



Ein cyf/Our ref qA1476097

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10 November 2022

Dear Mr Grubb,

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 62D AND SECTION 62F
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (WALES) REGULATIONS 2016
APPLICATION BY: BRYNWELL FARM SOLAR LTD FOR THE INSTALLATION OF A
SOLAR FARM COMPRISING GROUND MOUNTED SOLAR PV PANELS WITH A NET
INSTALLED GENERATING CAPACITY (AC) OF UP TO 25 MW, INCLUDING MOUNTING
SYSTEM, INVERTERS, UNDERGROUND CABLING, GRID CONNECTION HUB AND
ASSOCIATED WORKS WITH ASSOCIATED SECONDARY CONSENT FOR BATTERY
STORAGE UNITS
SITE: LAND BETWEEN THE A4232 AND LECKWITH VILLAGE, CARDIFF.
APPLICATION REF: DNS/3261558**

1. Consideration has been given to the report of the Inspector, Iwan Lloyd BA BTP MRTPI who considered written representations to examine the above named Developments of National Significance ("DNS") planning application and associated secondary consent.
2. In accordance with sections 62D and 62F of the Town and Country Planning Act 1990 and Regulation 3 of The DNS (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016, the application was made to the Welsh Ministers for determination.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:

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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.

3. The Inspector made an unaccompanied site visit on 21 June 2022. The Inspector recommends planning permission for both the primary DNS and the associated secondary 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.

DNS Application

Main Considerations

4. I agree the main considerations are those listed at IR 187:
 - The effect of the proposed development on:
 - Landscape character and visual amenity of the area;
 - Heritage assets;
 - The ecology of the area and protected species;
 - The living conditions of nearby residents in relation to noise;
 - Traffic flows and highway safety, particularly during the construction phase; and,
 - Whether the proposed development is acceptable in relation to flooding and hydrology, having regard to local and national planning policy; and,
 - Whether any harm identified in relation to the foregoing and any other considerations is outweighed by the benefits of the scheme, particularly its contribution to renewable energy generation and combating the climate change emergency.

Landscape Character and Visual Amenity

5. The application site falls within the Cwrt-yr-Ala Basin Special Landscape Area ("SLA") as designated in the Vale of Glamorgan ("VoG") Council Local Development Plan ("LDP"). Planning Policy Wales ("PPW") recognises the value of all landscapes for their distinctive character and seeks to protect their special qualities and ensure that the opportunities they provide, including for wellbeing, tourism and renewable energy are taken into account. (IR 188)
6. The Inspector notes the Landscape and Visual Impact Assessment ("LVIA") has been prepared in accordance with Guidelines for Landscape and Visual Impact Assessment 3rd Edition, 2013. It contains Zone of Theoretical Visibility ("ZTV") maps which identify areas from where the development could be seen on the basis of a topographical, bare-earth analysis, and cumulative ZTVs which includes the development at Woden Park Solar Farm. The Inspector notes the criticisms by residents and VoG Council of aspects of the assessment and the comments of others. The LVIA has assessed the construction as well as the operational phase of the development. The Inspector considers, whilst the construction phase, at certain times, would have a greater impact than during its operation, as it is likely to be relatively short-lived, the Inspector has focussed mainly on the operational period of the project. (IR 189-190)

Landscape Character

7. The Inspector notes the application site and surrounding area is a rolling and undulating landscape in the Cwrt-yr-Ala basin SLA. The landcover is a mosaic of pastoral fields, with hedgerows often containing trees and bordering woodlands. The landform rises to the east at Cock Hill. The area is noted for its tranquillity, as no major roads run through it. The Inspector considers the area has a strong sense of place where vernacular buildings, broadleaf woodland and well treed hedgerows complement well managed farmland. The Inspector notes the immediate area of the site is isolated both physically and visually from its surroundings. It contains just a few isolated buildings and two footpaths with potential views towards the site. The ridgelines to the west, north-east and east are covered with woodland. (IR 191-192)
8. The Inspector is of the view the scheme would retain the site's distinctive field pattern, and the landscape will be protected by the retention of all boundary elements. The Inspector notes the site is well-screened from the surrounding area, minimising potential effects upon landscape character generally, and the Inspector considers the distinctive landscape characteristics of the Landscape Character Area of Cwrt-yr-Ala would be retained by the proposed development. (IR 194)
9. The Inspector notes the development would be visible, particularly from close quarters but would be seen in the context of the present field patterns which would continue to be framed by hedgerows and trees which typify the landscape. The Inspector considers the effect of the proposal upon landscape character may slightly alter the perception of rural pasture through a change from grassland to solar panels and this could increase the perception of human influence on the landscape. There is no public access in close vicinity of the site and any significant visual connection to and from the site means that any effect will be highly localised. Beyond this localised area of the site, the Inspector is satisfied the impact on the surrounding area and SLA would be slight. (IR 195)
10. The Inspector is of the view, once constructed, the development would involve very little activity which would disrupt the tranquillity of the rural landscape. The relatively low level and horizontal emphasis of the arrays mean they would be seen to follow the existing topography. The Inspector considers the controlled use of fencing would result in an appearance consistent with the primarily agricultural character of the area, therefore, whilst the presence of the development in the surrounding landscape would be clearly noticeable, it would not undermine its character. The Inspector is satisfied any impact would reduce significantly with a relatively modest increase in distance from the site. (IR 196)

Visual Amenity

11. The visual impact of the scheme has been informed by mapping the ZTV of the scheme in isolation and in combination with Woden Park Solar Farm. The Inspector notes the development has sought to avoid or mitigate potential landscape impacts. The Inspector is of the view that, overall, there are short glimpse views of the site from the track where there are gated accesses to fields south of the site and where there are views over hedgerows and between mature trees. (IR 197-199)

12. Footpath users have a high sensitivity to development in the SLA and footpaths traverse this area towards Brynwell Farm which then heads east towards Cock Hill but passing close-by to the site. With regard to these views, the Inspector notes there would be a change from open fields to horizontal panels. However, views are fleeting, and the strong sense of field enclosures would be retained by the scheme, and the southern fields would limit this stark change by the planting of a substantial wildlife meadow. By allowing the existing southern boundary hedge and trees to grow, the Inspector considers the residual effect would reduce the slight adverse effect to slight or no adverse effect beyond 7-10 years. (IR 200)
13. Several viewpoints ("VP") were taken on the PROW crossing the fields between Meadowvale Farm and Brynwell Farm, (VP4). An additional viewpoint VP5 (Document A22) from PROW north of Meadowvale Farm was taken looking north-west towards the site from higher ground. The latter view of the site is more visible than viewpoint VP4 due to its elevation, but the view of the site is further away. Although footpath users would be walking east-west they would experience the change in the view when looking north from this point. The Inspector notes the VoG Council describe the change in this view as a significant encroachment into the character of the area even though the field patterns are maintained. (IR 201)
14. The Inspector considers the view is more expansive, taking in the wider valley vista which incorporates hills, tree lined slopes, open fields close-by and man-made influences of an electricity line and pylons and Brynwell Farm in the foreground. The proposed development, whilst visible in the medium distance, would not dominate because the undulating slope of the site would be significantly softened by trees and boundary hedgerows. The Inspector agrees that from VP5 the impact is more than localised and it would be a detracting feature in otherwise attractive view. However, the Inspector concludes it would have a moderate adverse effect on the SLA in this viewpoint, but it would not be a significant impact. (IR 202)
15. The Inspector agrees with the LVIA (and addendum) that the site is indistinct behind trees, even in winter, when seen from Cwrt-yr-Ala. The Inspector considers there would be some partial views of the site from Caerau Fort, and in combination with Woden Park Solar Farm, however, the view is filtered by trees and hedgerows and the proposed development would not be prominent and only partially visible. The Inspector concurs with the LVIA that the effect is assessed as negligible and not adverse. (IR 203)
16. In terms of cumulative impact, the Inspector notes Woden Park Solar Farm was not visible from within the proposed site given the dense and high hedgerow which surround it bordering the application site. Combination views of both Woden Park and the proposed development would be few and not significant. The identified view from Caerau Fort of cumulative impact would be negligible in the wide vista and would be filtered by trees and hedgerows. (IR 204)
17. PPW (paragraph 5.9.21) advises developers should, wherever possible, consider how to avoid, or otherwise minimise, adverse impacts through careful consideration of location, scale, design, and other measures. The applicant explains one of the measures deployed to minimise the visibility of the solar arrays and associated equipment from the nearest public vantage points is to avoid using the fields adjacent to the track which bound much of the site. In this case the southern part of the site would be planted with a wildflower meadow. The Inspector is satisfied the scheme is generally compliant with this policy advice. (IR 205)

18. For the above reasons the Inspector is of the view the character and visual amenity of the landscape would not be significantly affected. The proposal would not have an unacceptable adverse impact on the surrounding landscape and thus aligns with criterion 1 of Future Wales policy 18. The Inspector is satisfied the scheme would not conflict with the protective provisions of VoG Council's policies MD1(1), MG17, SP10 and MD19 of the LDP, which is renewable energy development will be permitted where there is no unacceptable impact on landscape importance and character of the area. (IR 206)

Heritage Assets

19. The Archaeological and Heritage Assessment ("AHA") states the site does not contain any heritage assets. The AHA does not identify any effect on historic assets arising from adverse changes to their setting. Cadw is satisfied that the 1km radius study area through the ZTVs is appropriate. Cadw concurs with the AHA that there would be no impact on the setting of designated assets. The Inspector is satisfied the approach taken in the AHA (and addendum) is consistent with Technical Advice Note 24: The Historic Environment ("TAN 24"). Based on the ZTVs the assessment concludes the scheme is not capable of impacting on the setting of most designated assets in the study area. The assessment considers three Scheduled Ancient Monuments ("SAMs"), three Listed Buildings, and two Registered Parks and Gardens. (IR 207-210)
20. No adverse effects are identified on SAMs at Leckwith Bridge, Caerau Camp and Ely Roman Villa. In relation to Caerau Camp, the Inspector considers whilst there would be a very minor change to the SAM's wider setting, this would not result in any adverse effect on its significance and similarly in relation to the Grade II listed Church of St Mary's setting within the SAM. The Inspector agrees there would be no adverse effect on the significance and setting of The Registered Park and Garden Cwrt-yr-Ala (Grade II) and The Grade II* Historic Park and Garden at Coedarhydyglyn. (IR 211)
21. With regard to the Brynwell Farm Grade II listed building, the Inspector agrees it derives its significance from its evidential value of architectural and historic interest. The Inspector notes there would be a change in the view from the asset towards the north and the site, although there is already present telegraph poles and electricity pylons. It is noted the panels are also likely to be screened and filtered in views. The change in the setting of the asset would be visible to the north, but within the southern courtyard and main aspects of the building there would be no change. The agricultural association would still be strongly appreciable in this setting. The Inspector concludes the contribution made by the setting overall would not be so changed as to reduce its contribution to the setting of Brynwell Farm. The building would still be understood in relation to its agricultural surroundings, and its topographic position is unchanged, and its architectural and historic interests are not harmed. (IR 212-216)
22. In relation to buried archaeology, the baseline data indicates the presence of medieval occupation and points to the potential for the site to contain contemporary archaeological remains. The Inspector is satisfied that an archaeological assessment has been undertaken in compliance with policies MD8 and SP10 of the LDP, and it demonstrates, with suitable mitigation secured by the recommended conditions, the impact on the archaeology of the site is acceptable. (IR 217-219)
23. The Inspector is of the view there are no unacceptable adverse impacts on national statutorily protected built heritage assets and therefore the proposal aligns with criterion 6 of Future Wales policy 18. The scheme would not conflict with policies SP10 and MD8 of the LDP. (IR 220)

Ecology

24. The Inspector notes the site comprises several fields of improved pasture and marshy grassland intersected and bound by a network of hedgerows. The site is bounded to the west by a wooded Ancient Semi-Natural Woodland ("ASNW") stream corridor and is surrounded by further agricultural land and an existing solar farm to the north. There are two ponds offsite to the west which were assessed for their potential to support Great Crested Newts. It is also noted the passing bays along Gower Lane to the site comprise a mix of existing bays, poor semi-improved grassland margins, scrub, and species poor hedgerows. (IR 221)

Designated Sites

25. The Inspector notes the March 2022 Ecological Impact Assessment ("EclA") concludes given the nature of the development, significant impacts to the Severn Estuary European Marine Site (approximately 5.1km south-east of the site) during construction and de-commissioning are highly unlikely, and no impacts are predicted during operation. A Construction Environmental Management Plan ("CEMP") will be implemented to avoid any direct impacts from pollution during construction and decommissioning and a 10m buffer will be maintained to Nant Garw within which no construction may take place to protect the corridor during operation. The Inspector is satisfied there are no functional links between the application site and Cardiff Beech Woods Special Area of Conservation and no impacts are predicted. (IR 222)
26. Natural Resources Wales ("NRW") has recommended conditions should be imposed to secure the necessary mitigation and biodiversity enhancements provided by the scheme. The Inspector notes no concerns have been raised concerning the impact of the proposed development in relation to the two European sites, given the distance to these areas. The Inspector is satisfied, subject to conditions, the scheme would not harm any of these internationally important sites, and no significant effects are identified. (IR 223-224)
27. The March 2022 EclA identifies the closest Sites of Important Nature Conservation ("SINCs") Coed y Ddylluan, Leckwith Woods and West Hill Wood to the site. The March 2022 EclA identifies 12 non-statutory SINCs within 2km of the site. The Inspector notes the EclA concludes no direct impacts are predicted. (IR 225)
28. The Inspector notes the Cwm Cydfin Site of Special Scientific Interest ("SSSI") is some 1.7km south-east of the site and is set within a larger complex of woodlands in the valley of a small tributary of the river Ely. The Nant Garw watercourse, which is situated on the western boundary of the site, is not a tributary of the Nant Cydfin SSSI. Therefore, the Inspector notes there are no pathways from Nant Garw that would affect Cwm Cydfin SSSI, and no impacts from the development are predicted. NRW confirms that there is no pathway through surface water from the site to the SSSI, and Leckwith Woods and areas of woodland form a buffer between the site and the SSSI. NRW notes the SSSI is sensitive to increases in both nitrogen and acidity levels from air pollution. Nant Cydfin is situated to the east of Leckwith Road B4267. Whilst the access route for the site passes part of Cwm Cydfin SSSI, NRW notes the Revised Transport Statement predicts no significant increase in traffic travelling along that route with a maximum of 8 vehicles per day during the 6- week construction phase. Given that there is a dust management plan provided and if measures are adhered to NRW is satisfied there should be a low risk of impact on Cwm Cydfin SSSI. The Inspector agrees there are no likely significant effects on the SSSI and closest SINCs. (IR 226-227)

29. The Inspector notes the EclA concludes the proposal will not result in any direct or indirect impacts on the woodland during construction or operation of the solar farm. The Inspector agrees. (IR 228)

Protected Species

30. The Inspector notes surveys were undertaken on the main site, the laydown area and passing places. NRW raises no issue in relation to the extended phase 1 habitat surveys, subject to the conditions requiring details including avoidance, precautionary and mitigation measures. The Inspector notes NRW's comments that precautionary methods should be adopted to avoid impacts on dormouse, and the stated buffer distances are maintained for woodland (5m) and hedgerow (2m). (IR 229)
31. The Inspector notes the data search returned no records of great crested newts ("GCN") from within 2km of the site. The EclA concludes the proposed development will have no direct effects on off-site ponds. The Inspector is satisfied standard good practice pollution prevention and runoff control measures would be in place during construction as set out in conditions. The Inspector is of the view no long-term habitat severance or fragmentation effects would occur which could adversely affect the favourable conservation status of amphibians. (IR 230)
32. The Inspector notes the South-East Wales Biodiversity Records Centre ("SEWBRc") returned eight records of badger occurring within 2km of the site. The EclA recommends precautionary measures should be deployed including a walkover by an ecologist to search for new setts prior to works commencing. The Inspector also notes the data search returned records of at least six bat species within 4km of the site including lesser horseshoe bats. The Inspector is of the view construction lighting should not be allowed to spill out onto woodland edges, hedgerows and other linear features and should be controlled by condition. (IR 231-232)
33. The data search also returned records of multiple bird species including many of conservation concern within 2km of the site. These included cuckoo and fieldfare which are red listed species of conservation concern. The following amber listed species have also been recorded within 2km of the site; kingfisher, house sparrow and kestrel. Anecdotal sightings of bullfinch, song thrush, yellowhammer, blackcap, and skylark were recorded during the survey work. However, the Inspector notes, there was no indication the species nest on site and the fields did not provide suitable nesting opportunities. The Inspector is of the view trees and hedgerows surrounding and intersecting the site are likely to provide suitable nesting habitat, and these are to be retained as part of the proposals. The Inspector is satisfied the habitats directly impacted by the proposal (the improved and marshy grassland fields) offered negligible potential to support ground nesting birds. The Inspector notes the EclA concluded the limited value of the on-site habitats and the abundance of similar and better-quality habitats available in the wider landscape, the site was considered unlikely to support a notable breeding bird assemblage and was of local importance for breeding birds. (IR 233-235)
34. Two records of hazel dormouse were returned within 2km of the site. The Inspector notes the site has potential to be of up to local importance for the species. The EclA assesses no significant impacts to dormice are predicted as no significant amount of hedgerow is to be removed as part of the development. The Inspector also notes, if dormice are then found to be present on site, a licence may be required from NRW prior to works. (IR 236)

35. The data search returned no records of water vole within 2km of the site and site habitat was considered unsuitable for the species. Nine records of otter were returned by the data search with most reacting to the river Ely approximately 1.3km to the east of the site. The data search returned records of all four common reptile species found in the UK within 2km of the Site. There is potential for hedgerows to support common reptiles such as slow worms and potentially grass snake. The Inspector concludes the site has potential to be of importance at the local level for common species of reptile. (IR 237)

Laydown area and passing places

36. The Inspector notes concerns have been expressed by VoG Council and residents regarding the extent of hedgerow removal associated with the laydown area/splay and passing places. Movement of heavy machinery and vehicles would avoid impacting on woodland and hedgerows and where necessary protective fencing would be erected. Banksmen would be used to direct vehicles and to avoid the need for further vegetation removal. The Inspector notes that it is envisaged an Ecological Clerk of Works will take precautionary steps before relevant sections of hedgerow are removed and check for nesting birds and dormice. The lower part of the hedge will be checked for hedgehogs, amphibians, reptiles and GCN. At any point of discovering protected species during these areas of clearance work will stop and advice sought from NRW with a view to obtain a licence should that be needed. (IR 238-239)
37. In the laydown area, which will be utilised for temporary storage of materials and transfer to the site, the Inspector accepts there would be degradation of the grassland caused by compaction and disturbance of the ground. However, due to the temporary nature of the proposal, the Inspector considers the impacts will also be temporary, and the grassland will be re-instated once construction is complete. The Inspector is satisfied the work of scrub clearance for passing bays 6, 7, 9 and 10 will be undertaken following the same precautionary method and for other passing bays temporary ground re-enforcement matting will be deployed to reduce the impact of compaction on the root systems of adjacent trees. (IR 240-241)

Biodiversity enhancements

38. Biodiversity enhancements proposed include planting a 1.2ha wildflower meadow to the south of the site. The Inspector considers a review of the management activities of the Landscape and Ecological Management Plan ("LEMP") every five years for the period covering the lifespan of the proposed solar park will ensure long term benefits for all retained, enhanced, and created habitats are delivered. The EcIA notes the intention to plant-up gaps in hedgerows across the site and to reinstate hedgerows and improve habitat connectivity. The Inspector notes the management of retained hedgerows within the site will aim to achieve a minimum height of 3m and a width of 2m. Hedgerows would be cut on a minimum 3-year rotation, with a third of the hedgerow allowed to grow for a minimum of 5 to 7 years, allowing vegetation to fruit, providing a food source. Retained field margins would be seeded with a species-rich grassland or wildflower mix. Bat and bird boxes would be installed on retained trees within hedgerows to enhance the site for biodiversity. (IR 242-243)
39. The Inspector is of the view the measures beneficial to biodiversity which have been incorporated within the scheme and those which would be secured through the recommended conditions are significant. The Inspector considers these are in line with the Biodiversity Duty in Section 6 of The Environment (Wales) Act 2016. Also, in line with criterion 5 of Future Wales policy 18, the proposal includes biodiversity enhancement measures to provide a net ecological benefit. (IR 244)

40. The Inspector considers the scheme would cause no unacceptable impacts on national statutory designated sites for nature conservation (and the features for which they have been designated), or protected habitats and species, thereby satisfying criterion 4 of Future Wales policy 18 and LDP policies MD9, MG19, MG20 and MG21. (IR 245)

Flooding

41. The Inspector notes the cabling route falls within zones B, C1 and C2 where it crosses the river Ely over Leckwith Bridge to the point of connection. The cabling would be routed through the existing cabling ducts within the verge of the bridge. (IR 246)
42. PPW, at para 6.6.22, advises planning authorities should adopt a precautionary approach of positive avoidance of development in areas at risk of flooding from the sea or from rivers. Surface water flooding will affect choice of location and the layout and design of schemes, and these factors should be considered at an early stage in formulating development proposals. (IR 247)
43. Technical Advice Note 15 ("TAN 15") provides more detail and states, at paragraph 6.2, highly vulnerable development in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development will only be justified if it can be demonstrated that: a. its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or b. its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and, c. it concurs with the aims of PPW and meets the definition of previously developed land; and, d. the potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable. (IR 248)
44. The Inspector notes there is no dispute the scheme does not satisfy any of the first three of the above justification tests. The applicant notes the cabling forms part of the DNS application but points out that in isolation the cabling works could be permitted development under Schedule 2, Part 17 of the (General Permitted Development) Order 1995 (as amended). The applicant notes if the cabling works were undertaken by Western Power Distribution as the Distribution Network Operator utilising their powers as a Statutory Undertaker, then this would be a fallback position which would negate the need for the justification test in TAN 15. The applicant has confirmed the cables would not be fluid filled and would be protected and power could be disconnected remotely in the event of a flooding emergency. NRW is satisfied with these responses in relation to the consequences of flooding. (IR 249)
45. The Inspector notes the applicant refers to the site selection sequential test as justification that no other suitable site is identified within the search area. Referral is also made to the Llanwern solar farm decision (application ref: 3150137) where the Cabinet Secretary for Energy, Planning and Rural Affairs accepted the Inspector's finding the solar scheme under consideration fell within this exception of paragraph 5.3. This explains some uses should be treated as exceptions to the general rule in relation to the vulnerability of uses to flooding. These include boatyards, marinas, essential works required at mooring basins, and development associated with canals. They are not subject to the first part of the justification test (as set out in i to iii above) but are subject to the acceptability of consequences part of the test (iv). (IR 250-251)

46. This part of the proposal relates to the cabling which there is a probable fallback position and justification is provided in terms of grid connectivity and the high number of sunshine hours as was the case in the Llanwern decision. The Inspector considers there are good reasons for locating the ancillary componentry of the proposal within but crossing over these flooding risk zones as an exception to the first three justification tests. (IR 252)
47. In response to the fourth of the TAN 15 justification tests, the application has been accompanied by a Flood Consequences Assessment ("FCA"). Following the publication of Flood Map for Planning ("FMfP") the applicant submitted in March 2022 Technical Design Note FMfP and the relevant maps. The Inspector notes the assessments state the position of the cabling on Leckwith Bridge is likely to be above any flood event from the river Ely at this location. The installation of the cabling within the existing highway infrastructure would not cause an increase in flood risk to third party land. The Technical Design Note on FMfP confirms the extent of the new Flood Zones (1,2 and 3) to have virtually the same extent to the existing Development Advice Mapping ("DAM"). (IR 253)
48. The Inspector notes, on review, the mapping provided by NRW confirms although the extent of the area at risk of flooding has altered slightly in the new FMfP, given the nature and extent of the proposed development the Inspector considers the proposal is acceptable in this respect. The Inspector is satisfied the updates/changes to the flood extents and those shown within the FCA are representative of the most up-to-date information available for assessing flood risk at this location. (IR 254-255)

Hydrology of the site

49. The FCA update notes proposed photovoltaic panels will be positioned across the main site, where potential overland surface water and groundwater flood risks have been identified. The Inspector notes any shallow overland surface water and groundwater flood flows will be able to flow unimpeded beneath the proposed panels, and between the legs of the proposed modular frame. (IR 256)
50. The Inspector is satisfied the proposed drainage strategy for the site utilises the existing topography and natural drainage regime to ensure that any overland flows, although not increased compared to the existing situation, will be allowed to run-off overland as shallow 'sheet flow' to the valleys running through and adjacent to the site, as is the existing situation. The Inspector notes the FCA assumes grass cover will be retained across the site (except for the proposed gravelled access track and construction compounds), and this will therefore maintain the existing hydrological regime, without resulting in any increased volume or intensity of run-off. It is considered there would be no alteration of catchment drainage patterns or the unintentional creation of preferential flow paths. The change in land cover would contribute to a more natural infiltration rate with vegetation growing beneath the panels intercepting rainwater falling between the gaps in the panels. The Inspector considers these measures, incorporating buffer strips next to hedgerows and the proposed wildflower meadow as part of the site would bring about a favourable drainage response compared to the existing situation. (IR 257-258)
51. The Inspector concludes the scheme is consistent with flood risk policy set out in PPW and TAN 15 and is consistent with LDP policy MD7 and Cardiff LDP policy EN14. The Inspector is satisfied the cabling elements of the scheme has been designed to withstand the predicted climate change effects on flooding and demonstrates the risk and consequences of flooding could be acceptably managed. (IR 259)

Living conditions - noise

52. The Inspector notes the application was accompanied by a technical noise assessment. The noise specialist for the occupants of Beggan Farm reviewed the noise impact assessment and consider significant noise impacts would be unlikely to occur but would require assurance that any adverse impact can be mitigated and controlled through the imposition of a planning condition. The Inspector notes the VoG Council's Shared Regulatory Services agrees with the applicant's noise assessment and revised details and that a suitable planning condition be imposed. The Inspector is satisfied an appropriate condition is necessary to ensure the living conditions of nearby residents are not harmed by the development in relation to noise. (IR 260-262)
53. The Inspector is of the view there are no unacceptable adverse impacts by way of noise and therefore the proposal aligns with criterion 7 of Future Wales policy 18. It follows that the proposal is compliant with LDP policies MD2(8) and MD7(4). (IR 263)

Traffic and Highway Safety

54. The Inspector notes the local highway authority raises no objection to the submitted details subject to the imposition of conditions. There would inevitably be some disruption to local traffic during the construction period, however, there is no technical objection from VoG Council to the construction traffic route via Llandough. The applicant's information notes the timing and number of construction vehicles compared to the volume of traffic using this road would be inconsequential to overall traffic flows. The Inspector is satisfied there is no technical evidence to contradict this finding. (IR 264-267)
55. Nonetheless, the Inspector considers the use of appropriate traffic management regimes, would minimise any difficulties. It is not envisaged that Gower Lane would need to be closed during the construction phase of the development. In any event, the local highway authority would retain control over any prospective road closures. The Inspector is of the view the traffic and access arrangements for the temporary period of construction is acceptable and there is no evidence to suggest the proposal would harm highway safety during this period. (IR 268-269)
56. The Inspector concludes there are no unacceptable adverse impacts on the transport network through the transportation of components during the construction phase and therefore the proposal aligns with criterion 9 of Future Wales policy 18, LDP policy MD2 and policy T6 of the Cardiff LDP. (IR 270)

Benefits of the Scheme

57. The Inspector notes the scheme's 25 MW capacity would generate renewable power sufficient to power up to 7,500 homes over its operational lifespan and to displace some 10,050 tonnes of CO₂ a year. The Inspector considers this represents a substantial contribution to the production of energy from a renewable resource and to the reduction in greenhouse gas emissions. Such a contribution is significant in the context of the Welsh Government targets and its commitment to address the climate emergency. (IR 271)

58. The Inspector is of the view the battery storage facility provided by the proposed container units would ensure the supply of energy generated by the panels can be controlled to reduce the mismatch between peak demand and supply. The benefits of an increased use of energy storage to provide a balance in this respect is recognised in PPW. Future Wales policy 17 confirms Welsh Government's strong support to the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. It explains that in determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and Welsh Government's target to generate 70% of consumed electricity by renewable means by 2030 to combat the climate emergency. (IR 272-274)

Other Considerations

59. The Inspector notes the application site has been chosen because of a combination of reasons (as detailed in the Site Selection Sequential Test) including the high number of sunshine hours; the agricultural land is not classified as 'best and most versatile', and the availability of a sufficiently large site to allow the economies of scale which would make a scheme viable. The essential attribute of the site, and the one which ties it to the immediate area, is its proximity to 132 kV power lines with the capacity to accept the electricity which would be generated. (IR 276)
60. The Inspector is satisfied although the site lies outside of the 'Local Search Areas' identified under LDP policy MG30, the policy makes clear (paragraph 6.170) the identified areas provide only an indication of solar energy potential rather than specific areas of safeguarded land for solar development. It is also noted that in February 2021 Future Wales became part of the development plan. The Plan acknowledges the impacts of a climate emergency and an ecological emergency and identifies key priorities, risks, and opportunities to achieve the sustainable management of natural resources, including addressing the climate emergency and reversing biodiversity decline. PPW confirms that Future Wales sets out the Welsh Government's policies for the determination of renewable energy schemes of 10MW and more under the DNS procedure, the policies in Future Wales supersede the relevant policies of the LDP including policy MG30. (IR 277)
61. The site is identified as mineral safeguarding area under LDP policy MG22. The Inspector is of the view the proposal would not conflict with the objectives of policies MG22 and MG24 of the LDP. (IR 278)

Conditions

62. I am satisfied, the conditions recommended by the Inspector meet the relevant tests in Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management. (IR 279-289)
63. I note condition 3 specifies the decommissioning element of the scheme which includes the submission of a Decommissioning and Site Restoration Scheme.

Summary of Conclusions

64. The Inspector has concluded the proposal would not give rise to an unacceptable adverse impact on landscape character and visual amenity of the area, heritage assets, ecology of the area and protected species, flooding, and hydrology, living conditions of nearby residents in relation to noise and traffic flows and highway safety. (IR 290)

65. The Inspector considers the main benefits arising from the scheme would be its contribution to renewable energy generation and reduction in CO₂ emissions. The on-site storage of power generated from the panels provides benefits in terms controlling the rate of flow to the grid, enabling the peaks and flows of production to be balanced out to align better with consumption. The Inspector is also of the view the scheme would also provide local economic and employment benefits. (IR 291)
66. The Inspector affords these benefits considerable weight in the light of the support for such contributions in policies 17 and 18 of Future Wales which sets out Welsh Government's approach to promoting the increased production of renewable energy in a way that seeks to strike an appropriate balance with the protection of other relevant interests. The Inspector notes Future Wales is the most recently adopted part of the development plan and contains the most directly relevant policy to renewable energy projects of national significance. The Inspector concludes the proposal conforms with VoG Council's LDP, and there are no identified conflicts with the Cardiff LDP and the proposal complies with the development plans. (IR 292-293)

Conclusion and Decision

67. 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 both the main DNS application and the secondary consent, reference DNS/3261558, subject to the conditions in Annex A to this decision letter.

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

68. 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

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

Taking an integrated approach

70. 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

71. 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

72. The decision takes account of the need to increase renewable energy production and combat the climate emergency, as well as increasing energy security.
73. 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 WFG Act. In accordance with section 3(2) of the WFG Act 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”.
74. A copy of this letter has been sent to the Vale of Glamorgan and Cardiff Councils.

Yours sincerely



Julie James AS/MS

Y Gweinidog Newid Hinsawdd
Minister for Climate Change

Annex A – Conditions for DNS/3261558

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. Subject to the requirements of other conditions attached to this permission the proposal shall be carried out in accordance with the following plans:
 - 20.13_100_SITE LOCATION PLAN_REV B_PLANNING ISSUE Brynwell Farm
 - 20.13_301 REV D – SITE BLOCK PLAN – PROPOSED
 - 20.13_302 – SITE BLOCK PLAN – PROPOSED – DNO COMPOUND AREA
 - 20.13_302_SITE BLOCK PLAN PROPOSED_DNO SUBSTATION_PLANNING ISSUE Brynwell Farm Solar Site_12102020
 - Ecological Impact Assessment Rev2 (March 22)
 - Great Crested Newt Addendum
 - 10087A - Solar Photovoltaic Glint and Glare Study - Brynwell Farm Solar - 02March2021
 - Tree Constraints Plan - 10693 TCP 07_Brynwell
 - Tree Survey - 10693 TS 07_Brynwell
 - Transport Statement - Revised TS 16426-HYD-XX-XX-RP-TP-4002-P01
 - Noise Impact Assessment - 16426-XX-HYD-ACO-Brynwell Battery Storage Noise Impact Appraisal - Revision 1 and associated photographs
 - 3261558 - Brynwell Farm Solar - Outline Construction and Environmental Management Plan
 - 3261558 - Consultation Report V2 April 2021
 - 3261558 - Planning Statement
 - Brynwell Farm Solar Project Landscape and Ecological Management Plan March 2021
 - Brynwell Farm Solar Project LVIA 11.3.21
 - Brynwell Solar Project LVIA Plans and Representative Views 11.3.21
 - Constraints Plan - edp6698_d004a
 - 3261558 - Further Information in response to Inspector's Request (September 21)
 - edp6698_r001-A-Archaeological and Heritage Assessment
 - edp6698_r002-B-Archaeology and Heritage Assessment Addendum
 - Email with VoG LPA re Ecology Comments – Dated 9TH August 2021
 - Flood Consequences Assessment 16470-HYD-XX-XX-RP-FR-0001_P06
 - 3261558 - Site Selection Sequential Test
 - Email from LPA re Drainage and Planning Conditions
 - Leckwith Bridge Plans a. Existing Bridge - B1599-4755 b. New Bridge - 70053561-002 Rev 2(1)
 - Construction Traffic Management Plan - CTMP 16426-HYD-XX-XX-RP-TP7002-P01
 - Email Re CTMP with County Highways Department
 - Supplementary LVIA Addendum - SEP21 and associated ZTVS, AVRs and VPs
 - PASSING BAY PLAN - WITH ACCOMPANYING STREET-VIEW IMAGES - 16426-HYD-XXXX-DR-TP-0001-P1.07
 - Passing Bay Plan - 16426-HYD-XX-XX-DR-TP-0002-P1.07

- PROPOSED INDICATIVE LAYDOWN AREA WITH VEGETATION TRIMMING - 16426-HYDXX-XX-DR-TP-0003-P1.07
- SWEPT PATH ANALYSIS AT LAY-DOWN AREA - 16.5M ARTICULATED VEHICLE - 16426HYD-XX-XX-DR-TP-0004-P1.07
- SWEPT PATH ANALYSIS 16.5M ARTICULATED VEHICLE - 16426HYD-XXXX-DR-TP-0001-P1.08
- Street View - Passing Bays Site Visit Dims
- TC22051 Brynwell Solar Photomontage 5
- TC22051 Brynwell Solar VP9
- Drainage Technical Note - 16470-HYD-XX-XX-TN-FR-0001
- Email from VoG Ecologist dated 7th March 2022
- 3261558 - Response to request for Further Information

Reason: For the avoidance of doubt as to the approved development and to accord with Circular 016/2014 on The Use of Planning Conditions for Development Management.

3. Within 41 years from the date when electricity is first exported, or within one year of the cessation of the generation of electricity from the site, the solar photovoltaic panels, frames, foundations, and all associated structures and fencing hereby permitted shall have been dismantled and removed from the site and the site restored in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The developer shall notify the local planning authority in writing no later than five working days following the commencement of export of electricity and cessation of power production.

Reason: In the interests of visual amenity and to ensure compliance with Policies MD1, MD2 and MG17 of the Local Development Plan.

4. Prior to the commencement of development, a pre-construction condition survey (including of the highway verges and vegetation) shall be carried out of the haulage and cabling route associated with the development, including details of the proposed reinstatement of the highway, and submitted to the local planning authority for its approval in writing. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy MD2 of the Local Development Plan.

5. Within 3 months of completion of the development, a post-construction condition survey, of the haulage and cabling route, informed by the details approved by condition 4, shall be carried out in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The local planning authority shall require the reinstatement of highway verges and vegetation and any remedial works identified in the approved scheme to be carried out within 6 months of the completion of the development hereby approved.

Reason: In the interests of highway safety in accordance with Policy MD2 of the Local Development Plan.

6. No construction work or deliveries associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours: Monday to Friday 0800 – 1800, Saturday 0800 – 1300. Any piling associated with the development shall be limited to Monday to Friday between 09:00 and 17:00 hours.

Reason: In the interests of highway safety and to safeguard the amenities of residents, and to ensure compliance with the terms of Policy MD2 of the Local Development Plan.

7. No lighting shall be installed during the operation of the site as a solar photovoltaic facility.

Reason: In the interests of visual amenity and biodiversity interests and to ensure compliance with Policy MD1 & MD9 of the Local Development Plan.

8. Notwithstanding the submitted documents, prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Traffic Management Plan shall include details of the types of construction vehicles to be used, a route plan, survey work of Gower Lane to identify passing places, forward visibility envelopes, localised improvements or conveying systems to facilitate the construction of the development, and additional details of the provision and reinstatement post development of the laydown area and any temporary passing bays. The development shall thereafter be implemented in full accordance with the agreed Construction Traffic Management Plan.

Reason: In the interests of highway safety and having regard to the nature of the rural roads in accordance with Policies MD2 and MD7 of the Local Development Plan.

9. Notwithstanding the submitted details, no development shall commence, including any works of demolition or site clearance, until a Construction and Environment Management Plan ("CEMP") has been submitted to, and approved in writing by, the local planning authority. The CEMP shall include the following details:

- a. the parking of vehicles of site operatives and visitors;
- b. site compound/laydown area to show appropriate provision for heavy goods vehicles and temporary improvements to the proposed vehicular access, which shall include details of any widening of the entrance and carriageway, and vision splays in both directions together with details of the reinstatement of the associated land, any hedgerow removal and proposed replacement;
- c. loading and unloading of plant and materials;
- d. storage of plant and materials used in constructing the development;
- e. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f. methods to avoid impacts to trees and their root protection areas and to avoid soil compaction;
- g. wheel washing facilities;
- h. measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- i. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- j. temporary lighting during the construction phase;
- k. management, control and mitigation of noise and vibration, ensuring that noise is kept to a minimum in accordance with BS 5228 - Code of practice for noise and vibration control on construction and open sites;
- l. odour management and mitigation;
- m. diesel and oil tank storage areas and bunds;

- n. the management of surface waters, including the protection of water courses and ground water; subsoil surface water drainage; bunding and siting of fuel storage areas; and emergency procedures and pollution response plans;
- o. measures to avoid and/or minimise risk of harm to protected species during site clearance and construction activities;
- p. methods for installing cabling through banks and hedgerows; and
- q. details of post-construction restoration of the working areas including hedgerows and soil and natural features of the area.

The construction of the development shall be undertaken in full accordance with the approved CEMP.

Reason: To ensure that the construction of the development is undertaken in a neighbourly manner, to ensure management of surface waters and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

10. Notwithstanding the submitted details, no development shall commence until a Landscape and Environmental Management Plan ("LEMP") has been submitted to and approved in writing by the local planning authority. The LEMP shall include details of the existing and proposed habitats, landscape, and ecological features at the site, scheduling and timings of activities and management plans:

- a. details of the hedgerow management regime;
- b. the species and sourcing of additional/replacement hedgerow planting;
- c. details of the seed mix for grassland habitat to be created and revised details of control of weeds including brambles;
- d. full details of the long-term management of hedgerows for the period of operation;
- e. a schedule of management activities, that takes account of good practice working periods;
- f. a review of the management activities within the LEMP every five years for the period of operation, informed by monitoring of condition of habitats; and
- g. details of works pertaining to all trees on site.

The LEMP shall be carried out in accordance with the approved details and in accordance with the agreed timescale scheduling as detailed in the approved LEMP.

Reason: In the interests of safeguarding the ecology of the site and to ensure mitigation and enhancement of the ecological value of the site in accordance with Policy MD2 and MG17 of the Local Development Plan.

11. The level of noise emitted from the site shall not exceed 29dB during both the daytime and night-time periods as measured on the boundaries of the nearest dwelling.

Reason: To safeguard the living conditions of occupiers of neighbouring residential properties in accordance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

12. The battery storage container units, DNO Componentry and CCTV Columns hereby approved shall be finished in a dark green or dark brown colour.

Reason: To minimise landscape and visual impacts resulting from the scheme in accordance with Policies MD19 (Low Carbon and Renewable Energy Generation) and MG17 (Special Landscape Areas).

13. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant 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 written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

14. Notwithstanding the submitted plans 16426-HYD-XX-XX-DR-TP-0001-P1.06 and 16426- HYD-XX-XXDR-TP-0002-P1.06, prior to the commencement of development, details of the proposed improvements to the adopted highway to provide passing bays shall be submitted to and approved in writing by the local planning authority. The details shall include locations, dimensions and construction details for the proposed passing bays and details of forward visibility envelopes. The details shall also include a suitable scheme of mitigation relating to the removal and replacement of any bank/hedgerow/vegetation to be lost as a result of the works (including a timetable for such works and any loss associated with the access to the proposed dropdown area). The passing bays shall thereafter be provided in accordance with the approved details prior to the use of the lane by construction traffic associated with the development hereby approved. Any mitigation shall be undertaken in accordance with the agreed timescales.

Reason: In the interests of highway safety and to maintain free flow of traffic along the adopted highway.

15. No development shall take place until a report detailing the structural integrity of Leckwith Bridge and its ability to withstand the installation of cabling associated with the development, has been submitted to and approved in writing by the local planning authority. The report shall be undertaken by a duly certified and competent structural/civil engineer. The report shall include details of the proposed cable to be installed along the adopted highway and across Leckwith Bridge, the cable voltage, type, size, weight, and calculations for loading on the bridge and installation method. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

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.