



Ein cyf/Our ref: qA1497499

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30 November 2022

Dear Mr Roberts,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 62D.
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (WALES) REGULATIONS 2016.
APPLICATION BY BRYNRHYD SOLAR FARM LIMITED FOR THE CONSTRUCTION,
MANAGEMENT, OPERATION AND SUBSEQUENT DECOMMISSIONING OF A
GROUND MOUNTED SOLAR PARK WITH A MAXIMUM DESIGN CAPACITY OF UP TO
30MWP (MEGAWATTS PEAK). LAND AT BRYN-Y-RHYD FARM, LLANEDI,
PONTARDDULAI, SA4 0FD.
APPLICATION REF: DNS/3260565.**

1. Consideration has been given to the report of the Inspectors who held hearings to examine the planning application.
2. In accordance with sections 62D 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. The Inspectors held hearings on 15 and 16 August 2022 and made a site visits on 3 December 2021, 7 September 2022 and 5 October 2022. A copy of the Inspectors' report ("IR") is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.

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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.

Main Considerations

4. I agree the main considerations are those listed at IR 166:
 - The effect on the area's landscape character and visual receptors,
 - The effect on residential amenity, with particular regard to outlook, glint and glare, and noise,
 - The effect on ecology and biodiversity, including protected species and sites, and
 - Whether any harm would be outweighed by the scheme's benefits, particularly in relation to climate change and energy security.

Landscape and Visual

5. The policy protection given to all landscapes in Wales by Planning Policy Wales ("PPW") is described in IR 167. Part of the application site is within the Llwchwr Valley Special Landscape Area ("SLA").

Landscape

6. LANDMAP is the Welsh landscape baseline, which has pre-assessed aspect areas in terms of their key characteristics and components. The Inspectors note the application site falls within the "Llanelli Hills" and "Llwchwr Valley" visual and sensory LANDMAP aspect areas. The Llanelli Hills aspect area is evaluated as "moderate" overall and the Llwchwr Valley aspect area attracts a "high" overall evaluation. The Carmarthenshire Solar PV Development Landscape Sensitivity and Capacity Study ("LSCS") identifies some capacity for small to large scale solar development in the Llanelli Hills aspect area. In the Llwchwr Valley area, it finds some capacity for carefully sited small-scale development (1ha to 5ha), but no capacity for medium (5ha to 15ha) or large (greater than 15ha) solar development. (IR 168 – 169)
7. The Inspectors' site visits confirmed the landscape character of the area, as described by LANDMAP. As only 25% of the panels would be located in the SLA, the Inspectors agree with the applicant and Carmarthenshire County Council ("CCC") that the site as a whole has a medium sensitivity to large scale solar schemes. However, eastern parts of the site are of notably greater landscape sensitivity than land in the western parts. (IR 170 – 172)
8. The solar arrays would be contained within existing field boundaries and the Landscape Mitigation Plan incorporates a range of additional landscaping measures, including trees and hedgerows at the margins of fields in which panels would be sited. (IR 173)
9. However, the Inspectors note in several places the undulating topography would expose views of the arrays and associated apparatus beyond any intervening landscaping, even when mature. (IR 174)
10. Overall, the Inspectors find that, individually, the proposal would result in a moderate adverse impact on the landscape character of the immediate area during the operational period. (IR 175)

Visual Receptors

11. The Landscape and Visual Impact Assessment (“LVIA”) assesses the visual impact of the scheme from 13 viewpoints. These represent some of the most sensitive locations in the surrounding area and are located on Ebenezer Road, Heol Troeon Bach, Garnswllt Road on the east side of the Llŵchwr valley, and various Public Rights of Way (“PRoWs”), including footpaths which run through or near to the site, or traverse open access land on Graig Fawr. (IR 176)
12. The Inspectors provide a detailed assessment of the proposal’s impact on visual receptors from these viewpoints. Regarding cumulative impact, the Inspectors note within 5km of the site there are 4 operational and 2 consented solar farms. However, the Inspectors consider only the operational Clawdd Ddu scheme and two eastern parcels of the consented Tycroes scheme (“Tycroes East”) are sufficiently close to the site or related in landscape and visual terms to give rise to potential cumulative effects. (IR 177 – 190)
13. The Inspectors note the proposal, along with the Clawdd Ddu and Tycroes schemes are located in “Priority Area 13” for solar PV development. However, I agree with the Inspectors that Priority Area 13 has no status in national policy and, regarding landscape impacts, Future Wales (“FW”) only identifies pre-assessed areas for wind energy. Whilst the Inspectors, therefore, consider the LSCS provides a more appropriate basis for considering landscape and visual impacts I note their findings are based on the circumstances of this particular case, informed by evidence and their observations on site. (IR 189 – 190)
14. In concluding on this matter the Inspectors state, during its 40 year operational period, the proposal, in combination with nearby existing and consented solar schemes, would have a major adverse effect on the area’s landscape character. Individually the proposal would result in major adverse visual impacts on users of footpaths numbered 34/24 and 34/25. It would also have moderately adverse impacts on the locality’s landscape character as experienced from within the site or its immediate vicinity, and, cumulatively, on visual receptors using the Graig Fawr open access land. (IR 191 - 192)
15. Therefore, the Inspectors consider the proposal would conflict with the landscape and visual amenity objectives in policies SP11 “Renewable Energy and Energy Efficiency”, SP14 “Protection and Enhancement of the Natural Environment”, GP1 “Sustainability and High Quality Design” and EQ6 “Special Landscape Areas” of the Carmarthenshire Local Development Plan (“LDP”). It would also conflict with LDP policy RE3 “Non-wind Renewable Energy Installations” relating to cumulative effects. (IR 193)

Residential Amenity

Outlook

16. The applicant has submitted a Residential Visual Amenity Assessment (“RVAA”), which evaluates visual effects likely to be experienced from private viewpoints, including dwellings. The Inspectors are satisfied the methodology and assumptions in the RVAA are robust. (IR 194)
17. For most assessed properties the RVAA finds that significant visual effects would not arise. However, it finds that major or moderate (significant) effects would occur at 6

properties, located either within or just south of the site, or on higher land to the north. (IR 195)

18. The Inspectors have considered the impacts on dwellings and whilst recognising the outlook from many dwellings in the immediate area would change, they conclude that visual effects of the proposal would not be of a nature or magnitude which would materially harm the living conditions of nearby residents. (IR 196 – 201)

Glint and Glare

19. The applicant submitted a Glint and Glare Assessment, with addenda to take account of variations to the scheme. The Inspectors note CCC and a number of residents raised concerns, regarding effects on properties in Swansea, particularly in the village of Garnswllt. At the hearings, the Inspectors state it was confirmed solar reflection from the proposed arrays would only have the potential to affect viewpoints to the south of the panels. As the main part of the site is located further south than most dwellings in Garnswllt, at a distance of over 1km, the Inspectors are satisfied unacceptable glint or glare effects would not arise. (IR 202 – 206)

Noise

20. The Inspectors note the Noise and Vibration chapter of the Environmental Statement (“ES”) states, in order to ensure the proposed development is not a significant or prohibiting factor in achieving the relevant World Health Organisation (“WHO”) guideline values at sensitive receptors, a target of 32dB LAeq (free field) is proposed for the solar farm. CCC seeks to ensure noise generated by the proposed development does not exceed existing background noise levels and highlights advice in BS4142 that an increase of around 5dB is likely to be an indication of an adverse impact. (IR 207 – 209)
21. In light of advice in BS4142, the Inspectors recommend a condition, so that noise generated by the proposed development does not exceed existing background noise levels. Additional conditions are also recommended to require an assessment of operational sound levels and to secure mitigation if specified sound levels were exceeded. Conditions are also recommended to control construction noise. Subject to these conditions the Inspectors are satisfied the proposal would not harm the well-being or living conditions of residents who live within or in proximity to the site and the proposal would accord with the objectives of FW policy 18 and LDP policies SP11 and GP1 (IR 210 – 213)

Ecology and biodiversity

22. The Inspectors note the policy objectives FW and PPW relating to securing the maintenance and enhancement of biodiversity and the resilience of ecosystems, reflecting the section 6 duty in the Environment (Wales) Act 2016. (IR 214)

Existing habitats

23. The Preliminary Ecological Appraisal (“PEA”) records the site mainly comprises grassland, the majority of which has been managed for agriculture and is species poor. However, the site also hosts some marshy grassland; an extensive and generally species-rich network of hedgerows; watercourses and ditches; mature trees; and pockets of broadleaf woodland. Some of these habitats adjoin areas of ancient woodland at the site margins. (IR 215)

24. The Inspectors note the solar arrays and supporting apparatus would be sited on areas of grassland, avoiding direct impacts on hedgerows, trees and watercourses. Whilst sections of hedgerow would be removed to facilitate construction and maintenance, the Inspectors are satisfied the total extent of hedgerow permanently lost would be limited and not of a significance which would harmfully sever established ecological networks and that mitigation measures secured by condition would ensure impacts on species, including dormice and nesting birds, were avoided. (IR 216)
25. The proposal would not directly affect land within the Caeau Afon Gwili Site of Special Scientific Interest ("SSSI") and whilst construction activities have the potential to increase pollutants locally, adverse impacts on the SSSI and other habitats would be avoided by mitigation measures secured by condition. (IR 217)

Existing species

26. Surveys undertaken on and around the site identified the presence of several species including bats, dormice, otter, and a variety of birds. These include protected species identified under Section 7 of the Environment (Wales) Act 2016 and priority species identified in the Carmarthenshire Local Biodiversity Action Plan. (IR 218)
27. Additional surveys to the PEA confirm the site is of relatively limited value to bat populations. As most hedgerows and trees would be retained, the Inspectors are satisfied the proposal would not harm the existing foraging and dispersion network. (IR 219)
28. The additional surveys also found no evidence of water vole or otter within the site, with evaluated habitats generally found to be of poor suitability. Evidence near the site confirmed the assumption in the PEA that mitigation to avoid impacts on dormice would be necessary. The evidence confirms that the layout of the apparatus would avoid direct effects on known badger setts within the site. (IR 220)
29. Natural Resources Wales ("NRW") has confirmed, given the habitats on site, its ornithological interest is likely to be relatively low. The proposal would retain pasture foraging grounds for woodcock, and construction activities would take place during the daytime when this species would typically be sheltering in woodland. (IR 221)
30. The field most likely to be of value to skylark and meadow pipit would be kept free of solar arrays. The Inspectors are satisfied this mitigation through site planning and design would ensure adverse effects on these species are avoided. (IR 222)
31. The Inspectors note a walkover survey of the site concluded no fields contained habitat capable of supporting marsh fritillary butterfly. For invertebrates, the site's hedgerows, watercourses and woodland edges are of most value and the Inspectors note these would be mainly retained within the site layout. (IR 223)
32. The Inspectors are satisfied that subject to conditions to secure appropriate mitigation measures, including during construction and in relation to lighting, the proposal would not adversely affect existing species found within and near to the site. (IR 224)

Mitigation, enhancement and net biodiversity impacts

33. The Outline Landscape and Ecological Management Plan ("LEMP") sets out measures intended to avoid or minimise effects on ecology and enhancement measures to secure a net benefit for biodiversity; the Inspector notes the LEMP is consistent with the Landscape Mitigation Plan. The Inspector notes NRW has confirmed it is satisfied

with the approach taken by the applicant, subject to the imposition of recommended conditions. (IR 225 - 226)

34. The proposed Grassland Restoration Scheme (“GRS”) is intended as an enhancement measure. The details of the GRS are described in IR 227 – 229.
35. The Inspectors are content, subject to details being refined pre-construction and effective monitoring, the objectives of the LEMP would be secured. (IR 230)
36. The Inspectors are satisfied the applicant’s Biodiversity Net Gain assessment provides robust evidence that the proposal would deliver a substantial net benefit for biodiversity. (IR 231 – 233) However, whilst I recognise the assessment calculates a net biodiversity gain, the biodiversity metric used in the assessment has not been developed in the context of Welsh Government’s planning policy framework. Therefore, whilst I am satisfied the proposal, based on the specific measures identified by the Inspectors, addresses the policy objectives FW and PPW relating to securing the maintenance and enhancement of biodiversity and the resilience of ecosystems, reflecting the section 6 duty in the Environment (Wales) Act 2016, I give limited weight to the Biodiversity Net Gain assessment itself.
37. The Inspectors note the policy objectives FW and PPW relating to securing the maintenance and enhancement of biodiversity and the resilience of ecosystems, reflecting the section 6 duty in the Environment (Wales) Act 2016. (IR 214)
38. The Inspectors note, given the aims of the LEMP, it is possible valuable habitats or species could establish on the site during the operational period. Therefore, a condition requiring ecological surveys to be undertaken prior to decommissioning is necessary. The Inspectors note, given the provisions in existing legislation and as the content of legislation and policy in 40 years time cannot be known, the assumption must be the site would revert to agricultural use. Therefore, the weight attached by the Inspectors to the proposal’s net benefit to biodiversity is reduced due to its time limited nature. (IR 234)

Habitats Regulations Assessment

39. The Caeau Mynydd Mawr Special Area of Conservation (“SAC”) lies around 3km from the site. The Inspectors find, consistent with conclusions of the applicant’s screening assessment, which have been endorsed by NRW, the proposal would not have any likely significant effects on the Caeau Mynydd Mawr SAC or the European site network. (IR 235 - 238)
40. The Inspectors are satisfied, subject to appropriate conditions, the proposal would avoid unacceptable harm to ecological features within the site and adjacent areas, and would secure a net benefit for biodiversity, in accordance with FW policies 9 “Resilient Ecological Networks and Green Infrastructure” and 18 “Renewable and Low Carbon Energy Developments of National Significance”. It also accords with LDP policies SP14, EQ4 “Biodiversity”, EQ5 “Corridors, Networks and Features of Distinctiveness” and EQ7 “Development within the Caeau Mynydd Mawr SPG Area”. (IR 239)

Benefits

41. In accordance with FW policy 17 “Renewable and Low Carbon Energy and Associated Infrastructure” the Inspectors attach significant weight to the proposal’s climate change and energy security benefits, and contribution to the Welsh Government’s target for

70% of Wales' electricity to be generated by renewable energy sources by 2030. (IR 240 – 241)

42. The Inspectors note a copy of a Deed of Gift for a financial contribution from the applicant to Llanedi Community Council has been submitted. However, the proposed contribution does not meet the tests set out in Welsh Office Circular 13/97: 'Planning Obligations', and therefore cannot be afforded any weight. (IR 242)
43. The Inspectors consider the proposal would result in some direct and indirect local economic benefits during the construction and decommissioning phases. However, longer term employment generated by the scheme would be limited. The Inspectors consider any benefits derived from farm diversification would be offset by the disruption to dairy farming on farms located within the site. Overall, the Inspectors consider the proposal's local economic benefits would be limited. (IR 243)

Other Matters

Traffic, highway safety and public rights of way

44. Taking account of existing highway conditions and the mitigation set out in the Construction Traffic Management Plan ("CTMP"), which include restrictions on delivery hours, the Inspectors find the volume of construction traffic generated by the proposal would not unacceptably affect the safety of highway users. A condition is recommended, which would limit the use of Heol Troeon Bach (C2134) by construction traffic. (IR 244 -245)
45. The Inspectors note the likely effects of solar reflection on users of highways and PRoWs were assessed as part of the Glint and Glare Study, with no adverse effects identified. (IR 246)
46. The Inspectors are satisfied the proposal would be acceptable in relation to traffic, highway safety and PRoWs, and would accord with FW policy 18 and LDP policies GP1 "Sustainability and High Quality Design" and TR3 "Highways in Developments – Design Considerations". (IR 247)

Historic Assets

47. There are no designated historic assets within the site boundary. However, the proposal would affect the setting of various designated historic assets located within visual range of the site, in particular, Bryn-y-Rhyd Standing Stone, a scheduled monument located to the north of the site and 4 scheduled monuments on the higher land of Graig Fawr to the east. (IR 248 – 249)
48. The Heritage Desk-Based Assessment ("HDA") assesses the setting of designated assets located within 3km of the site and the Inspectors are satisfied the proposal would not harm the setting of the 7 listed buildings within visual range. (IR 250 – 251)
49. The Inspectors are satisfied the proposal would not affect the elevated and remote siting of the 4 monuments situated on Graig Fawr, nor their immediate surroundings; factors which contribute to their significance. The Inspectors are also satisfied the immediate setting of the Bryn-y-Rhyd Standing Stone would not be altered to any effect and its significance would not be harmed. (IR 252 -253)
50. An archaeological investigation planning condition is recommended as surveys have identified various potential features in the site. (IR 254)

51. The Inspectors conclude the proposal would not harm the significance of historic assets and, therefore, accords with FW policy 18 and LDP policies SP13 “Protection and Enhancement of the Built and Historic Environment”, GP1 “Sustainability and High Quality Design” and EQ1 “Protection of Buildings, Landscapes and Features of Historic Importance”. (IR 255)

Hazards and Risks

52. The Inspectors are satisfied, subject to the imposition of appropriate conditions, the proposal would not present an unacceptable hazard or risk to human health and safety and would accord with FW policy 17 and LDP policies SP11 “Renewable Energy and Energy Efficiency” and EP6 “Unstable Land”. (IR 256 – 260)

Agriculture, soil and minerals

53. The site comprises agricultural land of subgrade 3b and is not Best and Most Versatile (“BMV”) agricultural land. (IR 261)
54. The Inspectors note several representors have raised concerns about the loss of agricultural land currently used for dairy, beef and sheep production. Whilst the proposal would necessitate altered management practices on the affected farm holdings, the Inspectors consider there is little evidence the arrays would prevent the viable use of land for agriculture and conditions would be secured by condition to protect the soil resource. Subject to these conditions, the Inspectors are satisfied the proposal accords with FW policy 17 and LDP policy SP14. As the proposed development would be time limited it would avoid permanently sterilising any minerals resource and, therefore, accords with LDP policy MPP3 “Mineral Safeguarding”. (IR 262 – 263)

Flooding, Drainage and Watercourses

55. The application is supported by a Flood Consequences Assessment (“FCA”) which confirms the site is at little or no risk of flooding as its location on flood zone A of NRW’s Development Advice Map indicates. (IR 264)
56. The Inspectors are satisfied the evidence indicates the proposal would not lead to any adverse effects on flooding, hydrogeology or watercourses and would accord with FW policy 17, LDP policy GP1 and Technical Advice Note 15: development and flood risk. (IR 265)

Materials and Waste

57. The materials to be used in the scheme are described in IR 266. The Outline Construction Environmental Management Plan (“CEMP”) sets out a requirement for a Waste Management Plan which would be secured by planning conditions. Conditions would also secure a Decommissioning Plan and a soil assessment and aftercare scheme. Subject to the imposition of appropriate conditions the Inspectors conclude the proposal would accord with FW policy 18 and LDP policy GP1. (IR 266 – 269)

Other

58. Other matters raised including location of the development, grid connection, impact on Welsh language, impact on tourism and effect on private interests are addressed in IR 270-273.

Conditions

59. I am satisfied, subject to minor amendments, the conditions recommended by the Inspectors meet the relevant tests in Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management. (IR 274 - 277)

Planning Balance and Overall Conclusion

60. Moderate weight is given by the Inspectors to the harm the proposal would cause to the area's landscape character and to visual receptors. (IR 278)
61. The Inspectors consider the scheme's ecological impacts would be acceptable in all respects, subject to conditions to secure enhancements to ecological features and a net benefit for biodiversity. This benefit is given moderate weight. (IR 279)
62. The principal benefit of the scheme identified by the Inspectors is the contribution to securing renewable energy production and consequent reduction in CO₂ emissions. The Inspectors attach significant weight to this benefit. (IR 280)
63. Negligible weight is attached to the limited local economic benefits. The proposal's effects in relation to residential amenity, traffic and highway safety, historic assets, hazards and risks, flooding, drainage and watercourses, agriculture and soil, materials and waste would be neutral and weigh neither for nor against the scheme. The Inspectors attach no weight to matters such as the Deed of Gift to Llanedi Community Council and impacts on private interests. (IR 281)
64. The Inspectors conclude, particularly in the light of the significant climate change and energy security benefits of the scheme, in the planning balance, the harm caused by the proposal to landscape character and visual receptors would be justified and not unacceptable. Consequently, the proposal would accord with FW policy 18, and with FW policy 17. Having regard to the publication date of FW relative to the LDP, the Inspectors conclude the proposal would accord with the development plan as a whole. The Inspectors' recommendation is to grant planning permission, subject to conditions. (IR 282)

Conclusion and Decision

65. I agree with the Inspectors' 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/3260565, subject to the conditions in the Annex to this decision letter.

Well-being of Future Generations (Wales) Act 2015 ("WFG Act")

66. The Welsh Ministers must, in accordance with the WFG Act, carry out sustainable development. In reaching my decision on the application, I have taken into account the ways of working set out at section 5(2) of the WFG Act and 'SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance on the WFG Act'. My assessment against each of the ways of working is set out below.

Looking to the long-term

67. The decision takes account of the long-term objective and commitment of Wales' target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.

Taking an integrated approach

68. I have considered the impacts from this decision on the Welsh Government's well-being objectives, which incorporate the well-being goals set out in section 4 of the WFG Act. Where an objective is not set out, the effect of this decision is neutral.

Impact on well-being objectives

- Build an economy based on the principles of fair work, sustainability and the industries and services of the future – positive effect
- Build a stronger, greener economy as we make maximum progress towards decarbonisation – positive effect
- Embed our response to the climate and nature emergency in everything we do – positive effect.

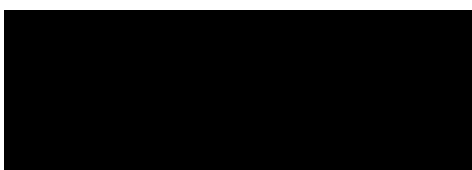
Involving people/Collaborating with others

69. Within the framework of a statutory decision-making process, which is governed by prescribed procedures, the application was subject to publicity and consultation, providing the opportunity for public and stakeholder engagement. Representations received through these procedures have been considered and taken into account in making a determination on this application.

Prevention

70. The decision takes account of the need to increase renewable energy production and combat the climate emergency, as well as increasing energy security.
71. I consider my decision accords with the sustainable development principle set out in the WFG Act and, therefore, is a reasonable step towards meeting the Welsh Government's well-being objectives.
72. 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.
73. A copy of this letter has been sent to Carmarthenshire County Council and to those persons and organisations appearing at the Hearings.

Yours sincerely



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

Annex – DNS/3260565 Planning Conditions

1. The development shall begin no 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 development shall be carried out in accordance with the following approved plans except where amended by conditions attached to this planning permission:
 - Drawing No. 1 Site Location Plan
 - Drawing No. 2 Site Location Plan Plus Access Details
 - Drawing No. 3 (Version 2) Site Layout Plan
 - Drawing No 4 (Version 2) Construction Access
 - Drawing No. 5 Mounting Structure Elevation Details
 - Drawing No. 6 Conversion Units Details
 - Drawing No. 7 Security Fence Detail S
 - Drawing No. 8 CCTV System Details
 - Drawing No. 9 (Version 2) Coal Mining Area
 - Drawing No 10 / Gcs0015-1 (Rev No 7) Substation Building
 - Drawing No. BHA_791_02 Rev B Tree Retention, Removal & Protection Plan
 - Drawing No. P20-1336_09 Rev E Landscape Mitigation Plan

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application

3. The authorised development shall cease operating 40 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 the approved Decommissioning Environmental Management Plan. The date on which the development first exports electricity to the national grid shall be notified in writing to the local planning authority 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 SP11, SP14, GP1, EQ6 and RE3 of the LDP.

4. No later than 12 months before the end of the 40 year operating period (or within 12 months of the permanent cessation of electricity production) a Decommissioning Environmental Management Plan (“DEMP”) shall be submitted for the written approval of the local planning authority. The DEMP shall include the following:
 - i) Surveys and assessments to identify the existing ecology and habitat status at the time of decommissioning to inform the DEMP.
 - 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, informed by the surveys and assessments under i) above and a soil assessment; including aftercare for a period of 12 months from completion of restoration.

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

Reason: To ensure the land is restored appropriately and to comply with Policies 9, 17 and 18 of Future Wales and Policies RE3, SP14, EQ4, EQ5, EQ7 and GP1 of the LDP.

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

Reason: In the interests of visual amenity, residential amenity and ecology and to comply with Policies 9 and 18 of Future Wales and Policies RE3, SP11, SP14, EQ4, EQ5, EQ6, EQ7 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 background noise levels. 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 SP11, RE3 and GP1 of the LDP.

7. Within two months from the receipt of written request from the local planning authority, the operator of the development shall, at its own expense, employ an independent consultant approved by the local planning authority to undertake a noise assessment in accordance with BS 4142:2014+A1 2019 'Methods for Rating and Assessing Industrial and Commercial Sound' and / or its subsequent amendments to assess the level of sound emissions arising from the development to determine whether they exceed the sound levels specified in Condition 6. The assessment shall be undertaken under the supervision of the local authority.

Reason: In the interests of residential amenity and in compliance with Policy 18 of Future Wales and Policies SP11, RE3 and GP1 of the LDP.

8. In the event that background noise levels are exceeded, the submitted survey shall also include mitigation measures to ensure compliance with background noise levels as required by condition 6. The development shall then be undertaken in

accordance with the approved mitigation measures.

Reason: In the interests of residential amenity and in compliance with Policy 18 of Future Wales and Policies SP11, RE3 and GP1 of the LDP.

9. No development shall take place until a Construction Traffic Management Plan ("CTMP") has been submitted to and approved in writing by the local planning authority. The CTMP shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety, residential amenity and biodiversity, and in compliance with Policies 9 and 18 of Future Wales and Policies SP11, SP14, EQ4, EQ5, TR3 and GP1 of the LDP.

10. Other than as proposed in the application, there shall at no time be any means of construction vehicular access to the development from the C2134.

Reason: In the interests of highway safety, in compliance with Policy 18 of Future Wales and Policies TR3 and GP1 of the LDP.

11. No development or site clearance shall take place until a final Landscape Mitigation Plan has been submitted to and approved in writing by the local planning authority. The plan shall include the following: -

i) Plant specification:

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

ii) 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, residential amenity and visual amenity, and in compliance with Policies 9 and 18 of Future Wales and Policies RE3, SP11, SP14, EQ4, EQ5, EQ6, EQ7 and GP1 of the LDP.

12. The approved Landscape Mitigation Plan shall be 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 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, residential amenity and visual amenity, and in compliance with Policies 9 and 18 of Future Wales and Policies RE3, SP11, SP14, EQ4, EQ5, EQ6, EQ7 and GP1 of the LDP.

13. No development or site clearance shall take place until a Construction Environmental Management Plan ("CEMP") and Ecological Protection Plan ("EPP") have been submitted to and approved in writing by the local planning authority. The CEMP shall include:

- 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, including lighting;
- iii) Construction Phase Soil Management Plan developed from the Outline Soil Management Plan (dated January 2022)
- iv) Detailed construction schedule and implementation timescales for all elements of the CEMP; and,
- v) Reporting and monitoring responsibilities and delivery mechanisms for all elements of the CEMP.

The EPP shall include:

- i) All ecological objectives; and management, maintenance and monitoring proposals to deliver the objectives,
- ii) An Arboricultural Method Statement consistent with the Heads of Terms set out in Appendix 6.2 of the Environmental Statement,
- iii) Reporting and monitoring responsibilities and delivery mechanisms for all elements of the EPP.

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

Reason: In the interests of biodiversity, visual amenity and environmental protection, and in compliance with Policies 9, 17 and 18 of Future Wales and Policies RE3, SP11, SP14, EQ4, EQ5, EQ6, EQ7 and GP1 of the LDP.

14. No development or site clearance shall take place until a Landscape and Ecological Management Plan ("LEMP") has been submitted to and approved in writing by the local planning authority. The LEMP shall include:

- 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,
- 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. A written report of the effectiveness of the LEMP shall be submitted to the local planning authority every 5 years on the anniversary of the first exportation of electricity to the national grid. The report shall include proposed measures to address any failings for written approval by the local planning authority and the approved measures implemented to a timetable to be agreed in writing by the local planning authority.

Reason: In the interests of biodiversity, residential amenity and visual amenity, and in compliance with Policies 9 and 18 of Future Wales and Policies RE3, SP11, SP14, EQ4, EQ5, EQ6, EQ7 and GP1 of the LDP.

15. No development shall commence until;

- i) Details of site investigations designed to establish the risks posed to the development by past coal mining activity has been submitted to and approved in writing by the local planning authority,
- ii) The results of those investigations have been submitted to the local planning authority along with details of any proposed remediation works and/or mitigation measures to address land instability arising from coal mining legacy. Those details to be approved in writing by the local planning authority,
- iii) Any approved remediation works and/or mitigation measures have been implemented in accordance with the approved details.

Reason: In order to protect those constructing and operating the development hereby permitted and future users of the land in accordance with Policy 17 of Future Wales and Policies SP11 and EP6 of the LDP.

16. Prior to the development hereby permitted exporting electricity to the national grid, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the local planning authority. This document shall confirm the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In order to protect those constructing and operating the development hereby permitted and future users of the land in accordance with Policy 17 of Future Wales and Policies SP11 and EP6 of the LDP.

17. No development shall take place until the applicant has secured agreement for a written scheme of historic environment mitigation which has been submitted to and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the approved written scheme.

Reason: In order to afford appropriate protection to potential archaeological features in accordance with Future Wales Policy 18 and LDP policies SP13, GP1 and EQ1.

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.