar reflection for a short period of time either in the early morning or late afternoon for a duration of 3 months or more. However, for 23 of those properties, the intervening screening would block views towards the relevant reflecting area of panels. (IR 351)
67. The GGA identified a remaining dwelling (known as Wayside), located some 360m from the development site, where solar reflections could occur for 6 months per year, between April to September; this property was subject to further assessment via a site visit which was incorporated into the revised version of the GGA. The GGA noted solar reflection would not occur past 6.30 am GMT and would last no more than 20 minutes per day where specific weather and visibility conditions are met. The Inspector notes he has seen no substantive evidence to contradict the findings of the GGA whether

that be in regard to Wayside or any other dwelling. In addition, the Inspector is of the view existing topography and landscaping is highly likely to assist in screening any effects. In broad terms bearing in mind the above, the Inspector considers the impact upon the residential amenity of Wayside would not be significant. (IR 352-353)

68. The occupant of Wayside submitted a modelling exercise of the effects of glare on the property. The Inspector states the document which the occupant of Wayside relies upon to substantiate his stance in regards to the effects of glare appears to be a rudimentary modelling exercise which lacks a description of the methodology employed, does not provide any meaningful technical explanation as to how the effects were assessed or quantified, and does not arrive at any conclusions. Therefore, in the absence of such details the Inspector is of the view it carries no weight in this appraisal. In any event, the Inspector has previously found there would be no significant impact on the property in terms of glint and glare for the reasons outlined above. (IR 354)
69. The occupants of Blaenhiraeth Fach commissioned a separate glint and glare assessment (“the Syntegra Report”) of the effects on amenity of the proposal in the immediate area around their property and on a nearby public footpath. The Inspector notes the assessment maintains the majority of the receptor points studied would experience intolerable glare as a result of the proposal, with others experiencing a more than minor impact for the entire year. The Inspector notes however inaccuracies and gaps in the methodology ultimately casts substantial doubt on the robustness and validity of any of the findings and conclusions of the Syntegra Report. In any event, based on the Inspector’s observations whilst on site, he is satisfied any impact on the amenities of Blaenhiraeth Fach would not be significant in terms of glint and glare for the reasons previously outlined above. (IR 355-357)

#### PRoW

70. The Inspector is of the view whilst users of the PRoW 33/54 may experience solar reflection, there is no evidence to suggest this would be significant, and based on the Inspector’s observations whilst on the site visit, the topography and landscaping in the area are highly likely to significantly screen any effects should they occur, along with the transitory nature of such experiences, particularly so in the vicinity of Blaenhiraeth Fach. (IR358)

#### Highway Safety

71. In respect of glint and glare in terms of highway safety, a section of the A476 was assessed. The Inspector is of the view, due to topography, any arrays are highly likely to be screened by significant existing landscaping between the road and the site. In addition, he notes the GGA confirms all solar reflections would occur outside of a road user’s field of vision and would therefore not be visible to drivers under typical conditions. (IR 359-360)
72. The Inspector is of the view, overall, the proposed development would comply with Policy 18 of Future Wales and Policies SP11, GP1 and RE3 of the LDP which collectively seek to safeguard the amenity of those living near to development in matters such as noise, or glint and glare. (IR 361)

## **Other Considerations**

### *Benefits*

73. The Inspector is of the view, notwithstanding the views of some interested parties, the proposed scheme has the potential bring about multiple benefits in socio-economic terms whether that be a contribution at national or local level. (IR 362-363)

### *Diversification*

74. The Inspector considers the proposal is an additional benefit which would provide the farm business with an additional stable source of income over the lifetime of the scheme, in line with TAN 6: planning for sustainable rural communities. The proposal would facilitate diversification of the rural economy whilst being subordinate to, compatible with, and supporting the continued operation of the agricultural activity of the existing working farm. The scheme is of a scale and nature appropriate to the existing farm operation. (IR 364-365)

### *Agricultural Land*

75. The Applicant's Agriculture Assessment ("AgA") stated the Welsh Government's Predictive Agricultural Land Classification ("ALC") plans of November 2017 have determined that land within the site cannot be graded higher than Subgrade 3b due to a climate limitation. The Inspector states Subgrade 3b land does not constitute the best and most versatile agricultural land ("BMV") as referred to in PPW. The Inspector notes the WG's 'Agricultural Land Use & Soil Policy Advisor' agrees with the findings of the AgA and is of the opinion a detailed ALC survey would not be required for the site, as it is unlikely to include BMV agricultural land. The Inspector sees no reason to take a different view. (IR 366-367)
76. The Inspector notes the proposed development would result in the loss of productive pastureland for a period of 35 years and would therefore have a negative impact on the agricultural potential of the land over the lifetime of the development. Nonetheless, the Inspector also notes the site would be returned to its former state subject to the imposition of an appropriately worded planning condition, and the site would be used for seasonal sheep grazing, thereby maintaining an element of agricultural use even during the operational phase of the proposal. (IR 367-368)
77. The Inspector is of the view due to the temporary nature of the development and its reversibility, any impact on the loss of agricultural productivity is likely to be neutral subject to effective site restoration to ensure its value is not significantly reduced. In addition, the Inspector considers any temporary loss of the existing agricultural use of the land is outweighed by the need to provide a more sustainable form of electricity to meet society's wider needs. To this extent, he is satisfied the proposed development is in line with national planning policy. Therefore, the Inspector does not consider the issue of the temporary loss of existing agricultural land is decisive to the outcome of this application. (IR 369)

### *Site Selection*

78. In terms of site selection, the Inspector states objectors argue other sites such as brownfield land, should be used in preference to a greenfield site. However he is of the view planning policy permits development such as that being proposed in rural locations subject to certain requirements. The Inspector is of the view the proposal is

appropriate in scale and design in its rural location, respecting the landscape character, and the biodiversity of the immediate and surrounding area, therefore overall being policy compliant in regard to site selection. (IR 370)

### *Welsh Language*

79. The Inspector is satisfied there is no evidence taking the land out of dairy production during the lifetime of the development would detrimentally impact on the Welsh language or culture of the area. (IR 371)

### **Other Matters**

80. The Inspector notes objectors raised a number of concerns, regarding matters such as impact on local drainage and the local tourist economy, however he is satisfied there is no substantive reason to indicate any of these interests or other concerns would be subject to any material detrimental harm as a result of the proposal development. (IR 372)
81. In support of their case, objectors have referred to policies contained within the emerging replacement Carmarthenshire LDP. The LPA accepts at present the emerging plan holds little weight in this process. As it appears unlikely the replacement LDP will be subject to examination anytime soon, the Inspector agrees. (IR 373)

### **Conditions**

82. I am satisfied, subject to minor amendments, the conditions recommended by the Inspector meet the relevant tests in Welsh Government Circular 016/2014: The Use of planning Conditions for Development Management. (IR374-383)
83. The applicant submitted a signed and dated Unilateral Undertaking (“UU”) which secures an annual payment of £10,000 (Index linked) per annum for a period of ten years (£100,000 Index linked in total) from the applicant to be distributed amongst the host community councils, Llannon, Llangennech and Llanelli Rural. It would be used for “the benefit of the local community”. It is noted the UU is not required under planning policy, nor does it meet the requirements of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 e.g. necessary to make the development acceptable in planning terms and is not therefore a material planning consideration. I have given it no weight in consideration of the applications. (IR384-386)
84. I also note the issue of materials has been considered by the Inspector and condition 3 specifies the decommissioning element of the scheme which includes the submission of a Decommissioning Environmental Management Plan.

### **Summary of Conclusions**

85. Decisions are required to be made in accordance with the development plan unless material considerations indicate otherwise. In this regard the Inspector has taken into account the relevant policies of Future Wales and the LDP. In broad terms the LDP policies support the principle of renewable development and align with and are consistent with the principles of sustainable development and renewable energy objectives. However, as certain aspects of the LDP policies take a more restrictive approach to renewable energy development they carry less weight than the most up-to-date policy position in Future Wales and PPW which the Inspector found the proposal to fully accord with. (IR 387)

86. Future Wales and PPW seek to ensure the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural wellbeing of Wales as required by the FG Act 2015. Both documents make it clear achieving decarbonisation and climate-resilience is a key national priority for Wales, and a recognition of a need for Wales to focus on generating the energy it needs to support its communities and industries over the next twenty years. The Inspector is of the view the proposed development would align with and support this approach. (IR 388)
87. The proposed development is estimated to power some 10,600 homes per annum and offset 525,000 tonnes of CO<sub>2</sub> over the next 35 years which is a considerable contribution and sustainable benefit of the scheme. This significant benefit of the scheme helps to meet local and national renewable energy goals, reduces reliance on energy generated from fossil fuels and actively facilitates the transition to a low carbon economy; the Inspector affords this contribution significant weight in the determination process. (IR 389)
88. With regard to the other main issues, the Inspector is of the view the scheme has been located and designed to minimise any significant detriment to the character and appearance of the area, visual amenities, ecological interests, living conditions of local residents in the area, highway safety, and the historic environment. He is satisfied significant and persuasive mitigation measures would safeguard these acknowledged interests, which can be satisfactorily delivered via planning conditions. The temporary and reversible nature of the scheme, along with the proposed mitigation will ensure the site will be returned to its historic use. (IR 390)
89. The Inspector is of the view the significant renewable energy benefits which would accrue from the proposed scheme would more than justify any slight harm. Furthermore, he considers it would bring forward a raft of other benefits such as biodiversity enhancements and by supporting the local economy. (IR 391)
90. The Inspector's overall conclusion is the proposal would be appropriately located acceptable development which would bring economic, social and environmental benefits. In addition, the Inspector considers it would have no significant adverse impact on acknowledged interests. It would meet the requirements of the most up-to-date development plan policies and national planning policy in regard to these foregoing matters and would reflect the principles of sustainable development as advocated in the FG Act 2015. (IR 392)

### **Conclusion and Decision**

91. I agree with the Inspector's appraisal of the main considerations, the conclusions of the IR and the reasoning behind them, and I accept the recommendation. Therefore, I hereby grant planning permission for DNS/3213164, subject to the conditions in Annex A to this decision letter.
92. I agree with the Inspector's appraisal of the considerations and conclusions in relation to the secondary application for listed building consent for 'the laying of cables through the modern concrete overlay of the Grade II masonry arch bridge at Cilddewi Bridge as discussed in paragraphs 33-40 of this decision letter. Therefore, I hereby grant listed building consent for DNS/3213164, subject to the conditions in Annex B to this decision letter.

93. In reaching this decision I note the duty to carry out sustainable development under section 2 of the Planning (Wales) Act 2015 and I consider the decision accords with the sustainable development principle set out in the FG Act 2015. In accordance with section 3(2) of the FG Act 2015 and the well-being objectives of the Welsh Ministers, the decision will help “Build a stronger, greener economy as we make maximum progress towards decarbonisation”.
94. I have taken the ES and all other environmental information provided into account in the consideration of this application, as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.
95. I accept the findings and conclusions of the AA, provided in paras 51-57 of the IR, and I am content the Welsh Ministers’ duties under the Habitats Directive have been discharged and Regulation 63(5) of the Habitats Regulations has been satisfied.
96. A copy of this letter has been sent to Carmarthenshire County Council and to those persons and organisations appearing at the Hearings.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

**Julie James AS/MS**  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change

## Annex A – DNS Conditions

**Conditions attached to the Welsh Ministers' decision to grant planning permission for the installation, operation and subsequent decommissioning of a renewable energy scheme comprising ground mounted photovoltaic solar arrays together with substation compound; transformer stations; internal access track; landscaping; biodiversity measures; permissive footpath; security fencing; security measures; access gate; access improvement; and, ancillary infrastructure. The application proposal is for a temporary structure with a modelled operational lifespan of 35 years. Following cessation of renewable energy generation at the site, and as part of contractual obligations with the landowner, the photovoltaic arrays would be decommissioned and removed from site. As part of the decommissioning, the permissive footpath would also be removed.**

**Land at Blaenhiraeth Farm, Llangennech, Llanelli, SA14 8PX  
DNS planning application ref: 3213164**

1. The development shall begin not later than five years from the date of this decision.

*Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents, except where otherwise amended by any other attached to this planning permission:

- DRAWING DV\_LV\_101\_02\_03 SITE LAYOUT PLAN
- DRAWING DV\_GEN\_101\_02 CCTV DETAIL (3M WOODEN POST)
- DRAWING EPC\_PEN\_C\_E\_LA\_ELV\_01 REV 3 ELECTRICAL SECTIONS
- DRAWING EPC\_PEN\_C\_E\_LA\_SS\_01 REV 3 ELECTRICAL LAYOUT
- DRAWING PEN01\_DV\_CS\_102\_01 MOUNTING STRUCTURE AND FENCE DETAIL
- DRAWING PEN01\_DV\_CS\_103\_00 FENCE DETAIL
- DRAWING PEN01\_DV\_CS\_105\_00 GATE DETAIL
- DRAWING PEN01\_DV\_CS\_205\_00 PATHWAY DETAILS
- DRAWING PEN01\_DV\_CS\_603\_00 CONTROL HOUSE DETAILS
- DRAWING PEN01\_DV\_CS\_604\_01 MOUNTING STRUCTURE
- DRAWING PEN01\_DV\_CS\_605\_01 PROPOSED ELEVATIONS
- DRAWING PEN01\_DV\_HV\_120\_00 TRANSFORMER CENTRE CONNECTION DETAILS
- DRAWING PEN01\_DV\_MON\_401\_00 WEATHER STATION LAYOUT
- DRAWING DV\_CS\_801\_03\_02 REV 2 BRIDGE CROSSING CABLE DETAIL
- DRAWING BRS.4254\_27 REV K SHEET 1 / 4 SITE A - SITE LAYOUT AND LANDSCAPE FRAMEWORK
- DRAWING BRS.4254\_27 REV K SHEET 2 / 4 SITE B - SITE LAYOUT AND LANDSCAPE FRAMEWORK
- DRAWING BRS.4254\_27 REV K SHEET 3 / 4 SITE C - SITE LAYOUT AND LANDSCAPE FRAMEWORK
- DRAWING BRS.4254\_27 REV K SHEET 4 / 4 ALL SITES - SITE LAYOUT AND LANDSCAPE FRAMEWORK
- ARBORICULTURAL SURVEY, IMPACT ASSESSMENT AND PROTECTION PLAN [DECEMBER 2020]

*Reason: To comply with Paragraph 4.16 of Welsh Government Circular 016/2014 (Conditions).*

3. The authorised development shall cease operating 35 years after the date on which electricity is first exported to the National Grid (excluding any testing or commissioning). This planning permission authorises the decommissioning of the development and shall expire on the date that the site has been decommissioned in accordance with a Decommissioning Environmental Management Plan (“DEMP”). The date on which the development first exports electricity to the national grid shall be notified in writing to the LPA within 28 days of first export.

*Reason: The proposal is time limited and in the interests of visual amenity and to comply with policy 18 of Future Wales and policies RE3 and GP1 of the LDP.*

4. No development shall take place until a detailed layout plan of the site has been submitted to and approved in writing by the LPA. This shall include the precise location of the arrays, inverter buildings, transformer buildings, sub-station, fencing, CCTV and lighting. The scheme shall be implemented in accordance with the approved details.

*Reason: In the interests of visual amenity and ecology and to comply with policy 18 of Future Wales and policies RE3, SP14, EQ4 and GP1 of the LDP.*

5. No later than 12 months before the end of the 35 year operating period (or within 12 months of the permanent cessation of electricity production) the DEMP shall be submitted for the written approval of the LPA.

The DEMP shall include details of the following:

- i) Surveys and assessments to identify the existing ecology and habitat status at the time of decommissioning;
- ii) Method Statement detailing the process and extent of removal of surface elements of the photovoltaic solar farm and associated development and any foundations, anchor systems, trackways and subsurface cabling and associated works;
- iii) Proposals for effective recycling and disposal of decommissioned elements;
- iv) Traffic management plan to address likely traffic impacts arising from decommissioning operations;
- v) Measures to ensure environmental protection at the site to cover all decommissioning operations;
- vi) Measures to ensure ecological protection at the site to cover all decommissioning operations informed by the surveys and assessments under i) above;
- vii) Implementation timescales and schedules for all elements of the DEMP;
- viii) Reporting and monitoring responsibilities and delivery mechanisms for all elements of the DEMP; and,
- ix) Site restoration measures following all decommissioning operations.

The DEMP shall thereafter be implemented in accordance with the approved details and timescales.

*Reason: To ensure that upon the expiry of the lifespan of the development, the development is decommissioned and the land restored appropriately, in the interests of visual amenity and ecology and to comply with policy 18 of Future Wales and policies RE3, SP14, EQ4 and GP1 of the LDP.*

6. Noise levels at the nearest non-financially involved residential dwelling lawfully existing at the time of this planning permission shall not exceed 5dB above the background noise level. Measurements and assessments shall be made in accordance with BS 4142: 2014 +A1: 2019 'Methods for rating and assessing industrial and commercial sound'. Where the background noise levels shall be expressed as LA90 1hr and the ambient noise levels shall be expressed at LAeq 1hr.

*Reason: In the interests of residential amenity and in compliance with policy 18 of Future Wales and policies RE3 and GP1 of the LDP 7.*

7. At the written request of the LPA, the operator shall within a period of 2 months from the date of the request undertake and submit to the authority a noise assessment conforming to BS 4142: 2014 +A1: '2019 Methods for rating and assessing industrial and commercial sound' to determine whether noise arising from the development exceeds the level specified in Condition 6 above. The assessment shall be undertaken under the supervision of the LPA. In the event that the noise assessment demonstrates that the level referred to in Condition 6 is exceeded then the operator shall propose measures to mitigate the noise to ensure compliance with the noise level specified in Condition 6 for the LPA's approval. The mitigation measures shall be undertaken in accordance with the approved details.

*Reason: In the interests of residential amenity and in compliance with policy 18 of Future Wales and policies RE3 and GP1 of the LDP.*

8. No development or site clearance shall take place until a final Landscape Framework has been submitted to and approved in writing by the LPA. The Landscape Framework shall deliver the principles and content of the proposals set out in drawing series Figure 6.2 Site Layout and Landscape Framework (Ref. BRS.4254\_27 revision K).

The Landscape Framework shall include sufficient information to enable effective compliance monitoring or enforcement to include:

Plant specification:

- Plant species, varieties and cultivars
- Planting stock specification (stock size, form, root condition etc.)

Planting specification:

- Depths of topsoil and subsoil; ground preparation and cultivation
- Dimensions of planting pits or trenches and proposed backfill material
- Planting densities/spacing or numbers
- Methods of weed control, plant protection and support
- Seed mix specifications and sowing rates; and/or turf specification

*Reason: In the interests of biodiversity and visual amenity, and in compliance with policy 18 of Future Wales and policies RE3, SP14, EQ4 and GP1 of the LDP.*

9. The approved Landscape Framework, as submitted to discharge condition 8, shall be fully implemented in the first planting season following the commencement of development. If within a period of 5 years from the date of the planting of any tree or hedge proposed as part of the Landscape Framework, or any tree or hedge planted in replacement of it, is removed, uprooted or destroyed or dies or becomes, in the

opinion of the LPA, seriously damaged or defective, another tree or hedge of the same species and size as that originally planted shall be planted at the same place during the next planting season immediately following the death/removal/destruction of that tree or hedge.

*Reason: In the interests of biodiversity and visual amenity, and in compliance with policy 18 of Future Wales and policies RE3, SP14, EQ4 and GP1 of the LDP.*

10. No development or site clearance shall take place until a final Construction Environmental Management Plan (“CEMP”) has been submitted to and approved in writing by the LPA. The final CEMP shall fully integrate a final Construction Ecological Management Plan as set out in Appendix 7.5 of the Environmental Statement Technical Appendices Addendum (December 2020) and provide details of:

- i) Measures to ensure environmental protection at the site to cover all construction operations;
- ii) Measures to ensure ecological protection at the site to cover all construction operations;
- iii) Detailed construction schedule and implementation timescales for all elements of the CEMP; and,
- iv) Reporting and monitoring responsibilities and delivery mechanisms for all elements of the CEMP.

The CEMP shall be implemented in accordance with the approved details.

*Reason: In the interests of biodiversity and visual amenity, and in compliance with policy 18 of Future Wales and policies RE3, SP14, EQ4, TR3 and GP1 of the LDP.*

11. No development or site clearance shall take place until a final version of the Landscape and Ecological Management Plan (“LEMP”) has been submitted to and approved in writing by the LPA. The final version shall provide details of:

- i) All landscape and ecological objectives and management, maintenance and monitoring proposals to deliver the objectives;
- ii) schedules and timescales for delivery of the LEMP; and,
- iii) reporting and monitoring responsibilities and delivery mechanisms for all elements of the LEMP.

The LEMP shall be implemented in accordance with the approved details.

*Reason: In the interests of residential and visual amenity and biodiversity, and in compliance with policies EQ4 and GP1 of the LDP.*

12. No development shall take place until a final Construction Traffic Management Plan (“CTMP”) has been submitted to and approved in writing by the LPA. The CTMP shall be implemented in accordance with the approved details.

*Reason: In the interests of highway safety, residential and visual amenity, and biodiversity, and in compliance with policy 18 of Future Wales and policies RE3, SP14, EQ4, TR3 and GP1 of the LDP.*

13. The recommendations set out in the Arboricultural Impact Assessment shall be carried out in full.

*Reason: In the interests of residential and visual amenity and biodiversity, and in compliance with policy 18 of Future Wales and policies RE3, SP14, EQ4, TR3 and GP1 of the LDP.*

## **Annex B – Listed Building Consent Conditions**

1. The works hereby permitted shall be commenced before the expiration of five years from the date of this consent.

*Reason: As required by Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).*

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents, except as otherwise varied by any other condition attached to this planning consent:

DRAWING DV\_LV\_101\_02\_03 SITE LAYOUT PLAN  
DRAWING DV\_CS\_801\_03\_02 REV 2 BRIDGE CROSSING CABLE DETAIL

*Reason: To ensure that the development is implemented in accordance with the approved plans/details submitted with the application.*

3. The works to the grade II listed Cilddewi Bridge shall be carried out strictly in accordance with the method statement set out at paragraph 3.9 in the Revised Heritage Impact Statement dated 17 March 2021.

*Reason: To protect the integrity of the listed bridge and in compliance with policy 18 of Future Wales and policies SP13 and EQ1 of the LDP.*

## **Notification of initiation of development and display of notice**

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include the following:

### Notice of initiation of development

Before beginning any development to which this planning permission relates, notice must be given to the Local Planning Authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the Local Planning Authority to comply with this duty.

### Display of notice

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out development must ensure the notice is:

- (a) firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.