Planning Statment

DOC 03

Development of National Significance

Alaw Môn Solar Farm

Land west of the B5112, 415m south of Llyn Alaw, 500m east of Llantrisant and 1.5km west of Llannerch-y-Medd, Anglesey

February 2024



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1. INTRODUCTION

1.1. Pegasus Group has been appointed by Wylfa Green Ltd (herein referred to as "the applicant") to prepare a Planning Statement for a renewable energy scheme comprising ground mounted solar and ancillary battery storage facility on land approximately 1.5km land on the west of the B5112 and is located 415m to the south of Llyn Alaw, 500m to the east of the small hamlet of Llantrisant, and 1.5km to the west of the village of Llannerch-y-Medd. The proposed development is called 'Alaw Mon Solar Farm'.

1.2. By virtue of its potential generating capacity, which stands at up to 160MW [Megawatts], the proposed development constitutes a Development of National Significance ("DNS"). Therefore, instead of applying to the Local Planning Authority for Planning Permission, the application is made to the Welsh Minister. The application process is managed by Planning and Environment Decision Wales (PEDW) on behalf of the Welsh Minister.

1.3. A site location plan is provided at **Appendix 1.**

The Applicant

1.4. Alaw Mon is being promoted by Wylfa Green Ltd. Wylfa Green Limited is a partnership between Enso Energy and Cero.

1.5. Enso Energy is one of the UK's most experienced renewable energy developers, focused on developing renewable energy sites that drive the transition to net zero. Enso's team of experts have a deep understanding of the energy industry and how to meet the requirements of a fast-moving sector. With a background in large-scale renewable energy, the team have delivered over 1.2GW of renewable energy and storage projects since 2019. Cero Generation is a leading specialist in solar energy development, production and storage, accelerating the delivery of a net-zero future across Europe. Cero is an independent portfolio company of Macquarie Asset Management's Green Investment Group (GIG), operating on a stand-alone basis.

1.6. The issues relevant to the assessment of the application proposal are set out in this Statement. The subsequent sections of this Statement are divided into: -

Section 2: *The Application Proposal*

1.7. This section contains a description of the application proposal.

Section 3: *Background for renewable energy schemes Wales and the UK*

1.8. The section summarises the key legislative background and support for standalone renewable energy schemes in Wales and the UK.

Section 4: *Application Site and its Surrounds*

1.9. This section contains a description of the application site and its environs.

Section 5: *Planning Policy Context*

1.10. The planning policy context for the application site includes both national policy guidance and the development plan which include Future Wales and Planning Policy Wales. Brief explanations of the key policies pertaining to the development proposal is contained within this section.

Section 6: *Planning Assessment*

1.11. The sixth section outlines the planning matters that are important to the determination of the application. Considerations are addressed in turn and explained in the context of the relevant planning policy outlined in the previous section and the legislative background set out in Sections 3 and 5.

Section 7: *Planning Balance*

1.12. This section establishes the planning balance for the development proposal.

Section 8: *Conclusions*

1.13. This section provides the concluding comments in relation to the application proposal.

Supporting Documents

1.14. The application submission is supported by the following documents and plans:-

- Application Form
- Planning Application Drawings

Drawing No.	*Rev*	*Drawing Title*
ENSO-11-01	*REV -*	*Site Location Plan Sheet 1 of 4*
ENSO-11-01	*REV -*	*Site Location Plan Sheet 2 of 4*
ENSO-11-01	*REV -*	*Site Location Plan Sheet 3 of 4*
ENSO-11-01	*REV -*	*Site Location Plan Sheet 4 of 4*
WAM-01-P02	*REV -*	*Proposed Site Layout*
WAM-01-P19	*REV -*	*132KV Connection Cable Arrangements between the NG substation and the Solar Substation*
WAM-01-P20	*REV -*	*BESS Inverter / Transformer*
ICS-20-4089-001	*REV B*	*Alaw Mon 132kv Substation Sheet 1 of 2*
ICS-20-4089-001	*REV B*	*Alaw Mon 132kv Substation Sheet 2 of 2*

PL02	*REV C*	*Preliminary Cut & Fill Assessment Layout*
PL03	*REV C*	*Preliminary Cut & Fill Cross Sections*
PL04	*REV -*	*Proposed Access Path Longitudinal Sections*
AM3.0	*REV 01*	*PV Elevations*
AM4.0	*REV 01*	*Inverter / Transformer Stations*
AM5.0	*REV 01*	*Internal Access Road Detail*
AM6.0	*REV 01*	*Fence and Gate Elevations*
AM7.0	*REV 01*	*Weather Station Detail*
AM9.0	*REV 01*	*Control Room Elevations*
AM11.0	*REV 01*	*CCTV Elevations*
AM12.0	*REV 01*	*Battery Container Elevations 40ft*
AM13.0	*REV 01*	*Storage Container 40 ft*
AM14.0	*REV 01*	*Battery Fence and Gate Elevations*
AM15.0	*REV 01*	*Substation Fence and Gate Elevations*
AM16.0	*REV 01*	*Substation Surfacing Cross Section*
LN_LP-14	*Landscape Strategy Plan: Overall (also presented as Figure 7.13 of the Environmental Statement)*	

- Covering Letter
- Application Index (enclosed to the covering letter)
- Design and Access Statement
- Consultation Report
- Planning Statement (this statement)
- Welsh Language Statement
- Collaborative Benefits Report
- Site Search Statement
- Assessment of Impacts on Agricultural Land
- Economic Benefits Report

- Arboricultural Impact Assessment
- Habitats Regulations Assessment: No Significant Effects Report
- Green Infrastructure Strategy
- Supply Chain and Employment Skills Plan
- Outline Landscape and Environmental Management Plan
- Biodiversity Gain Assessment
- Deed of Gift
- Environmental Statement Non-Technical Summary (in Welsh and English)
- Environmental Statement – technical topics scoped into the Environmental Impact Assessment include Cultural Heritage, Landscape and Visal Effects, Biodiversity, Water Environment, Transport & Access; Air Quality; Noise and Vibration; and Agricultural Land.
- Environmental Statement Technical Appendices

1.15. A full schedule of documents is presented within the supporting Application Index.

Statutory Requirements

1.16. In May 2021, the applicant submitted to the Planning Inspectorate Wales[1] a request, made under regulation 31(1) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (as amended) ("the Regulations"), for the Welsh Ministers to make a screening direction as to whether or not the proposed development is "EIA Development" within the meaning of the Regulations. On 30 June 2021, PINS Wales released its Screening Direction, directing that the proposed development is EIA Development within the meaning of the Regulations. Accordingly, an Environmental Statement support this application submission.

[1] In October 2021 the Planning Inspectorate Wales function was transferred to Planning and Environment Decision Wales.

2. THE APPLICATION PROPOSAL

2.1. The application proposal relates to the construction, operation, maintenance and decommissioning of a ground mounted solar power and battery storage facility. An operational lifespan of 40 years is sought after which the development would be decommissioned. Individual elements of the proposed development are shown on the accompanying Planning Application Drawings. The overall layout drawing is repeated at Appendix 2 of this Statement.

2.2. The proposed development can be split into five key components, these are:

- Ground Mounted Solar Arrays
- Battery Energy Storage System
- Substation Compound
- Cable Route to the Point of Connection at the National Grid Wylfa substation
- Landscape & Biodiversity Mitigation & Enhancements Proposals

Design Flexibility

2.3. The proposed development has employed a 'maximum design scenario' approach which reflects the Rochdale Envelope approach.

2.4. The Rochdale Envelope is employed where the nature of the proposed development means that some details of the whole project have not been confirmed and flexibility is sought to address uncertainty. It provides a 'maximum design' scenario approach to the impact of a project and allows for a broad definition of the project to be framed within a number of set parameters. This approach allows for a project to be assessed on the basis of maximum project design parameters in order to provide flexibility, while ensuring all potentially significant effects (positive or adverse) are assessed within the planning application. The need for flexibility in design, layout and technology is required to address uncertainties inherent to the development. This is very pertinent to solar development due to the rapid pace of change in module technology and commercial availability. As technology advances, it is possible that modules could become more efficient which would result in a potential reduction in total module area required to deliver the same amount of generation. This in turn could require the micro-siting of ancillary equipment to reflect such changes, i.e., the final locations of cabling and inverters. Accordingly, a final build plan would be submitted to the Local Planning Authority as part of a pre-commencement condition. The final build plan would demonstrate how the final 'as-built' design remains within the parameters of the forthcoming DNS application submission. This approach is consistence with good practice applied at other recently permitted DNS energy schemes.

2.5. Flexibility is also required for the cable route; the layout shows the development will connect to the electricity grid via the National Grid Substation at Wylfa.

Ground Mounted Solar PV Arrays

2.6. The design principles of the solar modules are:

- Photovoltaic (PV) arrays , which would be a maximum of 3m in height about existing ground levels
- A number of inverter and transformer block at various locations around the arrays
- Boundary fencing (e.g deer/stock fencing)
- A CCTV system, pole mounted, located at strategic points around the site
- Storage container(s) for spare parts etc
- Relevant communications and monitoring equipment
- Provision of permeable internal access tracks and improvement of existing vehicular accesses for the construction, operation and decommissioning phases of the development

2.7. The solar PV modules would convert solar irradiance into Direct Current (DC) electricity. The proposed PV panels may also be bifacial (such that they will collect light both on the front and the rear sides of the panel as it captures sunlight reflected from the grass surface under the solar framework).

2.8. The PV modules would be mounted on south facing galvanised steel and anodised aluminium metal racks. The racks will be laid out in multiple parallel rows running east to west across the various field enclosures. The framework and arrays would be static. The posts supporting the framework would be pushed into the ground to a suitable depth based on site ground conditions. The framework is designed to hold panels secure in high winds and will be designed according to the relevant codes and standards. The solar panels are of a 'fixed' design. This means that the supporting metal framework is installed at 15° to 30° from horizontal having a maximum height of 3 m above existing ground levels in long linear rows running from east-west. The panels face south. The installed angle (°) is dependent on the existing ground topography and spacing between solar rows.

2.9. Land between and beneath the panels would be used for biodiversity enhancements and/or seasonal sheep grazing. This is discussed in detail below.

2.10. The arrays would be set within a 2.0m high security fence. Cables linking the rows of panels will be buried in the ground within trenches, typically up to 1.2m in depth.

2.11. Internal access tracks will be required and involves the laying of permeable aggregate.

Battery Energy Storage System

2.12. The battery energy storage system consists of containerised battery units that can store energy and are able to release or absorb energy from the power network. Being able to absorb and release energy, the battery energy storage system at the proposed development can be used to contribute towards the frequency balancing services, where the power is being generated or absorbed statically or dynamically depending on the system frequency.

When there is not enough power, batteries are discharged to balance under frequency preventing black and brown outs. To balance over frequency batteries are charged to prevent dangerous spikes across electricity infrastructure.

2.13. Under normal working conditions, the battery energy storage system would be unmanned. Visual checks will be undertaken during maintenance visits to the proposed development.

2.14. The equipment and infrastructure to be installed at the battery energy storage system include:

- Battery storage system contained within a 2.4m high gated compound
- 42No. battery containers measuring 12.2m by 2.4m and a height of 2.9m
- The battery containers could be dark green or similar in colour
- Retaining wall
- Internal access tracks
- Vehicular parking
- Transformers and inverters
- The battery compound will be surfaced with chippings.

2.15. Earthworks would be required to create two platforms for the battery compound.

Substation Compound

2.16. A new substation compound will be required for the proposed development, and this will be positioned next to the battery energy storage system. The function of the substation will be to take power from the solar arrays, and this would then run within an underground cable to the point of connection at Wylfa. Whilst external lighting will be installed at the substation for emergency work during hours of darkness, the substation will not normally be lit.

2.17. The main design principles of the substation compound are: -

- Substation located within a secure 2.4m high gated compound
- LV control room, switch rooms & 132kv Relay Room
- Earthing Transformer, Transformer bund, High level connectors; circuit breaker, low level disconnectors; and anchor blocks
- Car parking
- Access Road
- Maintenance strip
- Emergency lighting and CCTV

2.18. As with the battery energy storage system, the substation compound will require cut and fill earthworks profiling to create a level surface.

Cable Route and Point of Connection

2.19. The Development will connect to the electricity network via the National Grid Substation at Wylfa. Connection will be provided by underground cabling located within the existing adopted highway or it its footpath / verge.

2.20. The development includes an underground cable route which runs from the main part of the site along the public highway to the National Grid Substation at Wylfa, located approximately 9.5km north of the main part of the Site. The cable route will be underground and will follow the road network. The construction activities for the installation of the cable route will be temporary in nature. A separate licence under the New Roads and Street Works Act will be secured at the appropriate time, and prior to construction, to allow the Applicant to carry out road excavations in the highway. There may be some localised delay to drivers whilst this occurs.

Landscape & Biodiversity Mitigation & Enhancements Proposals

2.21. Measures have been specifically designed to enhance habitats after intensive grazing and provide a gain in biodiversity at the site post-development.

2.22. Green infrastructure provision delivered as part of the proposed development will include: -

- 6.21 ha of new woodland planting,
- 1.69 ha of new native scrub planting,
- 6.85 ha of meadow grassland,
- 52.59 ha Grassland around the perimeter develop a taller sward, with some tussocks allowed to develop,
- 4,304 m of additional hedgerow (both infilling gaps and new sections of hedgerow),
- 14 (0.23ha) of new ponds and wetland/marginal vegetation.

2.23. Existing grassland will be retained within the solar PV arrays Habitat conservation, creation and enhancement measures are proposed across the entire application site in order to increase the extent and quality of habitat along key corridors within and through the application site, notably for specific landscape management areas have been introduced to the scheme. These are discussed in detail within chapter 6 of this statement.

Construction Phase

2.24. It is anticipated that the construction phase of the Development would last approximately 12 months (52 weeks), subject to gaining planning permission.

2.25. The construction of the solar farm element of the Development would include the preparation of the Site, installation of the access tracks, erection of security fencing / CCTV,

assembly and erection of the photovoltaic arrays, and the installation of the inverters/transformers and grid connection and underground cables.

2.26. The construction of the battery energy storage system element of the development would include the preparation of the site, installation of the access roads, erection of security fencing, assembly of the battery system, and installation of the switch-room and grid connection.

2.27. Construction activities and deliveries will be carried out Monday to Friday 08:00-18:00 and between 08:00 and 13:30 on Saturdays. No construction activities or deliveries will occur on Sundays or Public Holidays. Where possible, construction deliveries will be coordinated to avoid construction vehicle movements during the traditional AM peak hour (08:00-09:00) and PM peak hour (17:00-18:00). it is expected that there will be approximately 10 HGVs accessing the Site per day on average over the construction period.

2.28. All construction traffic will route to the site from the A55, via the B5112. To the north of Carmel, vehicles will turn left off the B5122 onto an unnamed road, before turning right into the main Site access, where the site compound is to be located. Other routes to the Site have been reviewed and this route is considered the most appropriate following a site visit and traffic count surveys.

2.29. All deliveries will be unloaded in the site compound, with smaller vehicles (maximum 10m rigid) then transporting materials to the respective land parcels.

Operational Lifespan

2.30. A temporary operational lifespan of 40 years would be sought for the entire development and linked to the first export date of electrical energy from the development. During the operational phase, the activities on the application site would amount to servicing and maintenance of plant and equipment and vegetation management.

2.31. Traffic impacts from the operational phase of the proposed development will only consist of one or two Light Goods Vehicles per month.

Decommissioning

2.32. After a 40 year period the proposal would be decommissioned with all electricity generating equipment and built structures associated with the proposed development removed from the application site and the land returned to agricultural use.

2.33. A decommissioning plan would be prepared prior to the decommissioning commencing. The application site will be surveyed by an appropriately qualified ecologist to identify any ecological constraints arising from decommissioning activities.

2.34. It cannot reasonably be foreseen what legislative protection will be afforded to particular wildlife species at the end of the scheme's lifespan. Further surveys for protected species which could be impacted by decommissioning would also be expected. Where possible and when electrical items have an ongoing life-span they will be removed from the application site in whole units and re-used in current form. Where units do not have an ongoing life-cycle they will be placed into a suitable re-cycling skip or container and then removed from the application site to a suitable waste recycling centre. Following decommissioning, there may be a period of soil management aftercare.

Legacy Community Benefits

2.35. As part of the legacy community benefits associated with the application proposal, the applicant has pledged a legacy community benefit fund, that would be paid annually for the lifetime of the development. The Applicant intention is set out in a draft Deed of Gift which accompanies the submission. Depending on the structure of the fund, the annual payment based on the candidate layout would be approximately £32,000 per annum. This equates to approximately £1.28 million over the lifetime of the project. The Applicant anticipates that Menter Mon would act as the fund administrator and be responsible for managing and distributing the funds to the local communities.

3. BACKGROUND AND RENEWABLE ENERGY IN WALES AND THE UK

Welsh Commitment to Address Climate Change

3.1. Part 2 of the Environment (Wales) Act 2016 (2016 Act) introduced the provisional requirements for the Welsh Government to reduce emissions of greenhouse gases, including a requirement to ensure that net emissions for 2050 are at least 80% lower than the baseline.

3.2. In 2017, the Welsh Government set renewable energy targets as part of their commitment to a more sustainable future for Wales. These targets included the need for Wales to generate electricity equal to 70% of its consumption from renewable sources by 2030.

3.3. The 70% renewable electricity target for 2030 represents an initial step in the development of renewable energy in Wales, as Wales' energy systems transition to net zero. In July 2023, following a consultation period in which broad support was received for the Welsh Government's renewable energy ambitions, the Welsh Government adopted new energy targets for 2035. These include:

- Generating the equivalent of 100% of Wales' annual electricity consumption from renewable sources by 2035.
- Installing 580,000 heat pumps across Wales by 2035.
- 1.5 GW of renewable energy capacity to be locally owned by 2035

3.4. In February 2021, the Welsh Government adopted a suite of regulations, known as The Climate Change (Wales) Regulations 2021 which formally commit Wales, for the first time, to legally binding targets to deliver the goal of net-zero emission by 2050. By setting a long-term framework for meeting the net zero 2050 target, the regulations provide milestones and a direction of travel for Wales' decarbonisation pathway, whilst the carbon budgets help to focus near-term action to enable Wales to reach their long-term goal. They provide clarity on the Welsh Ministers' vision for, and commitment to, a net zero future. As such, they provide a context for today's decision-makers to safeguard the needs of future generations.

3.5. However, the targets and budgets are achieved, reducing Welsh emissions will help to lessen the impacts on Wales and the world arising from increased temperatures. These impacts include flooding, risks to health, water shortages and risks to biodiversity. The Welsh Government is proposing to increase Wales's climate targets in response to the latest climate science and the recommendations of the Climate Change Committee (CCC) regulations that priorities the delivery of renewables are: -

- The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021, which increase the 2050 greenhouse gas emissions reduction target from 80% to at least 100% lower than the baseline;
- The Climate Change (Interim Emissions Targets) (Wales) (Amendment) Regulations 2021, which update the existing 2030 and 2040 targets from 45% and 67% to 63% and 89% respectively. They align the interim targets with the new 2050 target and

front load climate action in the 2020s in line with the Climate Change Committee (CCC)'s advice;

- The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2021, which revise the existing carbon budgets for 2021-2025 and 2026-2030 to an average of 37% and 58% reductions below the baseline (respectively); and

- The Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021, which limit the use of carbon offsets for 2021-2025 to 0%. They effectively prohibit using carbon offsets during this period.

3.6. On 1 January 2021, the United Kingdom left the European Union Internal Energy Market (IEM). The IEM allows harmonised, tariff-free trading of gas and electricity across Europe (through interconnectors), leading to lower prices and greater security of supply. As wholesale gas and electricity prices in the UK are generally higher than elsewhere in Europe, interconnection has caused a reduction in wholesale prices, and hence consumer prices in the UK. Leaving the IEM has the potential to impact the trade of energy through interconnectors. The Government's Briefing Paper on Energy, Climate Change and Brexit identifies how one potential impact of leaving the IEM is an increase in the cost of energy imports and this in turn would be passed on to UK's householders and businesses. In terms of energy security, it notes how the interest of the United Kingdom should be to increase the flexibility and resilience of the grid, especially with increasing intermittent renewables.

3.7. In April 2006 all 22 unitary authorities in Wales signed the Welsh Commitment to address Climate Change. This commitment was developed with the Welsh Assembly Government. It commits the individual authorities to work to adapt to the effects of climate change and to reduce emissions of greenhouse gases. Wales is the only country in the European Union where all local authorities have signed a public commitment to address climate change.

3.8. Through the commitment, the Welsh Government has tasked Anglesey Council to: -

- Work with the National Assembly and central government at a local level to deliver the UK climate change programme in Wales.

- Include consideration of climate change issues within Community Strategies.

- Make a public declaration, in line with agreed targets with the WAG, to: (i) deliver a significant reduction in greenhouse gas emissions; (ii) improve energy efficiency in council buildings and homes; and (iii) increase the use of "green" energy from renewable resources where it is appropriate and effective.

- Encourage local residents and businesses to take action to reduce emissions of greenhouse gases and where appropriate publicise their actions.

- Work with key building operators e.g. health authorities, businesses and development bodies to seek ways to adapt to potential effects of climate change on our communities.

- Encourage the development of practical, economically viable, sustainable energy.

- Encourage production of combined heat and electricity from these sources e.g. biomass.

- Encourage local manufacture of energy efficient equipment for producing heat & power.

- Monitor the progress of our plan against the actions needed and publish the results.

- Take the necessary action to rectify any deviation from the plan where required.

3.9. Furthermore, through their commitment the Welsh Government recognised the benefits that will be delivered from : -

- Social, economic and environmental benefits likely to derive from combating climate change, and

- Opportunities for local authorities to lead the response at a local level by helping to encourage local residents and business to reduce their energy costs and improve the local environment.

Energy Generation in Wales 2022, published October 2023

3.10. The Energy Generation in Wales report 2022, identified how approximately 27% of all Welsh electricity generation came from renewables. This is down from 33% in 2020 due to significant increase in generation from non-renewable sources.

3.11. Other key headlines of the report are: -

- Wales generated a total of 29 TWh of electricity in 2022, 7.9 TWh of which came from renewables and 21.1 TWh from fossil fuels

- 43 MW of renewable electricity capacity was installed in 2022, down from 116 MW installed in 2021

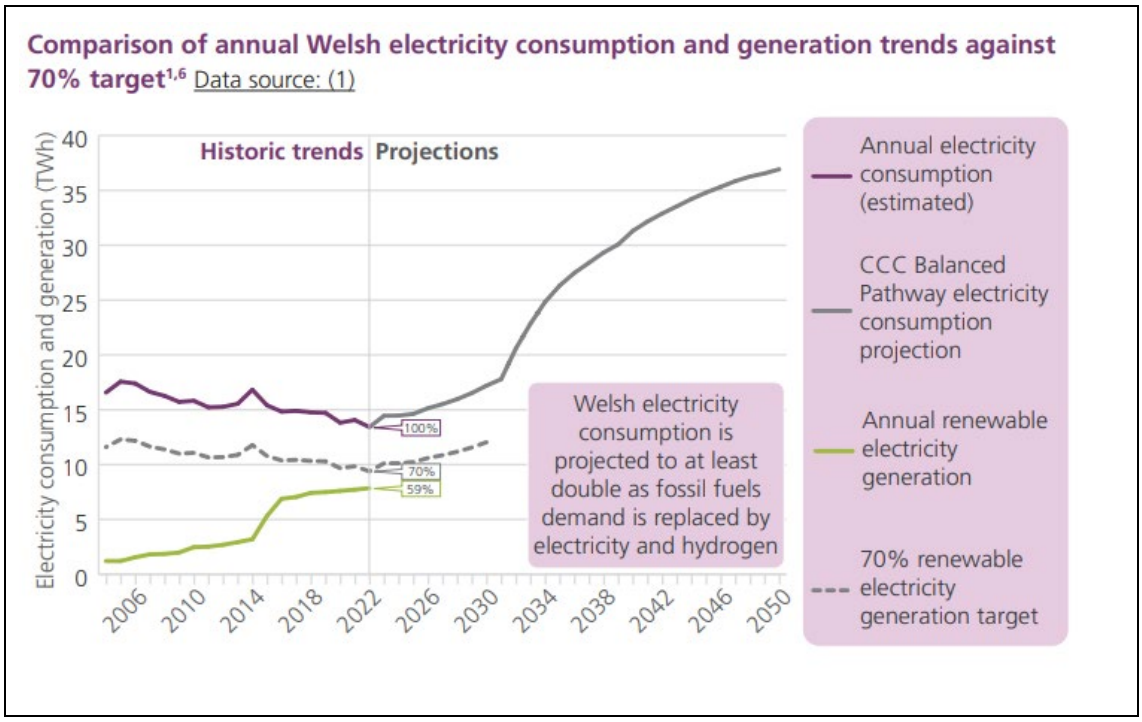
- Renewable electricity generation in Wales has tripled since 2008 and doubled since 2012, but has only increased by 11% in the last five years

- 2022's renewable energy installation rate is the second lowest in the last decade and is nearly ten times lower than the 2015 peak, when more than 1 GW of renewable energy capacity was installed

3.12. In terms of progress towards the 70% target by 2030 and 100% by 2035; in 2022, this figure stood at an estimated 59%, up from 55% in 2021 and 19% a decade ago.

3.13. Progress towards Wales's target is impacted by changes to both electricity consumption and electricity generation. Between 2021 and 2022, Welsh electricity consumption is estimated to have fallen by almost 650 GWh while renewable electricity generation increased by over 130 GWh. Therefore, progress towards the target in 2022 was predominantly due to a fall in electricity consumption. Although electricity consumption in Wales has reduced over the last two decades, it is projected to increase in the future. Fossil fuel consumption in the heat and transport sectors is projected to transition to electricity and hydrogen as Wales decarbonises, which could result in electricity consumption more than doubling by 2050 (this is discussed further below). This increasing electricity demand will need to be met by increasing renewable generation to meet and maintain Wales' progress towards targets. A comparison of annual Welsh electrical consumption and generation trends against the 70%

is shown on the table below. A step change will be required in the provision of renewables to achieve the projected 100% of renewables by 2035.



Review of Wales' Renewable Energy Targets, published 24 January 2024

3.14. The document identifies that *"The deployment of renewables in Wales and the UK has slowed since 2015, largely as a result of the UK Government's approach to its renewable incentives, withdrawing key subsidies that secured a route to market. While renewables-based electrical capacity continues to increase year-on-year, the current rate of growth will not be enough to meet our demand, especially in light of our future electricity needs. Our Energy Generation in Wales 2021 report provides a baseline for our current estimated generation*".

3.15. The Energy Generation in Wales report 2021, estimates that only 28% of total electricity generation in Wales comes from renewable energy sources. Page 3 of the report identifies how *"An increase in electricity generation from gas in 2021 compared to 2020 has resulted in the estimated percentage of total electricity generation delivered by renewables decreasing from 33% to 28%, despite the absolute renewable generation figure increasing*." It is therefore the case that electricity consumption in Wales is estimated to have increased at a faster rate than renewable electricity generation in Wales in 2021.

3.16. In recognition towards the recent surge in the global price of gas, combined with Russia's war in Ukraine, has resulted in huge increases in energy prices across the world, with the impact felt hardest by those who are least able to bear it. Page 8 of the Report states (inter alia) *"The Welsh Government is providing support to those in urgent need in the short term, while building a future energy system which insulates Wales from the worst of the impacts. Extending fossil fuel use will only result in problems in the longer term. Instead, Wales will improve energy efficiency and develop a renewables based energy system fit for the future"*.

Isle of Anglesey County Council

3.17. At a local level, Isle of Anglesey County Council declared a climate emergency in September 2020 making a commitment to become carbon zero by 2030. Consequently, the council have agreed a 'Towards Net Zero Plan 2022 to 2025' which outlines its commitment to the climate emergency and how the council intends to transform to become a net zero organisation. The plan was formally adopted by the council in March 2022. Whilst the Plan focuses on reducing the Council's emissions. It also recognises how the Council has an important role in collaborating with other organisation and businesses across the Island by adapting and taking necessary balanced direct and indirect decisions and actions through, amongst other things, the land use planning process. The Plan makes specific reference to the Energy Island Programme and states how the delivery of the Energy Island Programme may not directly have an impact on the Council's carbon emissions, but its outcomes should support the Council's efforts in transitioning to a net zero organisation.

Anglesey Energy Island Programme

3.18. Anglesey's Energy Island Programme aims to place Anglesey at the forefront of low carbon energy research, development and generation. The Isle of Anglesey Council acknowledges the development of major projects as key to transforming the Island's future economy and ensure that a sustainable and high quality of life for Anglesey's residents.

3.19. The Council is investing a lot of resources to ensure that the Island can take full advantage of the inward investment by the private sector. The vision is to: *"be an exemplar in the transition to a prosperous and resilient low carbon economy, providing high quality jobs, education and supply chain opportunities, whilst protecting and enhancing the natural environment and enabling the Welsh Language and culture to thrive in vibrant communities."*

3.20. The Council aims to ensure maximum benefit is delivered from all proposed energy generation projects across the Island to:

1. 'Encourage growth in new technology, research and development, and innovation'

2. 'Create local jobs, building skills, thriving businesses'

3. 'Support resilient and cohesive communities'

4. 'Ensure responsible, pioneering, and timely climate action'

5. 'Ensure a balanced environment' By supporting the low carbon energy transition across the Island, to maximise local jobs, benefits and supply chain opportunities, the Programme shall

- Influence the scale and location of potential energy developments.
- Enable the Council to undertake its statutory consenting responsibilities effectively.
- Demonstrate that Anglesey is at the forefront of low carbon development.
- Facilitate knowledge sharing between business, academics and other key partners.

- Projects to pioneer new energy technologies to address the energy 'trilemma'.
- Ensure the development, construction and operation of energy projects contribute to the well-being of the Island and its communities

3.21. Through the Energy Island Programme, IACC is eager to develop and maintain positive and long-term relationships with all major project developers in order to maximise the long term legacy benefits for the Island and its residents[2].

Joint letter by Welsh and Scottish Government (dated 11 August 2015)

3.22. In a joint letter from the Welsh and Scottish Government to the UK Government on 11 August 2015, the Welsh Natural Resources Minister *"Community energy is a key priority for both our governments and we feel very strongly that those communities who have invested heavily, in time, money and commitment, in a cleaner energy future, are deserving of this consideration. We both see that the future direction for energy is one of local generation and supply, based on renewable sources, and smart storage and local grid management, with significant local benefit. The current proposals will significantly damage the prospects for this future if the local ownership and benefits of projects are not considered within the support regime. Schemes like the Abergwyngregyn hydro scheme bring significant economic, social and environmental benefits to communities and the DECC proposals will make it much harder for communities to benefit from local renewable energy opportunities in the future"*.

3.23. This is an open letter emphasis on the Welsh Government commitment towards renewable energy following the DECC announcement to change the Feed-in Tariff accreditation, which the Welsh Government believes would undermine investor confidence in future community renewable energy schemes.

UK OVERVIEW

3.24. The explicit need to introduce a step change in how the country deals with climate change has been recognised by the UK Government who, on 1 May 2019, declared an Environmental and Climate Change Emergency, following the finding by the Inter-governmental Panel on Climate Change, that to avoid more than 1.5°C rise in global warming, global emissions would need to fall by around 45 per cent from 2010 levels by 2030, reaching net zero by around 2050. Through the declaration, the Government recognises a need to move swiftly to capture economic opportunities and green jobs in the low carbon economy, while managing risks for workers and communities currently reliant on carbon intensive sectors. The Welsh Government made its climate emergency declaration in April 2019. The declaration sends a clear signal that the Welsh Government will not allow the process of leaving the EU, to detract from the challenge of climate change, which threatens our health, economy, infrastructure and our natural environment.

3.25. The Climate Change Act 2008 (2050 Target Amendment) Order 2019, SI 2019/1056 (the order), came into force on 27 June 2019 and amended the legally binding target to reduce

[2] Source: A Vision for 2025 A thematic framework to realise the IACC's legacy aspirations, published September 2017.

greenhouse gas (GHG) emissions set in section 1 of the Climate Change Act 2008 (CCA 2008) from 80% to 100%, or net zero.

3.26. On 20 April 2021, the UK Government announced its commitment to reduce carbon emissions by 78% by 2035 compared to 1990 levels (including, for the first time, emissions from shipping and aviation). The new target is set out in The Carbon Budget Order 2021, which came into force on 24 June 2021.

3.27. In June 2022, the High Court found that UK governments Net Zero Strategy breached the Climate Change Act 2008 because it didn't detail how emissions cuts would be achieved. The High Court ordered the Government to inform parliament by April 2023, of how specific policies would contribute towards reducing emissions. On 30 March 2023, the Energy Security Secretary published a host of documents which outlined ambitious plans to scale up affordable, clean, homegrown power and build a thriving green industry. Powering Up Britain (March 2023) presents overarching delivery plan which brings together the government targets for energy security, reducing household bills and maintaining its goal towards achieving net zero, including:-

- Accelerating deployment of renewables by quintuple solar power by 2035.
- Speeding up planning consenting process – alongside Powering Up Britain, the Government has published a revised set of energy national policy statements for consultation, covering overarching energy, renewables, electricity networks, gas generation, and pipelines. On 23 February 2023 the Government published its Nationally Significant Infrastructure Project (NSIP) Action Plan, which sets out how the government will reform the consenting process to ensure the planning system can deliver for the future, to meet the demands of a greater number and complexity of cases and deliver against government's ambitions.
- Through the Revised National Policy Statement for renewable energy (EN-3 (March), Government has committed to sustained growth in solar capacity to ensure that the UK maintains a pathway to meet net zero. EN-3 identifies how solar also has an important role in delivering the government's goal for greater energy independence. The British Energy Security Strategy states that government expects a five-fold increase in solar deployment by 3035. It sets out that government is supportive of solar that is co-located with other functions, such as storage, to maximise the efficiency of land use.
- In June 2023, Welsh Government is also in the Infrastructure (Wales) Bill which its expects will play a key role in driving forward schemes what will assist Wales in achieving its target.

3.28. There is a plethora of Government legislation, guidance and policy which support the transition to a low carbon future and the continued roll out of renewables and low carbon energy and associated infrastructure. With regards to the need for development, the explicit need to introduce a step change in how the country deals with climate change was recognised via the UK Government's declaration of an environmental and climate change emergency on 1 May 2019, following the findings of the Intergovernmental Panel on Climate Change (IPCC) who concluded that, to avoid a greater than 1.5°C rise in global warming, global emissions would need to fall by around 45 per cent from 2010 levels by 2030, and reach net zero by 2050 at the very latest.

3.29. The recently published IPCC Sixth Assessment report is a stark warning of the devastation that will be unleashed if we fail to urgently limit global temperature rises and has been referred to as a "Code Red for Humanity "by the Secretary- General of the UN, António Guterres, illustrating the urgent and desperate need for rapid decarbonisation.

Energy White Paper

3.30. On 14 December 2020, the Government released the Energy White Paper which sets out the Government's vision of how the UK will clean up its energy system and reach net zero emissions by 2050. The white paper addresses the transformation of our energy system, promoting high-skilled jobs and clean, resilient economic growth as we deliver net-zero emissions by 2050. The white paper identifies how *"A low-cost, net zero consistent system is likely to be composed predominantly of wind and solar"* It goes on to state how *"Onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind"*. COP26 agreement included accelerating the transition to 100% zero emissions cars and vans for the UK by 2035.

3.31. In June 2022, the High Court found that UK governments Net Zero Strategy breached the Climate Change Act 2008 because it didn't detail how emissions cuts would be achieved. The High Court ordered the Government to inform parliament by April 2023, of how specific policies would contribute towards reducing emissions. On 30 March 2023, the Energy Security Secretary published a host of documents which outlined ambitious plans to scale up affordable, clean, homegrown power and build a thriving green industry. *Powering Up Britain* (March 2023) presents overarching delivery plan which brings together the government targets for energy security, reducing household bills and maintaining its goal towards achieving net zero, including: -

- Accelerating deployment of renewables by quintuple solar power by 2035.
- Speeding up planning consenting process – alongside Powering Up Britain, the Government has published a revised set of energy national policy statements for consultation, covering overarching energy, renewables, electricity networks, gas generation, and pipelines. On 23 February 2023 the Government published its Nationally Significant Infrastructure Project (NSIP) Action Plan, which sets out how the government will reform the consenting process to ensure the planning system can deliver for the future, to meet the demands of a greater number and complexity of cases and deliver against government's ambitions.
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Clean Growth Strategy

3.32. The Clean Growth Strategy, published in October 2017, presented a comprehensive set of policies and proposals that aim to accelerate the pace of "clean growth", i.e. deliver increased economic growth and decreased emissions. To achieve the clean growth, the

Government identifies how the UK will need to nurture low carbon technologies, processes and systems that are as cheap as possible, this includes subsidy free ground mounted solar parks as achieved by this development proposal. The Government places significant emphasis on securing increased investment across the energy systems whilst minimising, as much as possible, the public costs for securing such investments and makes multiple references to how they are seeking the delivery of solar without subsidy. Moreover, page 99 specifically states how the ***'Government want to see more people investing in solar without government support'***

British Energy Security Strategy

3.33. The Government's recently published British Energy Security Strategy (7 April 2022) explicitly highlights the urgent need for the UK to rapidly develop not only a decarbonised energy system but one that is more self-sufficient. This strategy provides a direct response by the Government to develop an energy system which is not so heavily reliant on imported oil and gas which has seen significant spikes in global cost and the overall cost of living following the impacts of the COVID-19 pandemic and Russia's invasion of Ukraine. As part of this strategy, the increased deployment of ground based solar development is identified by the Government to hold a key role in the realisation of these aims, with the government targeting a fivefold increase in the level of Solar PV development by 2035 (Up to 70GW). In addition to the increased uptake of decentralised renewable energy, the Energy Security strategy demonstrates the parallel need for improved grid flexibility and energy storage capacity and sets out that new appropriate policy will be developed to enable and encourage investment into sufficient, long duration electricity storage.

3.34. The urgent need for increased energy security and self-sufficient energy system has only been compounded in recent months as the UK Government announced the potential need to deploy a Contingency Plan for a reasonable worst-case scenario as reduced electricity imports from mainland Europe, combined with gas shortages, may result in a significant electricity shortfall. The predicted shortfall could be up to a sixth of peak demand during periods of cold weather over the winter 2022-2023 period which could see the government impose four days of power cuts in January as a final resort under a worst-case scenario.

3.35. The targets set out within the Government's British Energy Security Strategy are reflected in the National Grid's annual Future Energy Scenarios Report (FES)(July 2022). The National Grid Future Energy Scenario (FES) report outlines how the energy system may need to transform to meet the target for net zero emissions by 2050. The FES illustrates four different, credible pathways for the future of energy between now and 2050: Falling Short; Customer Transformation; System Transformation; Leading the Way. Customer Transformation and System Transformation scenarios achieve net zero by 2050, with Leading the Way achieving it by 2047. The Falling Short Scenario doesn't get to Net Zero by 2050, diverging from carbon budgets around 2025, resulting in 186 Mt of residual annual emissions by 2050. The heat and road transport sectors are largely decarbonised by 2050 across all scenarios except Falling Short. However, even for the Net Zero scenarios, some sectors such as waste and aviation do not reach zero emissions by 2050, so the energy sector, particularly the power sector, must reach net negative emissions to balance this out.

3.36. Across all the four scenarios within National Grid's FES July 2022, the need for the rapid deployment of Solar PV generating development and increased energy storage capacity is emphasised. However, it is currently estimated that the targeted delivery of up to 70GW of Solar PV generation required under the British Energy Security Strategy by 2035, will only be

met under two scenarios, with Leading the Way achieving this target by 2040 and Consumer Transformation achieving this target prior to 2050.

3.37. The Government targets and National Grid estimations set out above are further compounded by the National Infrastructure Commission publication 'Net-Zero Opportunities for the Power Sector, March 2020) which sets out key infrastructure requirements needed to meet the UK's 2050 net-zero target, including the amount of renewable energy development that would need to be deployed.

3.38. The NIC recommends that in meeting these targets, the UK's energy mix needs to be made up of around 90% renewables. At page 18 of the report, it is recommended that across all scenarios, significant levels of solar, onshore wind and offshore wind will need to be deployed with between 129 – 237 GW (gigawatts) of renewable energy capacity in operation by 2050. To achieve this, the report recommends the following split:

- 56-121 GW of solar;
- 18-27 GW of onshore wind; and
- 54-86 GW of offshore wind.

3.39. To achieve the above targets would require a significant increase in installed capacity across the UK, including over nine times the current installed capacity of solar technologies in the UK, which as of September 2022 is around 14.1GW according to the Department for Business, Energy & Industrial Strategy (BEIS)[3].

3.40. When considering the above figures and applying them to the number of local authorities across the UK, this would mean that there is an additional 106.9 GW of solar capacity required across the 382 local authorities across England, Scotland, Wales and Northern Ireland required to meet the NIC's upper figure for solar.

3.41. It is therefore reasonable to surmise that every local planning authority, where appropriate developable land allows, should be delivering a significant amount of renewable energy capacity, considering a mixture of landscapes and terrain.

3.42. To support a prosperous and rural economy, the diversification of agricultural and other land-based businesses is strongly supported by the Government. With the risk of shortfalls resulting from the loss of future subsidies, many farmers are looking to diversify to improve income and provide stability for the agricultural sector. Currently over 60% of farms now employ some form of diversification (according to the 2015/16 Farm Business Survey (FBS)) with diversification ventures ranging from simple building lets, farm shops and installing solar panels for the generation of green energy. The diversification of agricultural land to provide renewable energy generation is a widely accepted form of agricultural diversification and is acknowledged to provide significant financial stability to existing farmsteads and rural businesses.

[3] https://www.gov.uk/government/statistics/solar-photovoltaics-deployment

Mission Zero – Independent Review of Net Zero (Rt Hon Chris Skidmore MP, January 2023)

3.43. A recent Independent Review of the UK's Net Zero Targets and current progress, published by the Rt Hon Chris Skidmore MP, makes several recommendations to the Government to ensure UK remains on track to realise it Net zero targets by 2050. The main recommendations made to Government resulting from the review are as follows:

1. *Using infrastructure to unlock net zero*

   - *accelerating the implementation of the British Energy Security Strategy to update the mandate of Ofgem, creating the Future System Operator and accelerating the connection of cheaper renewables such as solar and onshore wind*

   - *developing a cross-sectoral infrastructure strategy by 2025 supporting the building and adaptation of infrastructure for electricity, hydrogen, other liquid and gaseous fuels and CO2 networks that support the green economy*

   - *reforming our approach to planning, so that where locally supported, more solar and onshore wind can be developed more easily, helping communities reap the benefits of cheaper low-carbon electricity*

2. *Creating sustainable governance structures for net zero*

   - *developing an over-arching government financing strategy by the end of 2023*

   - *establishing an Office for Net Zero Delivery, responsible for placing net zero delivery at the heart of government thinking*

3. *Backing businesses to go green*

   - *reviewing incentives for investment in decarbonisation, including via the tax system and capital allowances, and protecting British industries from environmental undercutting by progressing plans on carbon leakage measures and providing more detail on the UK's new Emissions Trading Scheme (ETS)*

   - *building skills needed for the transition by driving forward the Green Jobs Taskforce recommendations and launching a 'Help to Grow Green' campaign, offering information and support to SMEs to plan and invest in the transition*

4. *Catalysing local action*

   - *reforming the planning system at local and national level to place net zero at its heart*

   - *back at least one Trailblazer Net Zero City, local authority and community, with the aim for these places to reach net zero by 2030*

5. *Increasing transparency and engaging people*

   - *expanding the government's public reporting on net zero*

- *ramping up public information through a new engagement plan, a new carbon calculator on the carbon cost of choices, and a standardised approach to ecolabelling on products*

- *developing a Net Zero Charter mark, acknowledging 'best in class' among firms for their work in reaching net zero*

6. *Delivering cleaner, cheaper, greener homes*

- *legislating for the Future Homes Standard, meaning no new homes will be built with a gas boiler from 2025, and for all homes sold to be EPC C by 2033*

- *adopting a 10-year mission to make heat pumps a widespread technology in the UK and legislate for the end of new and replacement gas boilers by 2033 at the latest*

- *reforming EPC ratings to create a clearer, more accessible Net Zero Performance Certificate (NZPC) for households*

7. *Capitalising on international leadership*

- *conducting a strategic review on the UK's international climate leadership and introduce environmental and climate protections in future free trade agreements, removing trade barriers to environmental goods and services*

8. *Setting ourselves up for 2050 and beyond*

- *ramping up investment in research and development (R&D), with a new net zero R&D and technologies roadmap up to 2050, supporting up to 3 10-year demonstrator projects.*

Industrial Decarbonisation Strategy, BEIS (March 2021)

3.44. The Industrial decarbonisation strategy sets out how industry can decarbonise in line with net zero while remaining competitive and without pushing emissions abroad. The strategy recognises that reaching the net zero target will require extensive, systematic changes across all sectors, including industry and emphasises that the 2020s will be a crucial decade to lay the foundation to enable the switch away from fossil fuel combustion to low carbon alternatives, including electrification, hydrogen, and biomass.

3.45. The strategy describes that to deliver net zero a minimum of 20TWh of fossil fuel use will need to be replaced by low carbon alternatives in 2030.

3.46. The scale and pace of decarbonisation required to achieve this target is therefore urgent.

3.47. The modelling contained within the report indicates that electrification of industry could reduce emissions by between 5 MtCO2e and 12.3 MtCO2e per annum by 2050 and describes that as new technologies emerge and renewable electricity prices continue to drop, electrification will become a more attractive option for industry. The role of smart technologies, such as storage and demand side response, are emphasised in relation to facilitating this transition and the report highlights at page 31 that "smart technologies, such as storage and demand-side response, can also provide flexibility to the electricity system, helping industrial consumers use energy when it is cheapest and cleanest".

3.48. The report makes clear that electricity networks will need to accommodate significant increased demand from the electrification of industrial processes and will therefore need to be fit for purpose to achieve this to achieve net zero. Increasing the flexibility of the electricity system will make a positive contribution towards achieving this objective.

Smart Systems and Flexibility Plan- Transitioning to a Net Zero Energy System, BEIS (July 2021)

3.49. The Smart Systems and Flexibility Plan sets out a vision, analysis and suite of policies to drive a net zero energy system and replaces the previously published 2017 plan.

3.50. The Ministerial Foreword to the Smart Systems and Flexibility Plan, 2021 makes clear that:

> *The government is committed to leading the way in the transformation of our energy system. A smarter, more flexible system will utilise technologies such as energy storage and flexible demand to integrate high volumes of low carbon power, heat and transport and reach a carbon neutral future. A smart and flexible energy system can deliver significant benefits for consumers, the system and the wider economy whilst lowering carbon emissions.*

3.51. The Executive Summary emphasises the need to deliver system flexibility quickly:

> It will be very difficult to achieve the deep power sector decarbonisation needed to achieve the sixth Carbon Budget without significantly higher levels of system flexibility. The need for flexibility will rapidly increase as variable renewable power replaces fossil fuel sources, and we electrify heat and transport. The illustrative scenarios in our analysis indicate the scale of deployment that could be needed. Around 30GW of total low carbon flexible capacity in 2030, and 60GW in 2050, may be needed to maintain energy security and cost-effectively integrate high levels of renewable generation

3.52. The report highlights that this represents a significant increase in deployment needed relative to the 10GW of low carbon flexibility currently on the system and emphasises that failure to achieve the targets cited risks the need to have to build more fossil fuel generation instead to maintain energy security in the 2030s.

3.53. The report provides further breakdown and analysis of the various forms of technology which increase flexibility, including battery storage. Lithium-ion battery storage currently comprises approximately 1GW of the 4GW of electricity storage currently operation in Great Britain (the remaining 3GW provided by pumped hydro storage). Whilst the battery storage pipeline is highlighted as growing there is a need to significantly increase the deployment of battery storage to approximately 18GW by 2050.

National Grid Future Energy Scenario Report (FES), National Grid (July 2022)

3.54. The National Grid Future Energy Scenario (FES) report outlines how the energy system may need to transform to meet the target for net zero emissions by 2050. The FES illustrates four different, credible pathways for the future of energy between now and 2050: Falling Short; Customer Transformation; System Transformation; Leading the Way. Customer Transformation and System Transformation scenarios achieve net zero by 2050, with Leading the Way achieving it by 2047. The Falling Short Scenario doesn't get to Net Zero by

2050, diverging from carbon budgets around 2025, resulting in 186 Mt of residual annual emissions by 2050. The heat and road transport sectors are largely decarbonised by 2050 across all scenarios except Falling Short. However, even for the Net Zero scenarios, some sectors such as waste and aviation do not reach zero emissions by 2050, so the energy sector, particularly the power sector, must reach net negative emissions to balance this out.

3.55. Across all the four scenarios within National Grid's FES July 2022, the need for the rapid deployment of Solar PV generating development and increased energy storage capacity is emphasised. However, it is currently estimated that the targeted delivery of up to 70GW of Solar PV generation required under the British Energy Security Strategy by 2035, will only be met under two scenarios, with Leading the Way achieving this target by 2040 and Consumer Transformation achieving this target prior to 2050.

UK Energy Security Strategy (2022)

3.56. On 7 April 2022, the Government published the UK Energy Security Strategy, a direct response to the energy market position following the significant spikes in energy prices resulting from the COVID-19 pandemic and Russia's invasion of Ukraine. Following the reopening of the global economy after the impacts of the COVID-19 pandemic, the sudden surge in demand for everything from foreign holidays to new cars has driven a significant spike in the demand for oil and gas, and consequentially greatly increasing the price of these fossil fuels. This has only been further compounded following the Russian invasion of Ukraine and the restrictions placed on Russian gas to the European market, which has resulted in prices increasing even further. As result of these factors, we have seen the price of European gas increasing by over 200% in the past 12 months, with coal prices increasing by over 100%. This has seen a record increase in global energy prices and had led to an inevitable rise in the cost of living within the UK as our energy mix is highly reliant on natural gas to generate electricity and also to heat the majority of the 28 million homes in the UK.

3.57. On the issue of affordability, a research briefing published by the Government on the House of Commons Library (Domestic Energy Prices, 6 January 2023) identifies that wholesale energy prices have increased rapidly from the second half of 2021 onwards, aided by the impacts of the Coronavirus Pandemic and Russia's invasion of Ukraine which has seen wholesale gas and oil prices dramatically increase over the past 12 months. This has been reflected in changes to the 'Default Tariff Cap' otherwise referred to as the energy price cap which covers prices for consumers on default or standard energy tariffs. The energy price cap was increased by Ofgem by 54% in April 2022 and Government are trying to control the affordability of energy for consumers via the Energy Price Guarantee.

3.58. On 15 June 2022, an article in the Sky News identified how the British Government has extended the life of a coal power plant in a bid to "bolster" energy security. This was a direct action to the uncertainty in Europe following the invasion, as the Government seeks to explore all options to bolster supply. This further highlights the urgency for the acceleration of renewables and low carbon projects, such as the application proposal.[4]

3.59. The published Energy Security Strategy highlights the urgent need to both develop an energy system which is more self-sufficient and further accelerate the Country's transition away

[4] https://news.sky.com/story/government-keeps-coal-power-station-open-to-boost-security-in-spite-of-lobbying-to-consign-coal-to-history-12633856

from oil and gas. The Strategy reiterates how Government will ensure a more flexible, efficient network system for both generators and users by encouraging the deployment of renewable energy generation technologies such as Solar PV and encouraging all forms of flexible electricity storage systems to balance the overall system and reduce overall costs of electricity.

3.60. It is acknowledged that this transition is not a fast process and is critically dependant on the speed at which we can deploy new renewable energy technologies. The UK Energy Security Strategy outlines the urgent need for the rapid deployment of a range of renewable technologies including on and off-shore wind, nuclear, solar and other technologies. It is acknowledged that net zero targets cannot be sustainably met through the exploitation of only one or a few technologies and requires the exploitation of all available renewable technologies. For ground mounted solar technologies, the new Energy Security Strategy states that the Government will:

> *…consult on amending planning rules to strengthen policy in favour of development on non-protected land, while ensuring communities continue to have a say and environmental protections remain in place. We will continue supporting the effective use of land by encouraging large scale projects to locate on previously developed, or lower value land, where possible, and ensure projects are designed to avoid, mitigate, and where necessary, compensate for the impacts of using greenfield sites.*

4. APPLICATION SITE AND ITS SURROUNDINGS

4.1. The site is located on the Isle of Anglesey in North Wales, within the administrative boundary of the Isle of Anglesey County Council ('IACC') and extends to 268.77 hectares ('ha'). The site is located approximately 500m to the south east of the small hamlet of Llantrisant and approximately 1.5km to the west of the village of Llannerch-y-medd. It is also to the west of the B5112 and approximately 415m to the south of Llyn Alaw. In addition to the main development site, the planning application boundary extends to include land within the adopted highway of local roads that runs from the main part of the site to the point of connection at the Wylfa's National Grid Substation.

4.2. The topography of the landscape within which the main site is located is rolling, and to the north, the Site extends over and down a local ridgeline that defines the south-eastern edge of the Afon Alaw valley. Llyn Alaw reservoir is a large waterbody to the north of the main site, with the rivers Afon Alaw and Cors-y-bol flowing south-west towards the coast. There are a number of smaller watercourses and drains through and between the main site, including a tributary of the Cors-y-bol; a pond within the Site, drainage ditches, and a number of ponds in the immediate vicinity of the Site.

4.3. The main development site is irregularly shaped. Within the central part of the site, several farm buildings at Nantanog are present, which are encompassed by, but located outside of, the site boundary. Other properties in the vicinity of the site include a cluster of houses in the hamlet of Carmel to the south of the site.

4.4. The site comprises predominantly agricultural fields, currently utilised for grazing purposes. The agricultural fields are typically bound by hedgerows. Within the central part of the site, several farm houses at Nantanog and associated buildings are present, which are encompassed by, but located outside of, the site boundary.

4.5. The Nantanog Site of Special Scientific Interest (SSSI) is designated for its nationally important geological exposure and is within the Site boundary. The main site is also approximately 415 metres south of Llyn Alaw, which is designated as a SSSI. A Local Wildlife Site (LWS), Cors y Bol, is present in the western part of the main site.

4.6. The main development site is intersected by several Public Rights of Way (PRoW) and the National Cycle Route (NCR) 5 dissects the Site in an east-west orientation.

Landscape

4.7. With regards to the National Landscape Character Areas (NLCA), the main application site is covered by NLCA 02: Central Anglesey and key characteristics that are relevant to the application and its setting include:

- Few woodlands - Woodlands larger than a small copse are an exception, being notably around Llangefni Dingle and Llyn Cefni reservoir, together with estate woodlands at Presaddfed (Bodedern). Except in sheltered areas, individual trees are few

- Generally rural settlement patterns - The only urban settlement is the county town of Llangefni, in the centre of the island. It's nucleated historic core contrasts with modern peripheral housing and expanding light industrial and business park developments. There are only a few villages, but numerous scattered hamlets and farms throughout

the area. Linear, ribbon villages concentrate along Telford's the A5 road across the island.

- Llyn Alaw – a large reservoir, nearly 3 miles long and a notable visual feature, providing significant over wintering habitat for wildfowl. Llyn Cefni is a smaller example of the same.

- The area has a gently undulating, lowland character and much of the area is less than 50m above sea level, with the highest points located along the ridge between Carmel and Llanerchymedd (around 100m).

4.8. At a more detailed level, LANDMAP divides Wales into discrete geographical areas known as aspect areas. The 5 LANDMAP datasets are called the Geological Landscape, Landscape Habitats, Visual and Sensory, Historic Landscape and Cultural Landscape. The Visual and Sensory dataset locates the application site within Aspect Areas North West Drumlins and Central Smooth Belt. The areas are described as:

- Central Smooth Belt - This is a very extensive area, stretching from Moelfre on the east coast, to Aberffraw on the west coast. It appears fairly flat in the west, but more undulating and higher in the east. It is primarily pasture, with some arable land, and medium to large sized fields with hedges, some hedgebanks and stone walls. It is criss-crossed by a network of mainly small roads, with many scattered houses and farms, hamlets and small villages. Generally it feels settled and prosperous, with a quiet rural

- This extensive area, covering most of eastern part of north Anglesey, stretches from Cemaes and Llyn Alaw in the east to the north-west coast and the A55 in the west. The basket of eggs glacial landscape of smooth oval hillocks and damp hollows is typically covered with regular medium-sized fields with hedges, mainly pasture for sheep and cattle, with some arable land. There are numerous small villages, hamlets and scattered farms, linked with small roads, giving a settled character to this quiet, unremarkable but pleasant landscape, seen from the busy A55.

4.9. The Landscape Habitats Aspect Area is "Farmland - West Anglesey", described as:

- 'An area of improved grassland dominated farmland with an arable element to a certain limited degree. Also present are a scattering of other habitats with small areas of woodland and houses being scattered sparsely throughout the Aspect Area.'

4.10. The quality of the area is described as moderate, with the aim to 'preserve that areas of semi-natural habitat.'

4.11. The Anglesey National Landscape designation (previously known as Area of Outstanding Natural Beauty (AONB)) is approx. 5.8km to the east of the application site at its closest point. There are no Registered Parks and Garden's, Registered Historic Landscapes, located within or immediately surrounding the application site..

Vegetation and Land Use

4.12. There are no areas of Ancient Woodland within 2km of the site boundary.

4.13. The application site is crossed by several hedgerows, creating a medium sized field pattern of mixed grazing pasture and arable land. Some of the varying field sizes of the application

site appear larger than the fields of the surrounding agricultural landscape. Hedgerows are generally managed at a relatively low height (typical of the area) in the northern part of the application site with some exceptions. This is one of the least wooded lowland landscapes in Wales. Though there are few trees, the hedgerows and various small copses and areas of scrub act to counter the exposure and provide much shelter from the prevailing south westerly winds.

Settlements

4.14. The application site is located outside of settlement areas. The small hamlet of Llantrisant is 500 metres to the south of the application site, and 1.5km to the west is the village of Llannerch-y-Medd. Several farm houses at Nantanog and associated buildings are present, which are encompassed by, but located outside of, the Site boundary.

Geology

4.15. The Nantanog Site of Special Scientific Interest (SSSI) is designated for its nationally important geological exposure and is within the Site boundary. This is not an ecological receptor. The site contains exposed rock and scree occurs within the Nantanog SSSI, a small rocky ravine, which Is adjacent to the Site boundary and surrounded by the Site.

Biodiversity

4.16. The Nantanog Site of Special Scientific Interest (SSSI) is designated for its nationally important geological exposure and is within the Site boundary. The site is also approximately 415 metres south of Llyn Alaw which is designated as a SSSI. A Local Wildlife Site (LWS), Cors-y-Bol, is present in the western part of the site. Table below lists all the designations within 2km of the application site, with an extended search for international designations within 10km of the application site.

4.17. Within 2km of the application site boundary there no designated woodland areas.

Site Name	Designation	Category	Distance from Site Boundary
Anglesey Terns / Morwenoliaid Ynys Môn	SPA	International	Site wide
Nantanog	SSSI	National	On site
Tir Pori Traian	LWS	Local – Non statutory	Adjacent to site
Cors-y-Bol	LWS	Local – Non statutory	Adjacent to site
Llyn Alaw	SSSI	National	415m

Cors Tre'r Ddol	LWS	Local – Non statutory	1040m
Tyddyn Gyrfer	SSSI	National	1530m
Llyn Llywenan	SSSI	National	2100m
Corsydd Mon / Anglesey Fens	SAC	International	6000m
Corsydd Môn a Llyn / Anglesey and Llyn Fens	Ramsar	International	6000m
Llyn Dinam	SAC	International	9500m
North Anglesey Marine / Gogledd Môn Forol	SAC	International	9500m

Hydrology

4.18. A number of 'main rivers' and 'ordinary watercourses' are located throughout the site and surrounding area.

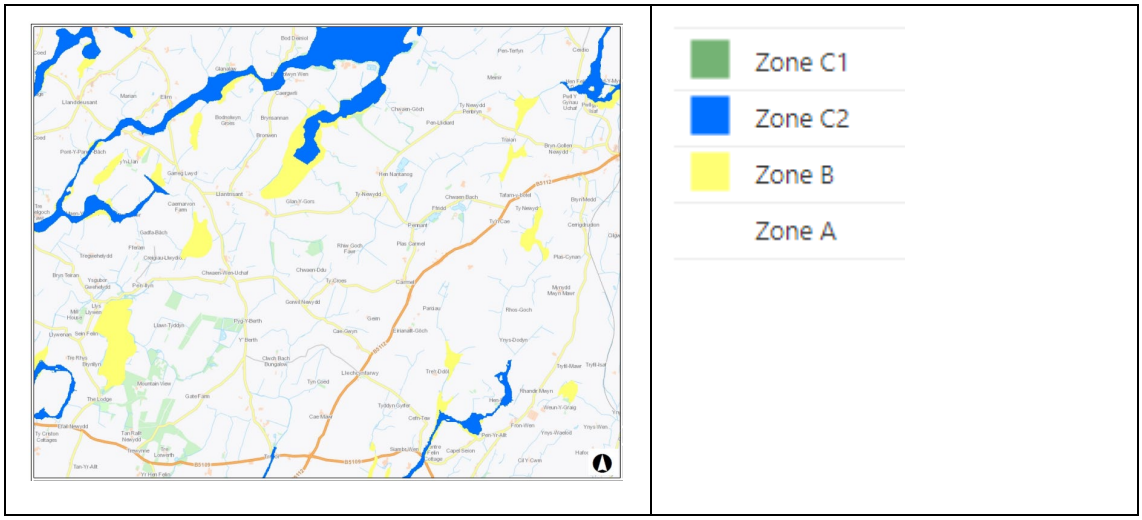
4.19. Geological data held by the British Geological Survey (BGS) indicates that the majority of the Site is underlain by superficial deposits of the Till Devensian, compromising Diamicton . The land along the eastern boundary of Field 62 and along the western boundaries of fields 2, 9, and 21 of the Site is underlain by Alluvium, comprising clay, silt, sand, and gravels. An area the eastern boundary of field 62, and an area along the access road leading to field 63 is underlain by the bedrock the superficial Glaciofluvial Deposits comprising sand and gravel.

4.20. The Till Devensian superficial geology is classified as a 'Secondary Undifferentiated Aquifer' and the Alluvium and Glaciofluvial Deposits is classified as a 'Secondary A Aquifer'.

4.21. When reviewing NRW flood maps, most of the Site is located within fluvial Flood Zone A. According to TAN15 of the NRW Zone A is considered to be at little to no risk of fluvial or tidal/coastal flooding. There are limited areas along the western boundary and north-eastern corner is in Fluvial Flood Zone B. Zone B is defined as areas known to have been flooded in the past. A very limited area along the western boundary is in Fluvial Flood Zone C2, associated with Cors y Boi. Zone C is based on the extreme flood outline, equal to or greater than 0.1% Annual Exceedance Probability. In addition, Flood Zone C2 is defined as areas of the floodplain without significant flood defence infrastructure.

4.22. The development is deemed to be 'Safe' and that it would not increase flood risk elsewhere. The risk of external flooding as a result of the development is considered to be 'negligible'.

Figure: NRW Flooding Map



4.23. The Surface Water (Pluvial) Flood Map indicates that the application site is at a very low risk from surface water flooding for the majority of the application site with some small pockets of land shown to be at high risk.

Cultural Heritage

4.24. Several prehistoric monuments are recorded within a 2km radius of the site boundary These comprise Bronze Age burial mounds, numerous Bronze Age standing stones, possible Bronze Age burnt mounds, Iron Ages hillforts and possible Bronze and/or Iron Age settlement and associated stock enclosures and field systems.

4.25. Evidence of early medieval and medieval activity recorded within a 2km radius of the site boundary comprises only inscribed stones and cists and grave-cut burials.

4.26. Study of historic maps dated 1821, 1844, 1865, 1889, and 1900 suggests that the present layout of the site is predominantly of late 19th-century date and has superseded earlier field systems.

4.27. The ruined buildings of Tyddyn-Bach are the only buildings located within the site and were subject to a basic level of historic building records.

4.28. The Scheduled Monument of Cors-y-Bol Bronze Age burial Mound abuts the north-western part of the boundary, compromises a low circular bank up to 20m in diameter, with some stones visible at the surface on the north side and a possible raised area at the centre.

4.29. Two Scheduled Monuments are located within 2km of the application site, these are:-

- Cors-y-Bol Bronze Age Burial Mound;
- Y Werthyr Iron Age Hillfort;

4.30. No World Heritage Sites, Registered Historic Landscapes, Registered Historic Parks and Gardens, or Conservation Areas are located within 2km of the application site.

Agricultural Circumstances

4.31. There are four farm businesses within the site.

4.32. Nantanog - Nantanog was a dairy farm in the 1950's and 1960's, but dairy farming ceased in 1965. The farm has, since then, been a livestock holding. The farm extends to approximately 197 ha. Since 2000 the land has been let on short-term arrangements to other farmers, and is used for silage and grazing livestock. The farmhouse has fallen into disrepair, as have the traditional buildings, and it is intended that income from the solar panels could be used for their restoration. The large agricultural building is still in agricultural use in connection with the grazier's agricultural activities.

4.33. Chwaen Goch - The principal holding extends to 152 ha, and the farm rents a further 144 ha in three parcels. The farm is run by two generations of the same family. The normal stocking involves about 100 suckler cows, with offspring in-wintered at the different holdings and offspring finished in the spring. There are about 300-350 head of cattle. The farm runs a breeding flock of about 400 breeding ewes, finishing most at grass. Some years 15 ha of arable crops are grown, principally for the straw, but the arable land is not within the Site.

4.34. Tan Rallt is a small farm of approximately 36 ha. The farm is run on an extensive-stocking agreement, and is let for summer mowing or grazing.

4.35. Chwaen Bach is a grassland holding of 78 ha, with a further 16 ha rented. The farm runs a breeding flock of 600-650 crossbred ewes, finishing most lambs.

Agricultural Land

4.36. A detailed ALC survey was carried out in April 2021, using the MAFF methodology. The results are provided in the table below;-

ALC Grade/Sensitivity of Receptor	Total Area Identified in Survey (Ha)	Total (% of the Site)
Grade 1 (Excellent) – Very High Sensitivity	0	0
Grade 2 (Very Good) – Very High Sensitivity	36.7	13.7%
Subgrade 3a (Good) – High Sensitivity	122.3	45.5%
Subgrade 3b (Moderate) – Medium Sensitivity	87.5	32.6%
Grade 4 (Poor) – Low Sensitivity	6.5	2.4%
Grade 5 (Very Poor) low Sensitivity	0	0

ALC Grade/Sensitivity of Receptor	Total Area Identified in Survey (Ha)	Total (% of the Site)
Other Land / Disturbed Land	7.2	2.7%
Grid Corridor (consisting of non-agricultural/temporary reversible)	8.6	3.2%
Total	**268.8**	**100**

4.37. The terrain, despite the ALC grade, is suited to grassland and grazing rather than to arable production. Rock outcrops, rocks close to the surface, steep slopes and small gateways all provide challenges to mechanical activity, such as the examples below. Many fields have a variety of land classifications within each field, reflecting limitations. There are many areas where surface rocks will significantly limit mechanical use.

4.38. Grade 2 agricultural land (high sensitivity) is limited by (i) an overall climate limitation, (ii) exposure to wind in the western parts of the Site, and by (iii) soil wetness where well drained soil profiles (Wetness Class) have medium clay loam or medium silty clay loam topsoils. This grade of land generally occurs at higher elevations in the western, southern and eastern parts of the Site.

4.39. Subgrade 3a agricultural land (high sensitivity) is limited by soil wetness, where soil profiles with medium clay loam or medium silty clay loam topsoils are slightly seasonally waterlogged (Wetness Class II) or seasonally waterlogged (Wetness Class III). This grade of land generally occurs on upper and middle slopes across the Solar PV Site.

4.40. Subgrade 3b agricultural land (medium sensitivity) is limited by (i) slopes with gradients between 7° and 11°, and (ii) soil wetness, where soil profiles with medium clay loam or medium silty clay loam topsoils are slowly permeable and seasonally waterlogged for long periods over the winter (Wetness Class IV). This grade of land tends to occur at the base of slopes and in the bottom of valleys. It is readily identified on the Site by the presence of many soft rushes in the grassland.

4.41. Grade 4 agricultural land (low sensitivity) is limited by (i) soil wetness in the western end of the Site, where there are some soil profiles with heavy silty clay loam topsoil in Wetness Class IV, and (ii) by slopes with gradients between 11° and 18° in the south-western part of the Site.

5. PLANNING POLICY CONTEXT

5.1. This section of the Statement identifies the national and local planning policy and guidance pertinent to the development proposal and development site. The plan led approach to development as enshrined by Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to accord with the adopted development plan unless material considerations indicate otherwise.

5.2. In the case of DNS schemes, Planning Policy Wales, at paragraph 5.75, states "Planning applications for onshore generating projects in Wales which have an installed generation capacity of between 10MW and 350MW (there is no upper limit for onshore wind generating stations) are made directly to the Welsh Ministers under the Developments of National Significance (DNS) process *and considered under policies in Future Wales".*

5.3. Accordingly, as a DNS project, the main policy consideration for the assessment of Alaw Mon Solar Farm is the relevant policies set out in **Future Wales**. The local development plan and Planning Policy Wales are also a material consideration.

5.4. Planning Policy Wales explains how material considerations could include current circumstances, planning policies of the Welsh Government[5] and job creation[6]. It goes on to state how factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability[7].

5.5. Whether a particular consideration is material in any given case will depend on the circumstances. Planning Policy Wales gives some guidance on what material considerations are. They must be genuine planning matters, that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability.

5.6. Welsh Government's Development Management Manual (May 2017), which provides comprehensive guidance to local planning authorities on handling and deciding development proposals, provides an explanation of 'material consideration' it states[8]:

> Section 38(6) of the 2004 Act requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
>
> Factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability.
>
> Material considerations must also be fairly and reasonably related to the development concerned. The Courts are the final arbiters of what may be regarded as material

[5] Planning Policy Wales paragraph 3.1.3
[6] Ibid paragraph 10.2.11
[7] Ibid paragraph 3.14
[8] Welsh Government, Development Management Manual (May 2017) Paragraphs 9.4.1 to 9.4.6.

considerations in relation to any particular application, but they include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The effects of a development on, for example, health, public safety and crime can also be material considerations, as, in principle, can public concerns in relation to such effects.

Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.

The weight to attach to material considerations is a matter of judgement, however the LPA must demonstrate in the planning officers or committee report that, in reaching its decision, they have considered all relevant matters.

Generally greater weight is attached to issues supported by evidence rather than solely by assertion.

5.7. The above advice appears to provide a broad and wide-ranging definition of a material consideration, whereby greater weight is attached to issues backed by evidence as opposed to assertion.

Future Wales: The National Plan 2040 (February 2021)

5.8. Future Wales provides a spatial context for facilitating the delivery of development in Wales over the next 20 years and constitutes the development plan for DNSs in line with section 38(6) of the Planning and Compulsory Purchase Act 2004.

5.9. Future Wales will be used to guide both public and private investment. Welsh Government's aim is to ensure investments and developments – whether large or small in scale - contribute to the broader ambitions of the Welsh Government and to the well-being of communities. Therefore, Future Wales will influence how communities develop over the next 20 years and it is important that we have a comprehensive understanding of the positive and negative effects this could have as the plan developed. Future Wales is the national development framework for Wales and has development plan status.

5.10. Page 15 of Future Wales identifies how Future Wales does not contain statements on all land use matters, but it provides specific policies on issues which the Welsh Government considers them to be a national policy at this time, it goes on to state *"deciding where to locate renewable energy generation technology is a spatial issue of such significance that national ambitions are unlikely to be achieved without national planning policies"*.

5.11. Schemes qualifying as energy Developments of National Significance (DNS) must be determined in accordance with Policy 18 of Future Wales. This point is expanded on further below. The First Minister of Wales's Ministerial Foreword makes an early and important reference to the climate emergency faced by Wales. There is a recognised need for Wales to focus on generating the energy it needs to support its communities and industries over the next twenty years. This message is repeated in the Foreword by the Minister for Housing and Local Government which states (inter alia) *"this Government is committed to supporting and delivering more active travel and sustainable transport infrastructure, new renewable energy schemes, improved digital communications infrastructure and new public services and*

facilities. In all these areas our decisions can contribute towards decarbonisation, healthy and active lifestyles, a resilient and diverse environment and increased economic prosperity and fairness".

5.12. In the 'Introduction' to Future Wales, achieving decarbonisation and climate-resilience are noted as being one of the "key national priorities" for Wales; indeed Future Wales only includes policies *"on issues where the Welsh Government considers a national priority at this time, or matters which are distinctly spatial and require national leadership. For example, …deciding where to locate renewable energy generation technology is a spatial issue of such significance that national ambitions are unlikely to be achieved without national planning policies."* It also acknowledges that Wales faces a climate emergency.

5.13. It is clear that delivering renewable energy is one of the Welsh Government's top national priorities for the next 20 years. Future Wales sets out 11 outcomes that can be achieved by 2040 provided the planning system is focused on the long-term and provides quality development in the right places for the right reasons.

5.14. The application proposal would contribute towards outcome 9, 10 and 11, these are:-

- ***Outcome 9 – A Wales where people live in places that sustainably manage their natural resources and reduce pollution***. Wales' natural resources, including its minerals, soils and geodiversity, coast, water, forests and landscape support a range of activities and sectors and are assets of great value in their own right. The environmental, social and cultural value of our resources will be managed, maintained and enhanced, while economic benefits will be utilised sustainably and appropriately by promoting nature-based solutions and a circular economy. Across Wales the risks of flooding and coastal erosion will be effectively managed and mitigated while better resource choices will be reflected in more sustainable places. Places will benefit from reduced pollution and be healthier and more liveable.

- ***Outcome 10 - a Wales where people live in places with biodiverse, resilient and connected ecosystems***. The variety of flora and fauna found across Wales make Wales a special place. Biodiversity underpins the functioning of healthy, resilient ecosystems and the multiple benefits they provide. While biodiversity has declined in recent decades, we will reverse these losses and enhance the resilience of ecosystems. The planning system will ensure wildlife is able to thrive in healthy, diverse habitats, both in urban and rural areas, recognising and valuing the multiple benefits to people and nature

- ***Outcome 11 - a Wales where people live in places which are decarbonised and climate-resilient*** The challenges of the climate emergency demand urgent action on carbon emissions and the planning system must help Wales lead the way in promoting and delivering a competitive, sustainable decarbonised society. Decarbonisation commitments and renewable energy targets will be treated as opportunities to build a more resilient and equitable low-carbon economy, develop clean and efficient transport infrastructure, improve public health and generate skilled jobs in new sectors. New homes will be energy efficient and will help communities adapt to the changing climate.

5.15. Future Wales sets a clear direction of how Wales should be investing in infrastructure and development for the greater good of Wales and its people - the provision of renewable energy is firmly embedded to this future direction. In terms of the specific policies in Future

Wales, Policies 17 and 18 contain strategic spatial and detailed criteria-based policies respectively and should be considered together in the determination of applications, along with detailed advice on assessing benefits and impacts in Planning Policy Wales.

5.16. Policy 17 states (own emphasis underlined):

> Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure
>
> The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. 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 our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency. In Pre-Assessed Areas for Wind Energy the Welsh Government has already modelled the likely impact on the landscape and has found them to be capable of accommodating development in an acceptable way. There is a presumption in favour of large-scale wind energy development (including repowering) in these areas, subject to the criteria in policy 18. Applications for large-scale wind and solar will not be permitted in National Parks and Areas of Outstanding Natural Beauty and all proposals should demonstrate that they will not have an unacceptable adverse impact on the environment. Proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities. New strategic grid infrastructure for the transmission and distribution of energy should be designed to minimise visual impact on nearby communities. The Welsh Government will work with stakeholders, including National Grid and Distribution Network Operators, to transition to a multi-vector grid network and reduce the barriers to the implementation of new grid infrastructure.

5.17. Policy 18 provides a decision-making framework for renewable and low carbon energy technologies. Policy 18 states:

> Renewable and Low Carbon Energy Developments of National Significance Proposals for renewable and low carbon energy projects (including repowering) qualifying as Developments of National Significance will be permitted subject to policy 17 and the following criteria:
>
> 1. outside of the Pre-Assessed Areas for wind developments and everywhere for all other technologies, the proposal does not have an unacceptable adverse impact on the surrounding landscape (particularly on the setting of National Parks and Areas of Outstanding Natural Beauty);
>
> 2. there are no unacceptable adverse visual impacts on nearby communities and individual dwellings;
>
> 3. there are no adverse effects on the integrity of Internationally designated sites (including National Site Network sites and Ramsar sites) and the features for which they have been designated (unless there are no alternative solutions, Imperative Reasons of Overriding Public Interest (IROPI) and appropriate compensatory measures have been secured);

4. there are no unacceptable adverse impacts on national statutory designated sites for nature conservation (and the features for which they have been designated), protected habitats and species;

5. the proposal includes biodiversity enhancement measures to provide a net benefit for biodiversity;

6. there are no unacceptable adverse impacts on statutorily protected built heritage assets;

7. there are no unacceptable adverse impacts by way of shadow flicker, noise, reflected light, air quality or electromagnetic disturbance;

8. there are no unacceptable impacts on the operations of defence facilities and operations (including aviation and radar) or the Mid Wales Low Flying Tactical Training Area (TTA-7T);

9. there are no unacceptable adverse impacts on the transport network through the transportation of components or source fuels during its construction and/or ongoing operation;

10. the proposal includes consideration of the materials needed or generated by the development to ensure the sustainable use and management of resources;

11. there are acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration. The cumulative impacts of existing and consented renewable energy schemes should also be considered.

5.18. The amplification to policies 17 and 18, at page 96 of Future Wales, identifies how *"Wales is abundant in opportunities to generate renewable energy and the Welsh Government is committed to maximising this potential. Generating renewable energy is a key part of our commitment to decarbonisation and tackling the climate emergency"*. It goes on to state how *"As set out in legislation, applications for Developments of National Significance must be determined in accordance with Future Wales, which is the national development plan for Wales"*

5.19. Policy 17 recognises the wealth of current and emerging renewable energy technologies that can contribute towards our energy and decarbonisation targets. It also demonstrates the Welsh Government's support in principle for all renewable energy projects and technologies. Proposals should ensure there is no significant unacceptable detrimental impact on the surrounding natural environment and local communities and that the development delivers positive social, environmental, cultural and economic benefits.

5.20. On the issue of alternatives, page 97 of Future Wales states (inter alia) *"The Welsh Ministers have considered alternatives to the need for new large-scale electricity generation infrastructure, including building-mounted installations and energy efficiency measures. Although we believe that these measures have an important part to play in meeting our energy, decarbonisation and climate change targets, they will not enable us to meet these objectives on their own"*.

5.21. It is clear that Policy 18 is the starting point when considering renewable energy Developments of National Significance. This provides that renewable energy DNS schemes will be permitted subject to Policy 17 and the criteria listed in Policy 18 itself.

5.22. Turning to the regional approach, Future Wales locates the application site within the North Wales Coastal regional growth area (Policy 21). Page 118 of Future Wales identifies sets out how the provision of renewable energy is vital for the North Wales to play its role in decarbonising. It states (inter alia) (own emphasis underlined and in bold) *"**It is vital the region plays its role in decarbonisation and supports the realisation of renewable energy**. Policies 17 and 18 set out Future Wales' approach to renewable energy generation across Wales. There is strong potential for wind, marine and solar energy generation…**The Welsh Government wishes to see energy generation, storage and management play a role in supporting the regional economy in the North.".***

5.23. Through Policy 9 of Future Wales, the Welsh government will seek to ensure that actions towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets are demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

5.24. Policy 5 of Future Wales, the Welsh Government seeks to strongly supports development of innovative and emerging technology businesses and sectors to help rural areas unlock their full potential, broadening the economic base, and creating higher paid jobs.

Planning Policy Wales (Ed, 12 published February 2024)

5.25. The primary objective of Planning Policy Wales (PPW) is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

5.26. PPW sets out five key principles which underpin Welsh Government's approach to sustainable development; these are: - .

- **Growing our economy in a sustainable manner** - The planning system should enable development which contributes to long term economic wellbeing, making the best use of existing infrastructure and planning for new supporting infrastructure and services.

- **Making best use of resources** - The efficient use of resources, including land, underpins sustainable development.

- **Facilitating accessible and healthy environments** - Our land use choices and the places we create should be accessible for all and support healthy lives.

- **Creating & sustaining communities** - The planning system must work in an integrated way to maximise its contribution to well-being.

- **Maximising environmental protection and limiting environmental impact** – Natural, historic and cultural assets must be protected, promoted, conserved and enhanced.

5.27. Section 3 of PPW sets out the priority for strategic and spatial choices. Paragraph 3.1 considers that (own emphasis in bold) *"Effective strategic placemaking requires early collective consideration of placemaking issues at the outset, in the formulation of a development plan, or when developing specific proposals.* ***The policy issues should not be considered in isolation from one another."***

5.28. With regards to placemaking in the rural areas, paragraph 3.38 of PPW identifies how (inter alia) "Fostering adaptability and resilience will be a key aim for rural places in the face of the considerable challenge of maintaining the vibrancy of communities and availability of services as well as contributing to the Cohesive Communities well-being goal. This is coupled with ensuring the countryside is resilient to the impacts of climate change and plays a role in reducing the causes of climate change through the protection of carbon sinks and as a **sustainable energy source** in line with the Resilient Wales well-being goal".

5.29. In regard to Best and Most Versatile Agricultural Land, Paragraph 3.59 sets out that: *'When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.'*

5.30. Paragraph 3.61 under the heading of 'Supporting Infrastructure' identifies how adequate and efficient infrastructure such as electricity is crucial for economic, social and environmental sustainability. Paragraph 3.63 goes on to state: *"Development should be located so that it can be well serviced by existing or planned infrastructure. In general this will involve maximising the use of existing infrastructure or considering how the provision of infrastructure can be effectively co-ordinated to support development plans. Infrastructure choices should support decarbonisation, socially and economically connected places…"*

5.31. Section 5 sets out the economic components of placemaking and Welsh Government vision here is to achieve productive and enterprising placemaking and well-being. Welsh Government outcomes for productivity and enterprise include:

- manages water resources naturally;
- reduces overall pollution;
- resilient to climate change;
- makes best use of natural resources;
- prevents waste;
- adaptive to climate change;
- fosters economic activity;

- embraces smart and innovative technologies;
- good connections;
- appropriate development densities;
- minimises the need to travel;
- not car dependent; and
- vibrant and dynamic.

5.32. Page 76 of PPW identifies how places which are productive and enterprising contributes to the seven goals of the Well-being of Future Generations (Wales) Act 2015 which includes the following.

- A **Prosperous Wales** can be achieved through increased economic activity across all sectors and at all scales. This is realised through the availability of employment land, lifelong learning and training opportunities, reliable communication networks and investment in renewable and low carbon energy sources. Resource efficient choices are promoted which have financial benefits both now and over the lifetime of development.
- A **Resilient Wales** is supported by our agriculture and tourism industries and through the beauty of our natural, built and historic environment. Tourism development, which can finance preservation activities, needs careful management to ensure continued enjoyment by future generations. Sustainable agricultural practices can also assist in nature conservation and enhancement. Wales' topography also lends itself to renewable energy generation.
- A **Healthier Wales** can be achieved through the reduction in emissions and air pollution as a result of generating energy from non-carbon sources. Greater distribution of our economic wealth can also help alleviate poverty which is a key determinant of health.
- A more **Equal Wales** can be achieved through promoting sufficient employment and enterprise opportunities for people to realise their potential and by recognising and building on the existing economic strengths of places to assist in delivering prosperity for all.
- **Cohesive Communities** are created by people who have access to fulfilling work which is easily reached locally through sustainable transportation infrastructure and who can communicate effectively and safely with their friends and neighbours.
- A **Vibrant Culture** and thriving Welsh Language are supported by the provision of jobs and economic activity which needs to be strategically planned and managed. The Welsh language and culture makes a distinctive contribution to the viability of communities. Our tourism offer also needs promotion to capitalise on and support activities which reflect our distinctiveness.
- Above all, a **Globally Responsible Wales** is promoted by reducing our carbon footprint through integrated public transportation infrastructure, encouraging

globally responsible business and the promotion of renewable energy over carbon-emitting sources and resource choices through which multiple benefits can be realised.

- Development should **prevent** problems from occurring or getting worse such as the generation of carbon emissions, poor air quality and waste and the depletion of our natural resources which will need to be managed for many years to come

- Development should be **integrated** to ensure that common issues are considered and accommodated early on, such as equipping our homes and businesses with the necessary digital and physical infrastructure and ensuring we have the right natural resources to do so.

- **Collaboration** is necessary to strategically plan for our employment, energy, waste and mineral needs. These are areas where 'larger than local' issues need to be addressed by planning authorities with the involvement of other agencies and communities to ensure sustainable outcomes are delivered across Wales.

5.33. Page 77 of PPW sets out the Welsh Government trends and issues in the productive and enterprising places, these include:

- ensuring that there is sufficient employment land to meet the needs and requirements of a range of future employment scenarios (including increased automation and the significant contribution of SMEs to the Welsh economy) whilst ensuring that an over-supply of employment land does not prevent the release of land for other uses;

- promoting and diversifying our rural economy to ensure it is fit for the future and economically sustainable while ensuring that unnecessary development in the countryside is controlled;

- embracing the challenge of decarbonising our energy and transport sectors including phasing out of fossil fuels and moving towards local, decentralised renewable energy systems, the increased use of energy storage to balance supply and demand and the challenge this creates on our distribution networks

- supporting and enabling training, education, infrastructure, construction and manufacturing capacity to support progress towards a circular economy; and

- supporting and enabling renewable, low carbon globally responsible material choices and their efficient and most appropriate use, so as to prevent waste and ensure finite resources are not unnecessarily diminished.

5.34. Page 77 to 78 of PPW sets out the Welsh Government position on how policy topics of the Productive and Enterprising Places theme can collectively work together to create sustainable places through development plan strategies, policies and allocations and development management decision making. These include: -

- encouraging policies and proposals which promote low carbon developments and sites for renewable energy, manufacturing, research and development close to areas of deployment of renewable energy

- promoting the economic benefits of energy schemes and in particular supporting those developments which maximise planning-related benefits to communities;

5.35. Subsection 5.4 on economic development includes Paragraph 5.4.2 which recognises that: "Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction, energy, minerals, waste and telecommunications sectors are also essential to the economy and are sensitive to planning policy." The paragraph goes on to identify how the Welsh Government strongly supports growth in renewable end low carbon proposals.

5.36. Section 5.7 of PPW specifically relates to Energy.

5.37. Paragraph 5.7.12 identifies how "*Overall power demand is expected to increase as a result of growing electrification of transport and heat. In order to ensure future demand can be met, significant investment will be needed in energy generation, transmission and distribution infrastructure. The system will need to integrate renewable generation with storage and other flexibility services, in order to minimise the need for new generation and grid system reinforcement. Collectively we will need to concentrate on reducing emissions from fossil fuel sources, whilst driving further renewable generation which delivers value to Wales*".

5.38. Paragraph 5.7.3 identifies how T "*These priorities contribute to reducing carbon emissions, as part of our approach to decarbonisation, whilst enhancing the economic, social, environmental and cultural well-being of the people and communities of Wales, in order to achieve a better quality of life for our own and future generations. **This means taking precautionary action** to prevent Wales being 'locked in' to further fossil fuel extraction and high carbon development*"Paragraph 5.7.6 identifies how ***"The planning system should secure an appropriate mix of energy provision, which maximises benefits to our economy and communities whilst minimising potential environmental and social impacts. This forms part of the Welsh Government's aim to secure the strongest economic development policies, to underpin growth and prosperity in Wales, recognising the importance of decarbonisation and the sustainable use of natural resources, both as an economic driver and a commitment to sustainable development".***

5.39. Paragraph 5.7.7 goes on to state how the benefits of renewable and low carbon energy, as part of the overall commitment to tackle climate change is of '***paramount importance'*** to the Welsh Government. It goes on to stat how the planning system should: -

- maximise renewable and low carbon energy generation
- optimise energy storage;

5.40. Paragraph 5.7.12 states "*Energy storage has an important part to play in managing the transition to a low carbon economy. The growth in energy generation from renewable sources requires the management of the resultant intermittency in supply, and energy storage can help balance supply and demand. Proposals for new storage facilities should be supported wherever possible"*

5.41. Renewable energy targets are discussed at paragraph 5.7.14 of PPW, to recap the Welsh Assembly will seek that: -

- for Wales to generate 70% of its electricity consumption from renewable energy by 2030; and

- for one Gigawatt of renewable electricity capacity in Wales to be locally owned by 2030.

5.42. Subsection 5.9 provides support for renewable and low carbon development. Paragraph 5.9.1 states *"Local authorities should facilitate all forms of renewable and low carbon energy development. In doing so, planning authorities should seek to ensure their area's full potential for renewable and low carbon energy generation is maximised and renewable energy targets are achieved."*

5.43. Paragraph 5.9.14 sets out how *"Planning authorities should support and guide renewable and low carbon energy development to ensure their area's potential is maximised. Planning authorities should assess the opportunities for renewable and low carbon energy in the area, and use this evidence to establish spatial policies in their development plan which identify the most appropriate locations for development"*. Paragraph 5.9.15 goes on to identify how outside identified areas, *"planning applications for renewable and low carbon energy developments should be determined based on the merits of the individual proposal. The local need for a particular scheme is not a material consideration, as energy generation is of national significance and there is a recognised need to optimise renewable and low carbon energy generation. Planning authorities should seek to ensure their area's renewable and low carbon energy potential is achieved and have policies with the criteria against which planning applications outside of identified areas will be determined"*.

5.44. Paragraph 5.9.21 states *"Prior to an application being submitted, developers for renewable and low carbon energy developments should, wherever possible, consider how to avoid, or otherwise minimise, adverse impacts through careful consideration of location, scale, design and other measures"*.

5.45. Section 6 of PPW deals with the themes of planning policy topics covering landscape, historic environment, biodiversity, geodiversity and habitats, coastal characteristics, air quality, soundscape, water services, flooding and other environmental (surface and sub-surface) risks.

5.46. With regards to the historic environment, paragraph 6.1.9 seeks that *"Any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place."*

5.47. Section 6.2 of PPW deals with green infrastructure. Paragraph 6.2.4 states how green infrastructure plays a fundamental role in shaping places and our sense of well-being, and is intrinsic to the quality of the spaces we live, work and play in. It goes on to state how the planning system must maximise its contribution to the protection and provision of green infrastructure assets and networks as part of meeting society's wider social and economic objectives and the needs of local communities.

5.48. An update to chapter 6 of PPW was published as an Annex to Heads of Planning Letter Dated 11 October 2023: Addressing the Nature Emergency through the Planning System: Updated National Planning Policy for Chapter 6 of Planning Policy Wales. It was subsequently incorporated into the PPW 12 edition on its publication in February 2024. The key changes are summarised as:-

- Green Infrastructure: stronger emphasis on taking a proactive approach to green infrastructure covering cross boundary considerations, identifying key outputs of green infrastructure assessments, the submission of proportionate green infrastructure statements with planning applications and signposting Building with Nature standards.

- Net Benefit for Biodiversity and the Step-wise Approach: further clarity is provided on securing net benefit for biodiversity through the application of the step-wise approach, including the acknowledgement of off-site compensation measures as a last resort, and, the need to consider enhancement and long-term management at each step. The importance of strategic collaboration to identify and capture larger scale opportunities for securing a net benefit for biodiversity is recognised.

- Protection for Sites of Special Scientific Interest: strengthened approach to the protection of SSSIs, with increased clarity on the position for site management and exemptions for minor development necessary to maintain a 'living landscape'. Other development is considered unacceptable as a matter of principle. Exceptionally, a planned approach may be appropriate where necessary safeguards can be secured through a development plan.

- Trees and Woodlands: closer alignment with the stepwise approach, along with promoting new planting as part of development based on securing the right tree in the right place.

Anglesey and Gwynedd Joint Local Development Plan 2011-2026 (the "Plan")

5.49. The Anglesey and Gwynedd Joint Local Development Plan 2011-2026 was formally adopted on the 31 July 2017. Under the provisions of the Planning (Wales) Act, the Anglesey and Gwynedd JLDP forms the statutory development plan for the Council and is a material consideration, whilst tacking into account that energy developments of National Significance must be dealt with through Policy 17 & 18 of Future Wales.

5.50. The LDP locates the site within the open countryside. Paragraph 4.2 of the JLDP identifies that the key vision of the Plan is to "strengthen communities in Gwynedd and Anglesey". The JLDP area will be one which adapts and responds positively to the challenges of climate change and where the Welsh Language is an integral part of communities. At paragraph 3.8, the development plan lists the key issues that it aims to tackle, there are several which the application proposal will contribute towards, these include: -

- Need *to mitigate the effects of climate change, e.g. reduce greenhouse gas emissions, promote generating renewable energy and low carbon*

- Infrastructure requirements (e.g. telecommunications / ITC, water, transport connections, foul water and *surface* water disposal), associated with existing and new developments, including the infrastructure for the anticipated / proposed new energy developments

- Respond to the needs of the farming industry and other rural industries, including *diversification* in farming and the use of redundant farm buildings

- Need to mitigate the effects of climate change, e.g. reduce greenhouse gas emissions, promote generating renewable energy and low carbon

5.51. Key policies that are material to the development proposal are: -

- STRATEGIC POLICY PS 5: SUSTAINABLE DEVELOPMENT
- STRATEGIC POLICY PS 7: RENEWABLE ENERGY TECHNOLOGY
- POLICY ADN 2: PV SOLAR ENERGY
- POLICY ADN 3: OTHER RENEWABLE ENERGY AND LOW CARBON TECHNOLOGIES
- STRATEGIC POLICY PS 1: WELSH LANGUAGE AND CULTURE
- STRATEGIC POLICY PS 2: INFRASTRUCTURE AND DEVELOPER CONTRIBUTIONS
- STRATEGIC POLICY PS 4: SUSTAINABLE TRANSPORT, DEVELOPMENT AND ACCESSIBILITY
- STRATEGIC POLICY PS 6: ALLEVIATING AND ADAPTING TO THE EFFECTS OF CLIMATE CHANGE
- STRATEGIC POLICY PS 19: CONSERVING AND WHERE APPROPRIATE ENHANCING THE NATURAL ENVIRONMENT
- STRATEGIC POLICY ISA 1: INFRASTRUCTURE PROVISION
- POLICY TRA 2: PARKING STANDARDS
- POLICY TRA 4: MANAGING TRANSPORT IMPACTS
- POLICY PCYFF 1: DEVELOPMENT BOUNDARIES
- POLICY PCYFF 2: DEVELOPMENT CRITERIA
- POLICY PCYFF 3: DESIGN AND PLACE SHAPING
- POLICY PCYFF 4: DESIGN AND LANDSCAPING
- POLICY PCYFF 5: CARBON MANAGEMENT
- POLICY PCYFF 6: WATER CONSERVATION
- POLICY AMG 3: PROTECTING AND ENHANCING FEATURES AND QUALITIES THAT ARE DISTINCTIVE TO THE LOCAL LANDSCAPE CHARACTER
- POLICY AMG 5: LOCAL BIODIVERSITY CONSERVATION
- POLICY AMG 6: PROTECTING SITES OF REGIONAL OR LOCAL SIGNIFICANCE
- POLICY PS 20: PRESERVING AND WHERE APPROPRIATE ENHANCING HERITAGE ASSETS
- POLICY AT 3: LOCALLY OR REGIONALLY SIGNIFICANT NON-DESIGNATED HERITAGE ASSETS

- POLICY AT 4: PROTECTION OF NON-DESIGNATED ARCHAEOLOGICAL SITES AND THEIR SETTING

5.52. Each Policy is discussed in turn below: -

5.53. Policies PS 7 and ADN 2 in Anglesey and Gwynedd's Joint Local Development Plan deals with renewable energy technology.

5.54. Through **Strategic Policy PS 7**, IACC will seek to ensure that the Island, wherever feasible and viable, realises its potential as a leading area for renewable or low carbon energy technologies by promoting renewable energy technologies within development proposals and promote free standing renewable energy technology development. Three development principles support the policy, these are:

- Ensuring that installations in areas covered by international or national landscape designations and visible beyond their boundaries, or areas of local landscape value, in accordance with Strategic Policy PS 19 do not individually or cumulatively compromise the objectives of the designations especially with regard to landscape character, and visual impact;

- Ensuring that installations in accordance with PS 19 do not individually or cumulatively compromise the objectives of international, national and local nature conservation designations;

- Supporting installations outside designated areas provided that the installation would not cause significant demonstrable harm to landscape character, biodiversity, or amenity of residential or holiday accommodation, either individually or cumulatively.

5.55. The Policy also identifies how electricity cables should be placed underground unless this causes significant harm to other acknowledged interests or the viability of the scheme which cannot be negated or mitigated.

5.56. **Policy AND 2** specifically deals with PV solar energy and expressly states that solar developments outside of the potential search areas will only be acceptable in other locations in exceptional circumstances when the need for a scheme can be justified and there are specific locational circumstances. This reference to 'exceptional circumstances' is out of kilter with the renewable energy Policies set out in Future Wales (which only places an embargo on development within the National Landscapes (Area of Outstanding Natural Beauty or National Parks). The Policy goes on to state that proposal will be permitted provided that they conform to the following criteria: -

1 All impacts on landscape character, heritage assets and natural resources have been adequately mitigated, ensuring that the special qualities of all locally, nationally and internationally important landscape, biodiversity and heritage designations, including, where appropriate, their settings are conserved or enhanced;

2 The proposal will not result in significant harm to the safety or amenity of sensitive receptors including effect from glint and glare and will not have an unacceptable impact on roads, rail or aviation safety;

3. The proposal will not result in significant harm to the residential visual amenities of nearby residents;

4. The proposal will not have unacceptable cumulative impacts in relation to existing solar PV farms and those which have permission and other prominent landscape features;

5 The panels and associated infrastructure will, at the end of the operational life of the facility, be removed in accordance with a restoration and aftercare scheme submitted to and agreed by the Local Planning Authority.

6. That a Construction Environmental Management Plan (CEMP) is provided to demonstrate that any potential negative effects arising during construction and decommissioning phases are avoided.

5.57. The Policy identifies 11 areas of search for solar development. The application site is not located within any areas of search for solar. The reasoned justification to the policy, at paragraph 6.2.36, identifies how detailed proposals either within or outside the identified areas of search will be required to demonstrate compliance with the criteria listed in Policy ADN 2.

5.58. **Policy ADN 3** deals with other renewable energy and low carbon technology. It states that proposals for renewable and low carbon energy technologies, other than wind or solar, which contribute a low carbon future will be permitted, provided that the proposal conforms to the following criteria:

1. All impacts on landscape character, heritage assets and natural resources have been adequately mitigated, ensuring that the special qualities of all locally, nationally and internationally important landscape, biodiversity and heritage designations, including, where appropriate, their settings are conserved or enhanced;

2. That the proposal does not have a significant unacceptable effect on visual amenities;

3. That the proposal is mitigated to ensure that there aren't any significant unacceptable effects on sensitive uses located nearby;

4. Where appropriate, that the proposal does not have a significant unacceptable effect on the quality and supply of water;

5. Where appropriate, existing buildings or previously developed land is used;

6. That the development does not have cumulative unacceptable effect with any prominent features in the landscape or townscape;

7. Where required, the equipment and associated infrastructure are removed from the site in accordance with a restoration and aftercare scheme submitted to and agreed by the Local Planning Authority

5.59. Other development plan policies pertinent to the development are:

5.60. **Strategic Policy PS 1** intends to support communities and the Welsh Language. The policy requires developments of more than a 1000sq.m or more to submit a Welsh Language Statement, which aims to protect, promote, and enhance the Welsh Language.

5.61. **Strategic Policy PS 2** seeks to ensure sufficient provision of essential infrastructure is already available of provided in a timely manner to make the proposal acceptable.

5.62. **Strategic Policy ISA 1** states that development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

5.63. **Strategic Policy PS 4** seeks to promote developments that are located to minimise the need to travel.

5.64. **Strategic Policy TRA 2** states that parking provision for all modes of transport should be in accordance with the Councils' Parking Standards. The policy is in line with Planning Policy Wales and Technical Advice Note (TAN) 18 Transport.

5.65. **Strategic Policy TRA 4** seeks to manage transport impacts and where appropriate proposals should be planned and designed in a manner that promotes the most sustainable modes of transport having regard to a hierarchy of users.

5.66. **Strategic Policy PS 5** states that development will be supported where it has demonstrated that they are consistent with the principles of sustainable development. All developments must alleviate the consequences of climate change and adapting to those changes that are unavoidable in accordance with Strategic Policy PS 6. Developments located outside of development boundaries should be in the appropriate areas and in accordance with Strategic Policies PS 17, PS 13 and PS 14. Developments should protect, support, and promote the Welsh Language in accordance with Strategic Policy PS 1. The policy also seeks to preserve and enhance the quality of the built and historic environment in accordance with Strategic Policy PS 19.

5.67. **Strategic Policy PS 6** seeks to alleviate and adapt the effects of climate change through promoting the use of zero carbon energy technologies wherever practical, viable and consistent with the need to engage and involve communities; protect visual amenities, the natural, built and historic environment and the landscape.

5.68. **Strategic Policy PCYFF 1** identifies development boundaries for the Sub-regional Centre, Urban Service Centres, Local Service Centres, Service Villages and Local / Rural / Costal Villages. Outside of the development boundaries development will be resisted unless it is in accordance with specific policies in this plan or national planning policies or that the proposal demonstrates that its location in the countryside is essential.

5.69. **Strategic Policy PCYFF 2** sets out the priority criteria which new development will need to meet, in principle, in achieving sustainable and appropriately located development. This policy subjects all planning applications to up-to-date national planning policy and guidance.

5.70. **Strategic Policy PCYFF 3** states that all proposals will be expected to demonstrate high quality design which fully considers the natural, historic, and built environmental context and contributes to the creation of attractive, sustainable places. Development needs to be carefully planned to ensure that valuable features and characteristics are protected and enhanced. New developments should integrate into its surroundings whilst seeking to enhance the overall character of the locality.

5.71. **Strategic Policy PCYFF 4** states that development proposals should integrate into their local surroundings. The policy promotes the inclusion of a landscaping scheme will all proposals in order to demonstrate that it may contribute to the layout of the development and ensure sufficient space is available for appropriate planting and other landscape features

5.72. **Strategic Policy PCYFF 5** advises on carbon management and states that proposals need to demonstrate how the energy hierarchy set out in Policy PS 6 has been applied and how the contribution from renewable or low carbon energy to satisfy the proposals need for energy and waste has been maximised. Non-residential developments of over 1000sqm will be required to submit a comprehensive energy assessment which addresses energy efficient design and renewable energy feasibility.

5.73. **Strategic Policy PCYFF 6** states that developments should incorporate water conservation measures where practicable including Sustainable Urban Drainage System (SUDS). In addition, all proposals greater than 1000sqm should be accompanied by a Water Conservation Statement. The aim of this policy is to protect and improve water resources through increased efficiency and demand management of water.

5.74. **Strategic Policy PS 7** states that the councils will seek to ensure that the Plan area wherever feasible and viable realises its potential as a leading area for initiatives based on renewable or low carbon energy technologies by promoting free standing renewable energy technology development. The policy also states that supporting installations outside designated areas provided that the installation would not cause significant demonstrable harm to landscape character, biodiversity, or amenity of residential or holiday accommodation, either individually or cumulatively.

5.75. **Strategic Policy PS 19** seeks to manage development to conserve and where appropriate enhance the Plan area's distinctive natural environment, countryside and coastline, and proposals that have a significant adverse effect on them will be refused unless the need for and benefits of the development in that location clearly outweighs the value of the site or area and national policy protection for that site and area in question. Consideration will be given to safeguard the Plan area's habitats, species, history, the coastline and landscapes, as well as protect or enhance sites of international, national, regional and local significance in line with National policy.

5.76. **Strategic Policy AMG 3** seeks to protect, conserve and enhance the unique landscape features and character if the plan area.

5.77. **Strategic Policy AMG 5** aims to ensure protection and improvements to local biodiversity. A proposal affecting sites of local biodiversity importance will be refused unless they can conform with all of the following criteria: -

- That there are no other satisfactory alternative sites available for the development.
- The need for the development outweighs the importance of the site for local nature conservation;
- That appropriate mitigation or compensation measures are included as part of the proposal.

5.78. **Strategic Policy AMG 6** seeks to protect sites of regional or local significance. Proposals that are likely to cause direct or indirect significant harm to LNRs, WSs and RIGS will be

refused unless it can be proven that there is an overriding social, environmental and/or economic need for the development. The policy also aims to ensure that appropriate mitigation is implemented to safeguard the site's biodiversity.

5.79. **Strategic Policy PS 20** aims to preserve and where appropriate enhance heritage assets. Proposals that will preserve and where appropriate enhance the following heritage assets, their setting and significant views into and out of the building/area will be granted. The policy is in line with The Historic Environment (Wales) Act 2016 and Chapter 6 of Planning Policy Wales.

5.80. **Strategic Policy AT 3** advises on locally or regionally significant non-designated heritage assets. Proposals will be required to conserve and seek opportunities to enhance buildings, structures, and areas of locally or regionally significant non-designated heritage assets, which create a sense of local character, identity and variation across the Plan area.

5.81. **Strategic Policy AT 4** states that a proposal which affects locally important archaeological remains will only be granted if the need for the development overrides the significance of the archaeological remains. Where proposals are acceptable, a condition will be attached to the permission stating that no development should take place until an agreed programme of archaeological work has taken place.

Maintaining and Creating Distinctive and Sustainable Communities SPG (July 2019)

5.82. Anglesey and Gwynedd Councils adopted the Maintaining and Creating Distinctive and Sustainable Communities SPG in July 2019. It gives basic information on the requirements of developments to meet sustainability policies in the JLDP.

6. PLANNING ASSESSMENT

6.1. This section of the Statement contains a detailed analysis of the application proposal against the relevant material and planning policy considerations. These considerations have been derived from an understanding of the application site and its surrounds as well as the policy analysis of the previous section and the legislative background set out in the Section 3.

Principle of Development

6.2. Future Wales is the national development framework, setting the direction for development in Wales to 2040, and forms part of the development plan alongside the Local Development Plan, and in time, Strategic Development Plans when they are adopted. Future Wales' strategy is to address key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems, and improving the health and well-being of our communities.

6.3. Future Wales is the highest tier of development plan in Wales and local development plans *"are required to be in conformity with Future Wales and must be kept up to date to ensure they and Future Wales work together effectively."* (p.8 and p.15). In addition, Future Wales provides (at p.10) that *"The specific purpose of Future Wales is to ensure the planning system at all levels is consistent with, and supports the delivery of, Welsh Government strategic aims and policies."* This is a legal requirement, as the local development plan must be in conformity with Future Wales under s.62(3A) of the Planning and Compulsory Purchase Act 2004.

6.4. Policies 17 and 18 of Future Wales provide the framework for the consenting of renewable energy DNS schemes in Wales.

6.5. Policies 17 and 18 of Future Wales are clear that achieving decarbonisation and climate-resilience is one of the ***"key national priorities"*** for Wales, and Future Wales recognises the need for Wales to focus on generating the energy it needs to support its communities and industries over the next twenty years. The proposed development is for a solar farm which will power the equivalent of approximately 33,935 homes (more than all homes on Anglesey) and displace around 36,623 tonnes of CO2 per year, and 1.4m tonnes during the lifetime of the development. Therefore, through policies 17 and 18, Future Wales supports the principle of the proposal and its potential to contribute to the national priorities of decarbonisation and climate-resilience.

6.6. At paragraph 1.2, the PPW identifies its primary objective as being to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural being of Wales as required by the Well-being of Future Generation (Wales) Act 2015. There is no dispute that the proposed development will increase Wales' installed renewable energy capacity, contributing to meeting local and national renewable energy targets, reducing reliance on energy generated from fossil fuels and thus actively facilitating the transition to a low carbon economy. To this end, the proposed development would achieve the WBFG Act goals to build a globally responsible, prosperous and resilient Wales. The WBFG goals are further explored in section 7 of this Statement.

6.7. Policy 17 states that decision-makers should give ***'significant weight'*** to the urgent need to meet the target of generating 70% of consumed electricity by renewable means by 2030. This is part of Wales' international commitment to combating climate change. Further to this, Policy 17 prohibits the development of DNS schemes where they will cause significant visual impact. Additionally, Policy 17 also dictates that applicants must present the benefits to the local community brought about by the development. The benefits include the wider benefits of renewable energy which include security of energy supply and reduced energy costs for the consumer. Benefits of the project are to be realised through reduced energy bills and security of supply which will reduce Wales' exposure to the volatility of the wholesale energy markets. These are important factors in addressing fuel poverty, which disproportionately effects low-income households across Wales and contributes to economic inequality. The proposal would reduce reliance upon overseas energy sources. The energy production would help to meet the national and local need for energy and therefore the development would fulfil an important social role.

How the development accords with Policy 18 of Future Wales

6.8. Policy 18 specifically relates to qualifying energy Developments of National Significance and presents 11 principles which should be satisfied to secure consent. The requirements set out in Policy 18 are considered in turn below.

Criteria 1: Outside of the Pre-Assessed Areas for wind developments and everywhere for all other technologies, the proposal does not have an unacceptable adverse impact on the surrounding landscape (particularly on the setting of National Parks and Areas of Outstanding Natural Beauty)

6.9. The site is not located within a statutory protected landscape designation such as a National Park or an Area of Outstanding Natural Beauty of national importance. The proposals would inevitably change the character of the site from undulating pastoral farmland to a solar PV development, however, the arrangement of the proposed solar farm responds positively to the landform and field pattern with the existing hedgerow vegetation being retained and strengthened, where appropriate, meaning that overall no unacceptable adverse impact will be caused in this regard. Landscape and visual considerations are fully assessed within Chapter 7 of the accompanying Environmental Statement.

Criteria 2: There are no unacceptable adverse visual impacts on nearby communities and individual dwellings

6.10. A Residential Visual Amenity Assessment (RVAA) supports the application submission and is presented as technical appendix 7.6 to the Landscape and Visual Chapter, Chapter 7, of the Environmental Statement. The salient points are discussed below.

6.11. Whilst changes in views and visual amenity are a material consideration in the planning process, and views from private locations may be considered as part of a Landscape and Visual Impact Assessment (LVIA), nobody has 'a right to a view'. However, there are situations where the effect on the outlook / visual amenity of a residential property is so great that it is not generally considered to be in the public interest to permit such conditions to occur where they did not exist before. The RVAA sets out judgements in respect of Residential Visual Amenity and assesses whether the effect of the Development on Residential Visual Amenity is of such a nature and / or magnitude that it potentially affects 'living conditions' or Residential Amenity, i.e. whether the Residential Visual Amenity Threshold has been reached.

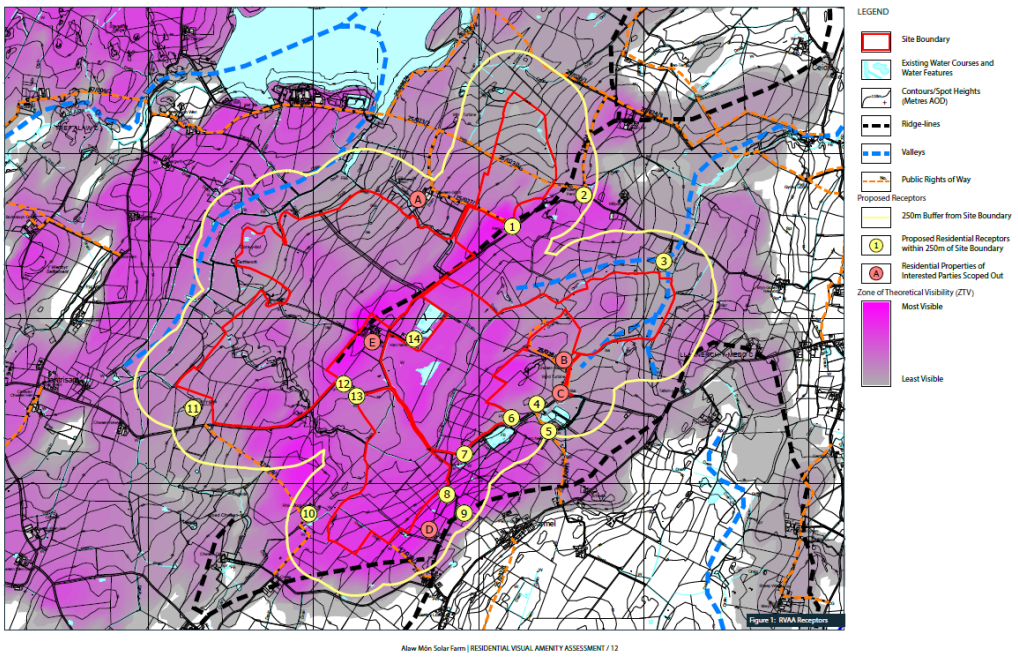
6.12. This threshold regarding the acceptability of visual effects on the living conditions of residential properties in the public interest has become widely known within the renewables sector as the 'Lavender Test'. The RVAA seeks to determine whether or not the proposed Alaw Mon Solar Farm would give rise to significant visual effects on the surrounding residential properties and whether the proposed infrastructure and new planting would appear oppressive, overbearing or overwhelming on living conditions as a matter for the public interest.

6.13. In the evaluation of the effects on views and the visual amenity of the identified residential receptors, the magnitude of visual effect (change) is typically described with reference to:

- Distance of property from the Development having regard to its size / scale and location relative to the property (e.g. on higher or lower ground);
- Type and nature of the available views (e.g. panoramic, open, framed, enclosed, focused etc.) and how they may be affected, having regard to seasonal and diurnal variations;
- Direction of view / aspect of property affected, having regard to both the main / primary and peripheral / secondary views from the property;
- Extent to which the Development / landscape changes would be visible from the property (or parts of) having regard to views from principal rooms, the domestic curtilage (i.e. garden) and the private access route, taking into account seasonal and diurnal variations;
- Scale of change in views having regard to such factors as the loss or addition of features and compositional changes including the proportion of view occupied by the Development, taking account of seasonal and diurnal variations;
- Degree of contrast or integration of new features or changes in the landscape compared to the existing situation in terms of form, scale and mass, line, height, colour and texture, having regard to seasonal and diurnal variations;
- Duration and nature of the changes, whether temporary or permanent, intermittent or continuous, reversible or irreversible etc.; and
- Mitigation opportunities – consider implications of both embedded and potential further mitigation.

6.14. The RVAA confirms how the majority of the Development comprises solar panels that range in height from 0.8m above the ground level to 2.5m, and are therefore of limited height. However, due to the size of the Site and the nature of its context, residential properties within 250m of the Site boundary have been scoped into the RVAA, although this is likely to include properties that will not experience significant visual affects as a result of the Development. In total 14 properties were included within the RVAA, with the remaining residential properties scoped out as they are the residential properties of interested parties. The following Zone of Theoretical Visibility (ZTV) plan shows that all of the residential properties have potential intervisibility with the Development, based on a bare earth ZTV which does not account for the screening effects of existing built form and/or vegetation.

FIGURE 1a: STUDY AREA WITH ZTV AND PROPERTY LOCATIONS



6.15. None of the above identified significantly affected properties have been judged to fail the test of overbearing effects i.e no major significant effects are predicted. In other words, the properties would continue to provide an attractive outlook and good living environment, from a visual point of view, albeit affected by the proposed development. The residents would continue to benefit from views in other directions, gained from the remaining unaffected elevations, and parts of their curtilage not affected by the proposed development. The properties would remain an attractive place to live when judged objectively, and would not be subject to any overbearing effects.

6.16. At year 1 Moderate adverse Significant effects on residential and visual amenity are predicted at Properties 7: Pennant and 13: Gorsgoch. However as mitigation planting establishes over time these effects are predicted to reduce to become not Significant by year 15. The detailed analysis of each property provided in Appendix 2a demonstrates that the Development would not reach the Residential Visual Amenity Threshold at year 1. The scale of the development is such that it would not be overbearing, although it would introduce a noticeable change in the views primarily from the second floor which is not considered to be a primary living space.

6.17. For the reasons set out above, it is considered that with the development in place, there would be no unacceptable adverse visual impacts on nearby communities and individual dwellings. Accordingly. the proposal does not conflict with the requirements of criteria 2 of Policy 18 of Future Wales.

Criteria 3 - There are no adverse effects on the integrity of Internationally designated sites (including National Site Network sites and Ramsar sites) and the features for which they have been designated (unless there are no alternative solutions, Imperative Reasons of Overriding Public Interest (IROPI) and appropriate compensatory measures have been secured)

6.18. Chapter 8 of the Environmental Statement deals with ecological considerations and confirms that there are four internationally designated sites within 10km of the main development site. The internationally designated sites are the following:

- Anglesey Fens SAC – Located 6km from the site
- Anglesey and Llyn Fens Ramsar – Located 6km from the site
- Llyn Dinam SAC – Located 9.5km from the site
- North Anglesey Marine SAC – Located 9.5km from the site.

6.19. As there are four internationally designated sites within 10km of the site, the Environmental Statement identifies that there are no likely significant effects from the development and as such a No Significant Effects Report (NSER) accompanies the application submission. These ecological features were scoped out of the Environmental Impact Assessment set out in Chapter 8 of the Environmental Statement.

6.20. As there are no adverse effects on the integrity of Internationally designated sites no mitigation measures are required, and the proposal is in accordance with Criteria 3 of Policy 18.

Criteria 4 - there are no unacceptable adverse impacts on national statutory designated sites for nature conservation (and the features for which they have been designated), protected habitats and species

6.21. Chapter 8 of the environmental Statement identifies four Site of Specific Scientific Interest within or up to 2km of the main development site. These are-

<u>Nantanog SSSI</u>

6.22. Nantannog ravine is of special interest for its geology. The exposure features a bedded sequence of shales and sandstones of the Nantannog Formation, with shelly and graptolitic faunas. The Site contains excellent exposures, illustrative of the sedimentation and stratigraphy of Anglesey in the Lower Ordovician. It is important to clarify that this is not a biological SSSI, therefore significant ecological impacts is not anticipated.

6.23. The planning application boundary (red line) encompasses the Nantanog SSSI, but following the ecological stepwise principles, the physical development is on either side of the SSSI and outside of the SSSI boundary. During the construction phase of the Development no effects on Nantanog SSSI are anticipated. In accordance to the stepwise principles, a 10m buffer which has been agreed through consultation with NRW will protect the site's interest features. The measures required to protect the area will be set out in a Construction Environmental Management Plan (CEMP). During operation of the scheme, it is considered

that scrub encroachment is likely to occur within the SSSI if grazing is prevented by fencing around the solar array. This is deemed not to be damaging on the geological SSSI and will not give rise to a significant ecological impact, but potentially may affect the ability to view the geological interest features. The approach identified in consultation with NRW will require vegetation management and will be included in the Landscape Environmental Management Plan (LEMP).

6.24. Therefore, no ecological impact on the SSSI is anticipated. Enhancement is proposed through scrub management of the SSSI, however, the overall impact on the SSSI would be neutral.

Llyn Alaw SSSI

6.25. A large area of mesotrophic open water. 'It has considerable ornithological interest especially for overwintering wildfowl; numbers of teal *Anas crecca*, shoveler *Anas clypeata* and whooper swans *Cygnus cygnus* can be around 1% of the British population.' A range of other wildfowl and waders occur seasonally, and the uncommon slender spike rush *Eleocharis acicularis* occurs in the reservoir margins.

6.26. The SSSI is located 350m to the north of the main development site. The Environmental Statement confirms that direct impact on Llyn Alaw SSSI will not occur. The level of use of the site by key bird species listed on the SSSI citation is minor (teal), negligible (shoveler) or has not been recorded (whooper swan). The main development site is not assessed to be important for the key species referred to in the SSSI citation.

Tyddyn Gyrfer SSSI

6.27. This Site is of special interest for its Precambrian geology and lies within the largest outcrop of gneisses in southern Britain. The Site provides a small but informative exposure of interleaved paragneisses and amphibolites that are representative of the upper amphibolite facies Central Anglesey Gneisses in the late Neoproterozoic Coedana Complex.'

6.28. The SSSI is located 1.53km to the south of the main development site. This is not an ecological receptor but included here for reference. The development will have no direct impact on Tyddyn Gyrfer SSSI.

Llyn Llywenan SSSI

6.29. Llyn Llywenan is selected as an example of a moderately base-rich lowland lake in West Gwynedd; it is primarily of biological interest. The flora of the lake includes a range of submerged, floating and emergent macrophyte species. A variety of overwintering wildfowl species frequent Llyn Llywenan, including mallard, teal, wigeon, shoveler, tufted duck and pochard; it also supports an interesting breeding bird community.'

6.30. The SSSI is located 2.1km to the south-west of the development site and 1.6km from the land for the underground cabling for the Development's connection to the National Grid Substation at Wylfa. No ecological impact on the SSSI is anticipated from the operational phase of the Development. The residual impact significance from the operational phase of the Development is Neutral.

The Werthyr SSSI

6.31. The Werthyr SSSI is assessed within Chapter 11 of the Environmental Statement. This wetland site has developed at the head of a short shallow valley running in a northerly direction to the Afon Caradog. It is a relatively intact example of a mesotrophic valley mire or 'poor fen' and has a high water table. Vegetation communities characteristic of this type of habitat are very well represented and include large stands of rushes e.g. the blunt flowered rush Juncus subnodulosus, a variety of sedges e.g. the bottle sedge Carex rostrata and the slender sedge Carex lasiocarpa as well as a range of wetland herbs such as the marsh cinquefoil Potentilla palustris and bogbean Menyanthes trifoliata. There is also a well developed brophyte layer in which various mosses, particularly Acrocladium spp. are abundant. Among the less common species present, the greater spearwort Ranunculus lingua is widely distributed within the site.

6.32. The Y Werthyr SSSI is the only designated site within 20m of any roads which have been identified to be used by the Development's construction vehicles. The Werthyr SSSI is 4.5km southeast of the site and approximately 80m from the B5112. The Environmental Statement has considered the impacts of the construction vehicles on this designated site. The impacts of traffic generated by the construction phase of the Development on designated ecological sites have been assessed. The impacts are anticipated to be 'not significant'.

6.33. For the reasons sect out above it is considered that there are no unacceptable adverse impacts from the development upon national statutory designated sites for nature conservation, protected habitats and species.

Criteria 5 – The proposal includes biodiversity enhancement measures to provide a net benefit for biodiversity

6.34. The Environment (Wales) Act 2016, the Well-Being of Future Generations Act (Wales) 2015, and the Chief Planner's letter (30th December 2022) frame biodiversity with respect to its contribution to achieving "ecosystem resilience". The policy position was consolidates and reinforced through the publication of PPW 12 edition. The Environment (Wales) Act 2016 Section 6 duty is referenced throughout the national planning policy guidance.

6.35. National Resource Wales (NRW) has developed a framework for evaluating ecosystem resilience based on five attributes and properties specified in the Environment (Wales) Act 2016. This is referred to as 'DECCA': Diversity, Extent, Condition, Connectivity and Aspects of ecosystem resilience. NRW works to the definition of ecosystem resilience published in its State of Natural Resources Report in 2020i, which is: 'An environment that can respond to pressures by resisting, recovering or adapting to change; and is able to continue to provide natural resources and benefits to people.' When assessing planning applications, PPW instructs planning authorities to take account of and promote the resilience of ecosystems, in particular the five attributes of ecosystem resilience.

6.36. Chapter 8 of the Environmental Statement lists the attributes have been considered in in the Development's layout design and the landscape strategy. A summary of the DECCA attributes (from PPW, 2024)ii is presented within Chapter 8 of the Environmental Statement. A summary of the DECCA attributes (from CIEEM, 2022) is set out below, together with a summary of how each attribute has been considered and achieved in the Development's design.

DECCA attributes (summarised)	How this has been achieved within the Development's design
Diversity: underpins biodiversity, resilient ecosystems, their functioning and the delivery of ecosystem services. More diverse ecosystems are more resilient to external influences. Strategic planning and individual development proposals should avoid negative impacts on biodiversity by considering how biodiversity assets can be maintained and enhanced	The fields within the main site support heavily-grazed improved grassland or species-poor semi-improved grassland. This grassland will be retained within the solar PV arrays, other areas of the Site will be protected and enhanced through the Development's landscape strategy. Existing ecological features (hedgerows, woodland, wetland habitat and scrub) within the site have been retained and incorporated into the design of the Development. New habitats will be created (woodland, grassland, scrub, and ponds) throughout the site, around the proposed solar PV arrays. This will increase the diversity of habitats within the site.
Extent: strategic planning and individual development proposals must avoid loss in the extent of biodiversity and incorporate measures to appropriately maintain and enlarge existing habitats, through habitat restoration and creation with adjoining and nearby areas, green infrastructure features and networks.	The landscape strategy for the Development has been designed to complement and strengthen the existing ecological features, which are largely defined by field boundaries and adjacent features around the site's periphery. These features are buffered within the design, throughout the Site with new areas of habitat; linkages between habitats both within and around the application site will be improved. Examples of improvements are given within the bullet points below. Given the scale of the Development, this means that the design will include: • 6.21 ha of new woodland planting, • 1.69 ha of new native scrub planting, • 6.85 ha of meadow grassland, • 52.59 ha Grassland around the perimeter develop a taller sward, with some tussocks allowed to develop, • 4,304 m of additional hedgerow (both infilling gaps and new sections of hedgerow)[9],

[9] The existing boundary features will be retained through the Development's design. Existing access points will be used to avoid the need to create new openings in hedgerows; there may be some minor widening to increase the width of any narrower gaps. The removal of nine 2m sections (amounting 18m in total) is required to facilitate installation of perimeter fencing, but this is not considered to require any further assessment, given the minor nature of this work, and the inherent design which gives rise to a significant net increase in hedgerows (4,304m increase).

DECCA attributes (summarised)	How this has been achieved within the Development's design
	• 14 (0.23ha) of new ponds and wetland/marginal vegetation. Existing grassland will be retained within the solar PV arrays.
Condition: Ecosystems and biodiversity assets need to be in a healthy condition to function effectively, to deliver a range of important ecosystem services and be more resilient to external influences. Good condition requires sufficient scale and functioning natural processes or appropriate management to provide structural complexity and sustain diverse mosaics of habitats. Strategic planning and individual development proposals must not compromise the condition of ecosystems. Planning for and securing the long-term management of retained habitats is key to maintaining condition.	Ecological features adjacent to the Site will be buffered from the Development, and new habitats (meadow grassland and scrub) to be created in these areas, which are currently heavily grazed pasture. The buffer areas around the retained features will therefore improve in ecological condition through the implementation of the Development's landscape strategy. Additional ponds will be created, in clusters, surrounded by areas of longer grassland and scrub, which will increase the suitability of the Site for amphibians, increase the network of ponds available. These habitats will be managed to ensure they reach the desired condition and maintain their value for wildlife for the 40-year lifespan of the Development. Details will be set out in the LEMP.
Connectivity: take opportunities to develop functional and physical connectivity of biodiversity and ecological networks within and between ecosystems and across landscapes, building on existing connectivity and quality and encouraging habitat creation, restoration and appropriate management, Individual development proposals should identify and incorporate measures which enable appropriate links to be made between the site and its surroundings so as to improve connectivity.	The Development's landscape strategy has been designed around the existing ecological features, which are largely defined by field boundaries and adjacent features around the Site's periphery. These features are buffered and strengthened within the design (i.e. hedgerow gapping up, new hedgerows, and creation of meadow grassland in buffer areas adjacent to field boundaries) meaning that linkages between habitats both within and around the Site will be improved. Additional ponds will increase the suitability of the Site for amphibians, by increasing the network of high-quality ponds available. The most suitable habitat for birds is primarily restricted to the field boundaries; the creation of new hedgerows and buffering of existing hedgerows with meadow grassland, together will new woodland and scrub planting, will increase the value of the Site for birds and a range of other wildlife through the provision of additional foraging resources and cover.

DECCA attributes (summarised)	How this has been achieved within the Development's design
Adaptability to change: resistance and recovery from pressures arise when the attributes of ecosystem resilience – diversity, extent, condition and connectivity of ecosystems - are in good condition. Strategic planning and individual development proposals should identify impacts to the ecosystem resilience attributes of biodiversity	The Development's landscape strategy has been designed to buffer and reinforce the existing features, and to improve habitat connectivity within the Site. It is therefore considered likely to also increase ecosystem resilience within the site, by increasing habitat area, linkages and opportunities for wildlife in various areas of the site.

6.37. New habitat features will be incorporated into the design including native woodland planting, native scrub planting, meadow creation and improved grassland management for wildlife, the creation of areas of rough grassland, hedgerow enhancement (i.e. gapping up/creating a grass-margin/buffer). 14 new ponds will be also created.

6.38. Existing access points will be used to avoid the need to create new openings in hedgerows; there may be some minor widening to increase the width of any narrower gaps.

6.39. The connection will be provided by underground cabling located within the adopted highway of local roads and will not affect vegetated areas (with the exception of three short and very narrow sections of verge that will be slightly widened on the road between B5112 and Chwaen Bach, to allow for slightly wider passing places).

6.40. Buffer areas will be incorporated into the design of the Development to protect Nantanog (geological SSSI, Cors-y-bol LWS and Tir Pori Traian LWS, to protect these sites and to provide space for habitat enhancement and management. The buffer for the Nantanog (geological) SSSI will be 10m-wide, as agreed with NRW at the DPAS virtual meeting on 23rd June 2021 (refer to Appendix 8.5 of the Environmental Statement). The buffer from Cors-y-bol and the perimeter fence will be at least 15m-wide.

6.41. A 50m-wide buffer will be incorporated between the fence and Pond 11 to provide an open area of grassland for birds around the pond, which will be grazed/mown on a regular rotation, to maintain short-sward, open habitat conditions suitable for grazing wildfowl. The nearest solar PV panels will be over 50m from the edge of the pond.

6.42. New habitat features will be incorporated into the design including native woodland planting, native scrub planting, meadow creation and improved grassland management for wildlife, the creation of areas of rough grassland, hedgerow enhancement (i.e. gapping up/creating a grass-margin/buffer). 14 new ponds will be also created.

6.43. The design of the habitat features will increase habitat connectivity throughout the Site (and promote the resilience of ecosystems, in line with the requirements of PPW). It is also noted that the new features (including new ponds and grassland management) will also improve habitats for great crested newt, in line with local conservation objectives for this species (source: DPAS virtual meeting with NRW on 23rd June 2021, refer to meeting minutes in Appendix 8.5 of the Environmental Statement). These elements of the application proposal have been designed through close liaison with the project Landscape consultant and wider project team.

6.44. The landscape strategy for the application proposal is shown on the Landscape Strategy Plan, these are presented at Figures 7.13 to 7.16 of the Environmental Statement, and described in the Planting Schedule and Notes, Figure 7.17 of the Environmental Statement, and summarised below.

Summary of New Habitat Features	Area /length	Notes
Native woodland planting	6.21ha	A range of locally appropriate native species will be used in the planting scheme.
Native scrub planting	1.69ha	A range of locally appropriate native species will be used in the planting scheme.
Meadow grassland (fields) - Specific Landscape Area 2	4.31ha	Grassland areas will be re-seeded and managed using hay meadow-style management (mowing and removal of arisings in late July/August / aftermath grazing in autumn, using an appropriate seed mix, such as Emorsgate EM2 or equivalent).
Meadow grassland (fields) - Specific Landscape Area 3	2.54ha	In addition, this habitat type includes Specific Landscape Area 3 – this is an additional 2.52ha.
Grassland management (for wildlife) outside perimeter fence. - Specific Landscape Area 1	46.64ha	Existing grassland outside perimeter fence to be allowed to develop a taller sward, with some tussocks allowed to develop in the margins; cut no more than once annually.
Grassland management (for wildlife) outside	5.95ha	In addition, this habitat type includes Specific Landscape Area 1 (which includes some gorse clearance to maintain open

Summary of New Habitat Features	Area /length	Notes
perimeter fence – additional area		habitat around Nantanog [geological] SSSI) – this is an additional 5.95ha.
New hedgerow, and existing hedgerow enhancement (gapping up)	4,304m	Locally appropriate native species will be used in the planting scheme.
New ponds	14 no. (0.23ha)	14 new ponds will be created in clusters of 2-3 ponds (equating to 0.23ha of pond habitat). This will be located adjacent to areas of less frequently managed grassland and scrub. Hibernacula will be created nearby to provide additional habitat for reptiles and amphibians. Marginal / riparian planting around pond margins will include c. 0.16ha of additional habitat.
Other areas of retained habitats		
Grassland within proposed perimeter fence	181.51ha	This will be retained grassland between the panels – this is not new habitat. It will be managed by grazing or mowing, or a combination of both.
Specific Landscape Management Area 2	3.5ha	A 50m wide buffer between the perimeter fence and Pond 11 to provide an open area of grassland which will be grazed/mown on a regular rotation, to maintain short-sward, open habitat conditions suitable for grazing wildfowl. This is not new habitat and will be managed and maintained during the lifetime of development
Specific Landscape Management Area 4	0.48ha	Cors-y-Bol Scheduled Monument buffer – existing grassland to be maintained as a short sward, cut six times annually. This is not new habitat and will be managed and maintained during the lifetime of development.

6.45. A Biodiversity Gain Assessment has also been undertaken to support the application submission. Biodiversity Gain Assessment derives from the Environment Act 2021, which from January 2024 will require new development (in England) to achieve a 10% net gain in biodiversity; it requires the use of a metric to calculate gains and losses.

6.46. The assessment is made using the Biodiversity Metric 4.0 Calculation Tool (Defra, April 2023). The calculation of the baseline biodiversity value of the Site is based on area (ha) coverage of habitats within the site (and in kilometres for linear features i.e. hedgerows).

6.47. The pre-development baseline calculation uses existing habitat areas and condition scores. This is used to derive the biodiversity value of the Site, which is expressed in biodiversity units. The post-development calculation takes into account habitat loss and any habitat retention, enhancement and creation measures.

6.48. Post-construction, there would be a significant increase in habitat units: 197.77 habitat units are gained as result of the development. Overall, there is a percentage change improvement of 31.94% in habitat units. There would be a significant increase in hedgerow units: 24.17 units are gained as result of the development. Overall, there is a percentage change improvement of 41.53% in hedgerow units. These Biodiversity Net Gain calculations demonstrate how a significant contribution will be made towards biodiversity when compared against the existing baseline conditions.

6.49. For the reasons set out above, the scheme satisfies the requirements of Criteria 5 of Policy 18.

Criteria 6 - There are no unacceptable adverse impacts on statutorily protected built heritage assets

6.50. Chapter 6 of the Environmental Statement considers cultural heritage. The chapter considers the potential effects upon the significance of Cultural Heritage receptors. Buried archaeological remains, earthworks, structures, landscapes, and all other aspects of the historic environment have been considered. The salient point of the chapter are discussed below.

6.51. There are no designated historic assets located within the site. Known and potential non-designated historic assets located within the site comprise: undated but possibly-prehistoric curvilinear and discrete features in the western, northern and eastern parts of the site; small rectilinear enclosures and post-holes in the central part of the site, and other pits and postholes elsewhere across the site; parallel and perpendicular linear ditch features representing former field boundaries and drainage features associated with historic land management across the site; and the ruins of the 19th-century farm buildings of Tyddyn-bâch in the eastern part of the site.

6.52. There is no evidence to suggest that any of these remains are of the highest heritage significance in and of themselves. The curvilinear and discrete features in the western part of the Site, and the ruins of Tyddyn-bâch, are retained within the design of the Development.

Scheduled Monument of Cors-y-Bol Bronze Age Burial Mound

6.53. Cors-y-Bol, which abuts the north-western part of the Site boundary, comprises a low circular bank up to 20m in diameter, with some stones visible at the surface on the north side and a possible raised area at the centre. Discovered in 1956, it is generally believed to be the remains of a Bronze Age burial mound. However, studies published in 2003 and 2004 suggested that it could be the remains of a Neolithic henge or a small, enclosed Bronze Age hut circle group.

6.54. As a Scheduled Monument, it is a designated historic asset of the highest significance. Its significance is principally derived from the evidential value of its buried archaeological and palaeoenvironmental deposits, which will provide information on chronology and building

techniques and have the potential to enhance our knowledge of prehistoric ritual and funerary practices.

6.55. It occupies a low-lying position within the landscape, less than 100m from the watercourse of the same name, at what is now the interface between marshland and farmland. Another mound of similar morphology but uncertain origin is recorded approximately 350m to its north. The geophysical survey of the adjacent field within the Site did not detect any anomalies suggestive of buried archaeological remains of features potentially associated with Cors-y-Bol. The Scheduled Monument can only be experienced at close-range. The very low form of the earthwork, and the undulating topography of the field within which it has been incorporated, means that it is not readily identifiable beyond approximately 100m to its east. It is only from within the designated area and its immediate curtilage that the low banks and stones of the asset are discernible.

6.56. Scrubby marshland surrounds it on the north, west and south sides and limits long-ranging views in these directions. Looking west, it is possible to see the high ground to the rear of Bodnolwyn Hir, but not the hill and hillfort of Y Werthyr beyond it. Open views are directed east across the adjacent field outside of the Site boundary and allow for an appreciation of the topographical context of the monument even though the landscape character is evidently modern.

6.57. It is considered that the western half of the adjacent pasture field within the site contributes to the significance of the asset, in being the location from where its surviving above-ground remains and its topographical situation can be discerned and appreciated. The Development's layout accommodates a 60m buffer from the asset to the built edge of the Development. Gwynedd Archaeological Planning Service confirmed that a 60M buffer is acceptable part of their consultee response to the statutory pre-application consultation. This is intended to preserve the open, close-ranging westerly views towards the asset within its low-lying marshland context. The change of landscape character of the remaining western part of this field will result in minor harm to the overall significance of the Scheduled Monument. The effect of the Development is 'Not Significant'.

Scheduled Monument of Y Werthyr Iron Age Hillfort

6.58. Y Werthyr, which lies c.1.2km west of the Site, represents a small Iron Age bivallate hillfort. The perimeter banks and ditches are best-preserved on the south and east sides, with a possible entrance to the north-east and an annex enclosure to the north. Geophysical surveys have detected anomalies suggestive of at least seven hut circles within its interior and three in the annex. As a Scheduled Monument, it is a designated historic asset of the highest significance. Its significance is principally derived from the evidential value of its buried archaeological and palaeoenvironmental deposits, which will provide information on chronology, layout, building techniques and functional detail, and have the potential to enhance our knowledge of enhance our knowledge of later prehistoric defensive organisation and settlement.

6.59. Y Werthyr occupies a rounded hill that is not especially elevated (the land within the Site is higher) but does comprise a locally-high point of ground within the valley floor of Afon Alaw (which flows c.550m to the north-west of Y Werthyr). There is evidence of Late Neolithic to Early Bronze Age activity within the site, approximately 1.2km to the east of Y Werthyr (see 6.61 and 6.63); and the Bronze Age burial mounds of Cors-y-Bol and Bedd Branwen lie c.1km

to the east and c.600m to the north respectively. No other evidence of Iron Age activity is recorded in the immediate locality of Y Werthyr.

6.60. The hillfort earthworks will be best appreciated at close range, by walking the perimeter and interior of the monument. There is no public access, and efforts to locate the legal landowner and gain their permission were not successful. The surviving banks and ditches of the hillfort are said to be best preserved on the south and east sides, and are visible from the section of lane between Bodnolwyn Hir and Bronwen to the east. No clear views of Y Werthyr were identified from within the Site during the walkover survey.

6.61. Most hillforts seem to have been designed to be seen from and to see across the wider landscape. It is assumed that Y Werthyr affords fairly long-ranging views in all directions. Those views are expected to feature moorland, farmland, buildings, wind turbines, and the Llyn Alaw Reservoir. A 'Reverse' Zone of Theoretical Visibility model, which accompanies the Environmental Statement ,at Appendix 6.4, which indicates somewhat patchy visibility of the surrounding landscape from the summit of Y Werthyr: most of the land in the south-western and western parts of the Site is visible, there is intermittent visibility of the north of the site.

6.62. There is nothing to suggest that a hillfort was established at Y Werthyr to ensure visibility of or from the site, and while there is evidence of later prehistoric activity within the Site, there is nothing to suggest this was contemporary with or otherwise associated with activity at the hillfort. The landscape around Y Werthyr, including the site, is much changed from when the hillfort was built and used. Nonetheless, the openness and rural character of the western and northern parts of the Site, visible from the hillfort, assists in imagining the 'undeveloped' Iron Age landscape, and as such, is considered to make a small contribution through setting to the significance of the hillfort.

6.63. The solar arrays in the (south)western and northern parts of the site are expected to be visible in the mid-ground of north-easterly through to south-easterly panoramic views from the hillfort. The introduction of this modern built form will alter, and erode to some degree, a component of the currently open and rural character of the landscape setting of the hillfort as experienced in those views. This is considered to result in minor harm to the significance of Y Werthyr. The effect of the Development is 'Not Significant'.

6.64. There is no potential for the significance of any other historic assets to be harmed as a result of changes to setting from the Development. This includes all other designated historic assets located within a 5km radius of the Site boundary, as shown on Figure 6.4.

6.65. The lack of any material inter-visibility between these assets and the Site on account of intervening distance and/or topography, the lack of any relevant non-visual association(s) between them and the Site, and the lack of any ‘third points’ from which both would be visible within the same viewshed, negates the potential for the Development within the Site to adversely affect their heritage significance.

6.66. Similarly, the ability to appreciate the significance of those assets would be unaffected by development within the Site of the nature and on the scale proposed for the Development. The key contributing heritage values to the significance of those historic assets, the ability to appreciate their significance, and the key views towards, from and including them, would be preserved. As such, the Development would cause no harm to the significance of these assets.

6.67. For purposes of this assessment, the indirect effect of the Development upon the heritage significance of all other historic assets identified as potentially susceptible to indirect harm would be considered 'Not Significant'. Archaeological monitoring would be undertaken for the installation of grid connection cabling within the public highway from the Site to the Wylfa National Grid Substation.

6.68. Overall, the proposed development is not considered to alter the setting of any of these assets. It would therefore not be contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 and to the 'desirability of preserving an ancient monument and its setting' and the 'desirability of preserving the building, or its setting' of Planning Policy Wales; and criteria 6 of Policy 18 of Future Wales.

Criteria 7 - There are no unacceptable adverse impacts by way of shadow flicker, noise, reflected light, air quality or electromagnetic disturbance

6.69. Criteria 7 sets out the development management considerations for both wind and ground mounted solar. Shadow and flicker are constraint pertinent only to wind turbines and are therefore not relevant in relation to the proposed development.

6.70. Noise and vibration are considered through chapter 12 of the Environmental Statement. The salient points are discussed below.

6.71. The development has been designed, such that all noise generating plant is optimally located and distributed throughout the Site, such that acoustic effects at sensitive receptors are minimised. This approach, coupled to the use of candidate plant specifications, to be adopted as design targets effectively designs out the operational noise effects of the development.

6.72. The construction techniques to be used for the development have been specifically selected, such that the noise and vibration effects at all sensitive receptors are appropriately managed and minimised. Predicted noise levels have been based on a worst-case scenario, where the noisiest item of construction plant is located at the closest point of the proposed construction works to the sensitive off-site receptors. The predictions assume no screening between the source and receiver, so represent a worst-case scenario.

6.73. The results of the noise predictions are presented in Table below.

Receptor	Predicted LAeq,T - dB		
	Site Preparation	Foundations	Structure
Nantanog	50	45	44
Chwaen Goch	54	49	48
Maen Hir	46	41	40
Wilpol	45	40	39

Ty Newydd Penbryn	49	44	43
Pen Lidiard	51	46	45
Traian	58	53	52
Chwaen Bach	55	50	49
Parc Newydd	48	43	42
Ffridd	54	49	48
Pennant	54	49	48
Cefn Gribyn	57	52	51
Plas Carmel	52	47	46
Tan Rallt	54	49	48
Rhiw Goch Fawr	52	47	46
Ty Newydd	62	57	56
Glan y Gors	56	51	50
Brynsannan	41	36	35
Caerwrli	42	37	36

6.74. The predictions presented in the table above identify that noise levels are not predicted to exceed the adopted 65 dB(A) limit when works are undertaken at the closest point of the works to the closest off-site sensitive receptor, equating to a temporary effect of negligible to minor adverse significance which is not significant. Consequently, mitigation measures are not considered necessary.

6.75. Turning to the operational phase, the Environmental Statement asserts that the development is expected to have a negligible effect on the amenity of the nearest residential receptors and no mitigation measures are considered necessary. However, a range of measures have been set out within the Outline CEMP, which will ensure that all construction noise and vibration effects will be kept to an absolute minimum.

6.76. The tables below shows the predicted specific sound levels at the nearest residential receptors. The results demonstrate that the operation of the development would occur without affecting the amenity of the nearest residential receptors. The rating sound level, as calculated from the predicted specific sound level, has been assessed in accordance with BS4142:2014+A1:2019, at all residential noise sensitive receptors.

Table: Daytime BS4142 Assessment Summary			
Receptor	**Rating Sound Level - dB**	**Daytime Background Sound Level – dB(A)**	**Excess of Rating over Daytime Background Sound Level - dB**
Nantanog	21	29	-8
Chwaen Goch	18	29	-11
Maen Hir	7	29	-22
Wilpol	10	29	-19
Ty Newydd Penbryn	12	29	-17
Pen Lidiard	17	29	-12
Traian	10	28	-18
Chwaen Bach	16	26	-10
Parc Newydd	13	26	-13
Ffridd	15	26	-11
Pennant	17	26	-9
Cefn Gribyn	16	26	-10
Plas Carmel	14	26	-12
Tan Rallt	15	26	-11
Rhiw Goch Fawr	15	26	-11
Ty Newydd	16	23	-7
Glan y Gors	17	23	-6
Brynsannan	15	23	-8
Caerwrli	14	23	-9

Table: Night-time BS4142 Assessment Summary			
Receptor	**Rating Sound Level - dB**	**Night-time Background Sound Level – dB(A)**	**Excess of Rating over Night-time Background Sound Level - dB**
Nantanog	21	21	0
Chwaen Goch	18	21	-3
Maen Hir	7	21	-14

Wilpol	10	21	-11
Ty Newydd Penbryn	12	21	-9
Pen Lidiard	17	21	-4
Traian	10	25	-15
Chwaen Bach	16	20	-4
Parc Newydd	13	20	-7
Ffridd	15	20	-5
Pennant	17	20	-3
Cefn Gribyn	16	20	-4
Plas Carmel	14	20	-6
Tan Rallt	15	20	-5
Rhiw Goch Fawr	21	20	-5
Ty Newydd	18	20	-4
Glan y Gors	7	20	-3
Brynsannan	10	20	-5
Caerwrli	12	20	-6

6.77. Overall, the scheme has been designed, such that all noise generating plant is optimally distributed throughout the site, such that acoustic effects at sensitive receptors are minimised. This approach coupled to the use of candidate plant specifications, to be adopted as design targets effectively designs out the operational noise effects of the proposal. Consequently, the whole ethos of the scheme has been derived in order for it to give rise to a minimal level of acoustic effect at all sensitive noise receptors, both during construction and operation. It is considered that there are no noise-related issues associated with the proposed development which would prevent the granting of full planning permission. No mitigation measures are considered necessary on this basis. However, a range of measures have been set out within the Outline CEMP, which will ensure that all construction noise and vibration effects will be kept to an absolute minimum.

6.78. In terms of reflected light a 'Glint and Glare Assessment' has been undertaken to assess the potential impacts. The study assesses the potential effects arising from the development on surrounding receptors including road users, aviation and residents.

6.79. There are low impacts predicted 1 receptor in relation to road users once mitigation is implemented. There will be none for all other 57 road users receptors. The study concludes that there are no impacts on road users.

6.80. In relation to aviation, no impact were found at all on the runways or air traffic control towers of RAF Valley and RAF Mona. Therefore, impacts on aviation receptors are none.

6.81. The 'Glint and Glare' assessment assessed 49 residential receptors that solar reflections are possible. Low impacts are expected at 4 residential receptors, with all others being none. The study concluded that there are low impacts on residential receptors.

6.82. Overall, the study found that there were no impacts on aviation and road users, and only low impacts on residential receptors. Therefore there are no significant adverse impacts on road users, aviation and residential receptors resulting from the proposal.

6.83. Turning to air quality considerations, the application site is not located near any Air Quality Management Area as per Wales Airborne Pollution Map. The construction impacts associated with the proposed development would likely generate a small magnitude of dust and PM10. Impacts from dust emissions during the construction phase would be not significant, which is supported by the low levels of annual mean emissions. It is considered that despite there not being a defined risk present, it is still advisable that a number of good practice measures are implemented, such as considerate traffic speed and observing minimal dust dispersion where at all possible during construction and transport activities and these can be incorporated in a final Construction Environmental Management Plan.

6.84. Maintenance vehicles are only expected to visit the application site periodically. Therefore, it is unlikely that the number of vehicle movements during the operational phase will exceed those of the construction phase. As a result, operational phase impacts associated with road traffic emissions are deemed to be not significant. The Outline Construction Environmental Management Plan, details appropriate housekeeping and mitigation measures that would be followed at the construction and operational stages to minimise any adverse impact on air quality.

6.85. There are no designated ecological sites within relevant screening distances of the Development and therefore it is not necessary to consider the impact of construction dust. Impacts from dust emissions during the construction phase would be not significant, which is supported by the low levels of annual mean emissions. It is considered that despite there not being a defined risk present, it is still advisable that a number of good practice measures are implemented, such as the spraying of areas with water supplied as and when conditions dictate to prevent the spread of dust.

6.86. Maintenance vehicles are only expected to visit the application site periodically. Therefore, it is unlikely that the number of vehicle movements during the operational phase will exceed those of the construction phase. As a result, operational phase impacts associated with road traffic emissions are deemed to be not significant. Air quality is considered in detail through chapter 11 of the Environmental Statement. As specified in the EIA Scoping Direction, the scope of the chapter is limited to the impacts of the Development's construction vehicle emissions on designated ecological sites.

6.87. With regards to electromagnetic disturbance, all equipment that generates, distributes or uses electricity produces electric and magnetic fields (EMFs). The technical specifications of the proposed substation accompanying the application identifies how the proposed development complies with EMF exposure guidelines. The main potential source of interference is the substation. Solar panels and underground cables do not in general produce any significant radio-frequency emissions. The substation would operate in accordance with the management practices of the DNO, when operating under a full load, the field levels located at the boundary of the compound would be significantly less than the EC Council Recommendation 1999 (EC 1999) Reference Levels which form the UK Guidance

for electromagnetic field limits. Therefore, it is expected that the electromagnetic fields produced by the proposed development would not present a hazard to members of the public in accessible areas outside of the site boundary and along the public footpath.

6.88. For the reasons set out above it is considered that the proposed development duly accords with the requirements of criteria 7 of Policy 18 Future Wales.

Criteria 8 - There are no unacceptable impacts on the operations of defence facilities and operations (including aviation and radar) or the Mid Wales Low Flying Tactical Training Area (TTA-7T)

6.89. As with shadow flicker, aviation and radar considerations are only pertinent to wind farms and as such are not relevant to this proposal. There are no identified defence facilities or operations within the vicinity of the site, and the scheme will not result in unacceptable impacts on the Mid Wales Low Flying Tactical Training Area (TTA 7T). Accordingly, there is no conflict with regard to criteria 8 of Policy 18 Future Wales.

Criteria 9 - There are no unacceptable adverse impacts on the transport network through the transportation of components or source fuels during its construction and/or ongoing operation

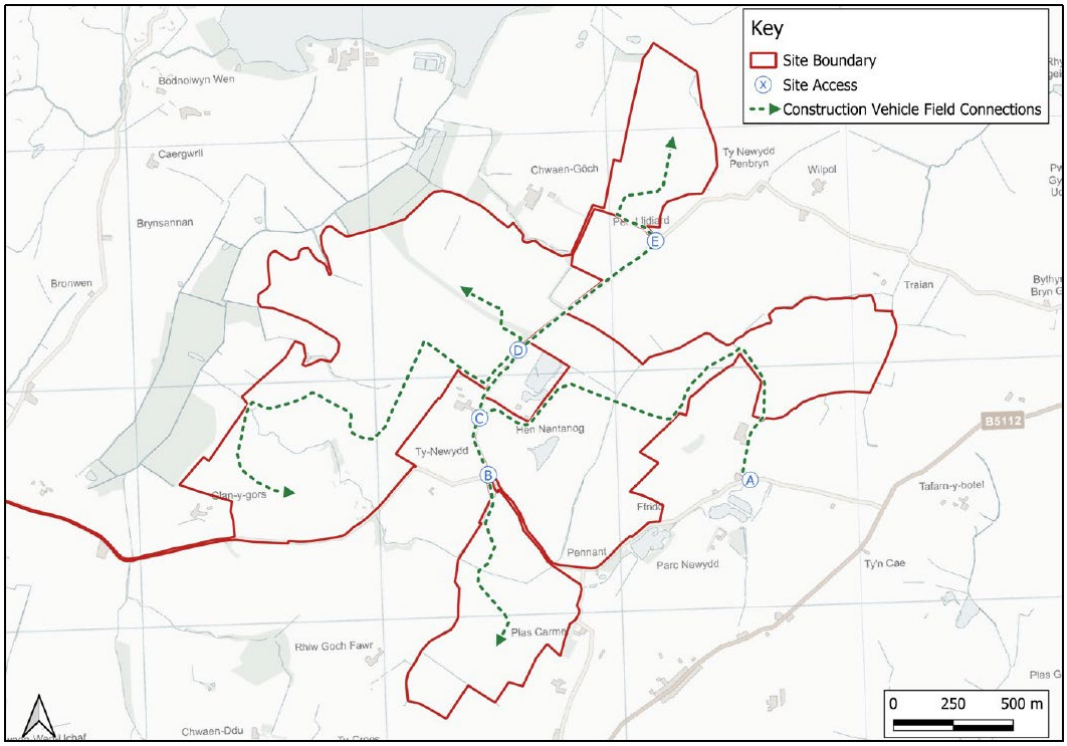
6.90. Chapter 10 of the Environmental Statement considers transport and access and is supported by the additions of a Transport Statement and Outline Construction Traffic Management Plan. These are presented at appendices 10.1 and 10.2 of the Environmental Statement.

6.91. The salient points of the report are set out below.

6.92. The proposed construction and operation traffic route to the site comprises the following links: A55 (North Wales Expressway, B5112 and site access approach on an unnamed road between the B5112 and the site compound access. The A55 is the main road in North Wales, connecting Chester with Holyhead. Most of the road is a dual carriageway. The B5112 connects the A55 with the site. The B5112 is rural in nature, but for the majority of its length is wide enough for vehicles to pass.

6.93. The site access approach is a narrow road and rural in nature. This road has a low baseline traffic flow, which includes agricultural vehicles.

6.94. All vehicles will access the Site via Access A (see illustration below), which is the closest access point to the B5112. An internal access track will be constructed to connect to other land parcels that make up the site. Due to topography and ecological constraints, not all land parcels can be reached directly from Access A and the northern section of the unclassified road will need to be used. However, the access strategy does remove the need for construction vehicles to use the narrowest section of the unclassified road, around the bend.



6.95. In total, there will be five accesses; -

- Access A – Existing access to be used by all construction vehicles;
- Access B – Existing access to south western parcel of land;
- Access C – Access from main parcel of land to unnamed road;
- Access D – Access from unnamed road to north-western parcel of land;
- Access E – Access from unnamed road to north-eastern parcel of land.

6.96. During the construction phase, banksmen will be deployed at each access whenever construction vehicles are accessing or egressing the Site. This will ensure the safe movement of construction vehicles in and out of the site.

6.97. The location of where staff will travel from is unknown at this stage, as this will depend on the appointed contractor. However, it is envisaged that a number of the non-local workforce will stay at local accommodation and be transported to the Site by minibuses to minimise the impact on the strategic and local highway network. In addition, a Construction Worker Travel Plan will form part of the CTMP. This will aim to encourage workers to travel to the Site as sustainably as possible (e.g. minibus, car share etc). As a robust judgement, it is assumed that there could be 50 vehicle arrivals and 50 vehicle departures associated with construction workers per day by car/LGV (100 two-way trips). Transport impacts during construction will be mitigated via final Construction Traffic Management Plan which submitted to IACC prior to the start of construction. The final CTMP will follow and build upon the measures set out in the Outline CEMP. It is envisaged that most construction workers will be transported to site via minibuses which will reduce private car use to and

from the site, contributing to sustainable transport. During the operational phase of the development access to the site will be limited to maintenance and will not impact the highway network.

6.98. For the reasons summarised above, the proposed development will not have any unacceptable adverse impacts on the transport network and, therefore, duly accords with the requirements of criteria 9 of Policy 18.

6.99. The grid connection element of the construction phase will involve the installation of a cable into a trench in the highway as the cable route predominantly forms the public highway to the point of connection at Wylfa. There may be some localised delay to drivers whilst this occurs. All appropriate licences will be obtained, including a Section 50 licence. Through this process, any required traffic management will be agreed with IACC.

6.100. Once operational, the development would generate very few vehicle movements and have no material effect on the local transport network. It is anticipated a maintenance vehicle, likely a transit van or similar, will visit the site approximately twice per month. Whilst the contractor's compound will have been removed, space will remain within the site and on the access tracks for a vehicle to turn around to ensure that reversing will not occur onto the highway.

6.101. Overall it is considered that the application proposal is acceptable from a transport perspective. In accordance with Future Wales Policy 18 criteria 9, there are no unacceptable adverse impacts on the transport network through the transportation of components or source fuels during its construction and/or ongoing operation.

Criteria 10 - the proposal includes consideration of the materials needed or generated by the development to ensure the sustainable use and management of resources

6.102. The outline Construction Environmental Management Plan details the appropriate pollution protection techniques that will be adopted by the appointed contractor team. The purpose of the document is to demonstrate the measures that could be used during the build out phase to adequately protect the environmental resources including potential impact upon human receptors. The detailed CEMP will be submitted for approval subject to whether the scheme is granted permission.

Criteria 11 - There are acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration

6.103. Following a 40 year generation period, the development will enter into a decommissioning stage and this can be secured by a suitably worded planning condition.

6.104. The applicant will either be insured or enter into a bond to guarantee that the scheme is decommissioned at the end of its operational lifespan. The applicant has therefore made acceptable provisions for the decommissioning of the scheme.

6.105. Depending on the ecological value of the habitats that develop over the lifespan of the scheme, it is possible that certain areas of the site may need to be retained due to their value for wildlife on decommissioning. It cannot reasonably be foreseen what legislative protection will be afforded to particular wildlife species at the end of the scheme's lifespan. Further surveys for protected species which could be impacted by decommissioning would also be

expected. No less than 12 months before the 40th anniversary of the first export date, a decommissioning and site restoration scheme would be submitted to the relevant planning authority for approval. The decommissioning strategy would detail how plant and equipment located within the application site would be removed.

6.106. Overall, the Alaw Mon Solar Farm duly accords with the 11 principles set out in Policy 18 of Future Wales and when weighed against the benefits, the proposal favour approval.

Sustainable Development

6.107. Welsh Government's main outcomes for the planning system reflect their vision of sustainable development which means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals. Overall, this means meeting the needs of the present without compromising the ability of future generations to meet their own needs. The provision of renewable energy plays an important part within Welsh Government priorities towards reducing carbon emissions, as part of decarbonisation, whilst enhancing the economic, social and environmental well-being of the people and communities of Wales.

6.108. Solar projects create opportunities for local businesses through the supply chain, including aggregates suppliers, security and monitoring during operation, farming and landscaping contractors and other aspects of the construction process, such as fencing. Construction workers may also use local services, which can bring further benefits to an area. Based on information provided by the Applicant, the average number of construction workers on-site is expected to be around 100. The construction period is estimated to be 12-months.

6.109. The direct jobs on-site will support further employment via the "multiplier effect", which measures further economic activity (jobs, expenditure or income) associated with additional local income and local supplier purchases. Research published in 2014 by the Centre for Economic & Business Research (CEBR) on solar powered growth in the UK[10] gives an employment multiplier for large-scale solar PV investments of 2.33 – i.e. for every single job supported on-site, 1.33 indirect/induced jobs are supported in the wider economy. Applying this multiplier to the average of 100 on-site jobs, the Proposed Development could support up to 133 additional temporary jobs in the wider economy during the 12-month build phase.

6.110. In total, the Proposed Development could support up to 233 temporary jobs, both direct jobs on-site and indirect/induced roles in the wider economy, during peak times of the 12-month construction period. A similar number of jobs are expected to be supported as part of the decommissioning process after 40 years when the solar project comes to the end of its lifespan.

6.111. The contribution of the site to economic output has been calculated by taking the average of 100 on-site jobs associated with the Proposed Development and multiplying this by an estimate of average levels of gross value added (GVA) per construction employee in Wales. Based on data sourced from ONS for 2021, GVA per construction employee in Wales is around £68,817 per annum.

[10] *Solar powered growth in the UK – the macroeconomic benefits for the UK of investment in solar PV*: CEBR (report for the Solar Trade Association), September 2014.

6.112. The 133 indirect/induced jobs have been multiplied by the average GVA per job for all sectors in England & Wales (reflecting the fact that not all indirect/induced jobs will be in Wales). Based on 2021 ONS data, annual GVA per job is approximately £63,670.

6.113. Based on the figures above, it is estimated that during the 12-month construction of the Proposed Development, the GVA associated with the 233 temporary jobs supported on-site and in the wider economy could be in the region of £15.1million.

6.114. Research published by the CITB in April 2019[11] shows that nearly all construction workers in Wales live in Wales (98%). Due to the specialist nature of some parts of the Proposed Development, it is unlikely that a similar proportion of on-site workers will be living in Wales. The same CITB research also indicates that around 30% of a construction worker's career is mostly spent in Wales. Taking into account the specialist nature of some parts of the Proposed Development, it is felt that a figure of 30% of jobs is more realistic when considering the proportion of on-site build phase jobs that could be taken by local people or those living in the wider area.

6.115. Assuming therefore that at least 30% of the jobs are taken by local people during the build phase, the remaining 70% will be taken by people outside of the local area. These workers are likely to stay in the local area during construction and will spend money on accommodation and food and drink. It is therefore possible to estimate how much the construction workers could spend in the local area, thus supporting local businesses.

6.116. The build phase is expected to last 12 months and 70 jobs supported on-site could be taken by workers from outside of IACC (70% of the overall average of 100 on-site jobs). Workers from outside the area will be staying in hotels, B&B's etc. during the build phase. They will also be spending money in shops, other amenities, etc. The analysis below gives a high-level estimate of what this level of spend could equate to.

6.117. For month one it is assumed 40 workers will be on-site, for month two there will be 50 workers on-site, for month three there will be 60 workers on-site and for months four to seven there will be 70 workers on-site. For months eight and nine this will go back down to 60, for months ten and 11 there will be 50 workers on-site and for month 12 there will be 40 workers on-site. Assuming each worker spends around £75 per day on accommodation[12], food and drink etc. and there are 21.75 working days in a month, it is estimated that during the 12-month construction phase, the construction employees from outside the local area could spend around £1.1million in local businesses. This will help support the 725 accommodation, food & drink and retail businesses[13] that operate within IACC.

6.118. Social gain would be provided through the generation of local electricity that will be connected directly to the local grid; the proposal would reduce reliance upon overseas energy sources. The energy production would help to meet the national and local need for energy and therefore the development would fulfil an important social role. Furthermore, as part of the community benefits associated with the application proposal, the Applicant is proposing a legacy community benefit fund, that would be paid annually for the lifetime of the development.

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[11] *Workforce Mobility and Skills in the UK Construction Sector 2018/19. – Wales Report*. CITB, April 2019.
[12] Assumes up to £50 per day on accommodation and up to £25 per day on food & drink, other items etc.
[13] Based on data for 2023 from the UK Business Count, published by ONS.

6.119. Turning to environmental gains these would be secured through carbon reduction and local biodiversity enhancements. As stated throughout in this Statement, the land between and beneath the panels would be used for biodiversity enhancements and seasonal sheep grazing. Tree planting would be introduced to bolster screening. The proposed solar farm presents considerable opportunity to deliver landscape and biodiversity enhancement measures.

6.120. The proposed development would therefore deliver on the environmental arm of sustainable development.

6.121. With regards to need, Planning Policy Wales identifies how, in all cases, considerable weight should be attached to the need to produce more energy from renewable and low carbon sources in order for Wales to meet its carbon and renewable targets. The Welsh Government target includes the need to generate 70% of its electricity consumption from renewable energy by 2030 it has a legally binding target to reduce greenhouse gas emissions by at least 80% by 2050 but it also announced in June 2019 to reach net-zero greenhouse gas emissions by 2050, in response to recommendations by the Committee on Climate Change. The Energy Generation in Wales 2018 report identifies how, of all electricity generated in Wales, 25% is from renewable sources, up from 22% in 2017. In terms of its own electrical consumption target of 70% by 2030, Wales reached the milestone of 50% electrical consumption being generated by renewable energy by 2018.

6.122. In terms of progress towards the 70% target, the Energy Generating in Wales 2018 report states how renewable energy installation rates have significantly cut as a result of reductions in government subsidies *and "There remain significant challenges to meeting the 70% target by 2030, notably the lack of available price support for renewable generation, as well as network constraints and network unavailability in some areas restricting the ability for new projects to connect"*.

6.123. In terms of BMVAL, in the decision report for DNS/3217391 the inspectorate concluded that 'it should only be developed if there is an overriding need for the proposed development and other previously developed land or land of a lower agricultural quality is not available.'

6.124. The development will provide 160MW of electricity, enough to power 33,900 homes per year. This, in addition to Policy 17 of Future Wales, which instructs the determining of planning applications for renewable energy development to give significant weight to the need to meet Wales' international commitments and the target to generate 70% of consumed electricity by renewable means by 2030. In this light, there is undoubtedly an overriding need for the proposed development.

6.125. In terms of the availability of other land; Anglesey is in a favourable position for solar irradiation. The site area receives typically 2.9KWh of solar energy per day, and is only beaten by a small area of western Anglesey, the Llyn Peninsula, and western fringes of Pembrokeshire and areas on the most Southern parts of England. Also proposals must be located near to National Grid sites capable of connecting to the development. Data from Scottish Power suggests limited capacity is available in north Anglesey, which is where the development will be connected to the Wylfa Substation.

6.126. At a local level, Anglesey Council have also declared a climate change emergency and are seeking to become a carbon zero authority by 2030. The Government places significant emphasis on securing increased investment across the energy systems whilst minimising, as much as possible, the public costs for securing such investments and makes multiple

references to how they are seeking the delivery of solar without subsidy. The application proposal would contribute towards this requirement and as set out above there is a clear need for the development.

6.127. The United Kingdom has withdrawn from the European Union Internal Energy Market (IEM). The IEM allows harmonised, tariff-free trading of gas and electricity across Europe (through interconnectors), leading to lower prices and greater security of supply. As wholesale gas and electricity prices in the UK are generally higher than elsewhere in Europe, interconnection has caused a reduction in wholesale prices, and hence consumer prices in the UK. Leaving the IEM has the potential to impact the trade of energy through interconnectors. The Government's Briefing Paper on Energy, Climate Change and Brexit identifies how one potential impact of leaving the IEM is an increase in the cost of energy imports and this in turn would be passed on to UK's householders and businesses. In terms of energy security, it notes how the interest of the United Kingdom should be to increase the flexibility and resilience of the grid, especially with increasing intermittent renewables. The development proposal would contribute towards the objectives set out in the briefing note.

6.128. Reflecting on the above, the social, economic, cultural and environmental issues are balanced and integrated for this proposal and as such in applying the legislative requirements of presumption in favour of sustainable development, it is clear that the need for the application proposal has been clearly justified and should be approved without delay. The scheme also accords with the Strategic Policy PS 5 'sustainable development' of the JLDP.

Best and Most Versatile Land and Overriding Need for Development

6.129. Planning Policy Wales at paragraph 3.59 states *"Land in grades 1, 2 and 3a **should** only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations"*.

6.130. References is also made to paragraph 1.9 of PPW which provides the following definitions

- Where 'must' is used in the document it reflects a legislative requirement or indicates where action is needed now to make changes in practice over the long term to achieve strategic outcomes.
- Where 'should' is used it reflects Welsh Government expectations of an efficient and effective planning system.

6.131. It is noted that the renewable energy targets are legally binding. For best and most versatile land, there is an expectation that overriding need to use such land is demonstrated.

6.132. In regard to the issues surrounding the use of BMVAL (best and most versatile agricultural land) a DNS application for a solar farm at Llanfihangel-yn-Nhywyn (**Appendix 3 and 4**) was approved with conditions under reference DNS/3217391. Due to the proximity of both applications the conclusions made by the Inspectorate are pertinent to Alaw Mon Solar Farm. Much of the objections to that development came from issues relating to the perceived 'loss' of BMVAL. The Inspectorate concludes that "PPW requires that BMV land should be conserved as a finite resource and that considerable weight should be given to protecting it from development". In this case the Inspectorate concluded that the development was in line

with PPW as there is an overriding need for renewable energy and no previously developed land or land of lower grade was available.

6.133. There is more at play here, the Energy Generation in Wales Report 2022, identified how approximately 27% of all Welsh electricity generation came from renewables in 2022. This is down from 33% in 2020 due to significant increase in generation from non-renewable sources. It is clear that Wales is heading in the wrong direction in terms of its energy mix and its reliance on non-renewable sources. Accordingly, a step change is required to achieve the projected 100% of renewables by 2035. This, itself, clearly demonstrates the overriding need for development. This application proposal will make a significant contribution towards this target.

6.134. Key paragraphs from the Inspector's examination Report are set out below:-

- [At IR 297] *In my view, the crux of the BMV land consideration in this case is the PPW policy requirement to* conserve *such land as a finite resource; it should only be developed if there is an overriding need for the proposed development and other previously developed land or land of a lower agricultural quality is not available.*

- [At IR298] *There are additional considerations, however, which have a bearing on that central judgement. The most significant of these is the amount and current useability of the BMV land. A second* important *matter is whether BMV would be conserved by retaining or restoring its high quality during the construction, operational and decommissioning periods. A final contribution to the BMV land decision is the question of whether the loss of the land's agricultural potential during the scheme's lifetime would amount to a failure to conserve BMV land.*

- [At 303] *"In order to combat the climate emergency, Policy 17 of Future Wales instructs decision-makers determining planning applications for renewable energy development to give significant weight to the need to meet Wales' international commitments and the target to generate 70% of consumed electricity by renewable means by 2030. In this light, there is undoubtedly an overriding need for the proposed development."*

- [At 309] *The applicant's AIAL, indicates that about 46% of the total site area is land of Grade 2 and 3a quality. PPW requires such land to be conserved as a finite resource for the future; considerable weight should be given to protecting this land from development because of its special importance. In this case, however, it has been demonstrated firstly, that there is an overriding need for the development, and, secondly, that neither previously developed land nor land in lower agricultural grades is available. In that light, the proposed development would comply with PPW, which provides the substantive policy on safeguarding BMV agricultural land. Consequently, it would also be consistent with the clarification set out in the letter from the Minister for Climate Change.*

6.135. On the issue of retention and restoration the Inspector notes:

- [At 319] *The amount and quality of the agricultural land on the site, including the BMV, would not be changed by differing management or cultivation practices, or by it not being cultivated, or by it being neglected. It can, however, be harmed by being compressed, particularly during wet conditions, or by being extensively disturbed. The*

applicant has explained in its evidence the management measures which would be employed to avoid such consequences. These would include: timing the works to avoid vehicles moving repeatedly over wet land; separating top and subsoils when laying cables and returning them to the trenches in the correct order; stripping off topsoil for the platforms of the fixed buildings and keeping it in a low bund nearby to be used for restoration work.

- [At 320]. *If the proposed development gains planning permission, that permission will be subject to a condition requiring a detailed CEMP being submitted by the developer and approved by the local planning authority. The CEMP would provide details on a number of important matters including the construction schedule and implementation timescale.*

- [At 321] *Other conditions would put soil management plans and a decommissioning framework plan in place before any development began on site. These would provide details of measures to be implemented during the construction, operation and decommissioning of the site in order to protect the agricultural quality of the soil. In addition, they would detail the works to be undertaken in order to return the site to its original agricultural condition, including the method for removing the solar panels, structures, enclosures, equipment and, as appropriate, all other apparatus above and below ground level.*

- At paragraph 327, the Inspector sums up her assessment and concludes that *"I have found that the BMV value would be retained and/or restored during construction, operation and when the proposal was decommissioned subject to the recommended conditions"*.

APPENDIX 3: PARC SOLAR TRAFFWLL DECISION

APPENDIX 4: INSPECTORS REPORT PARC SOLAR TRAFFWLL

6.136. BMVAL is also discussed within the Inspector's report for the approved DNS at Penpergwm Solar Farm, Monmouthshire (DNS ref 3252305), a 32MW scheme (**Appendix 5 and 6**). The Inspector concluded that the important contribution that the proposed development would make towards meeting renewable energy targets, including those which are legally binding, is sufficient to constitute an overriding need for the development and the use of BMVAL. The same must therefore apply for Alaw Mon Solar Farm which would make a significant contribution towards Wales' 70% target of electrical consumption form renewables by 2030, which is a relatively short time away. The Inspector also acknowledged that the development was temporary and fully reversable, hence there is no loss of BMVAL. Key paragraphs of the Penpergwm Examination Report are re identified below.

- At IR 279 to 281 and 286, the Inspector identifies how the significant contribution that the proposed development would make to renewable energy targets, including those which are legally binding, constitution an overriding need to locate the development on best and most versatile agricultural land.

- At IR 271 to 272, the Inspector noted how he was *satisfied that the construction and decommissioning details and practices necessary to minimise the risk of significant damage to soils, and possible permanent loss of BMVAL, could be delivered and secured by means of suitable conditions.* The Inspector went on to state *"There is no suggestion that significant harm to soils would be caused during the operational phase*

of the solar farm. During that phase activity should largely be limited to grassland management using agricultural machinery and periodic cleaning of the solar panels using a tractor with a washing facility".

- On the issue of cumulative developments, AT IR 348, the Inspector acknowledges that "It has been suggested that, if approved, the proposed development could set a precedent that would justify further solar developments in the area. However, each application must be determined on its own merits. Moreover, any cumulative effects would form part of the assessment and determination of any future proposals. Therefore, I give that concern limited weight."

APPENDIX 5: WELSH MINISTER DECISION LETTER – PENPERGWM

APPENDIX 6: INSPECTORS REPORT - PENPERGWM

Welsh Language

6.138. The application submission is supported by a Welsh Language Impact Statement. The Technical Advice Note 20 planning and the Welsh Language (published in October 2017) identifies how *"The Welsh Government is committed to a plan-led system where decisions on planning applications and appeals are made in accordance with an adopted development plan, unless outweighed by other material considerations. Planning decisions should be concerned with the use of land rather than the identity or personal characteristics of the user". It goes on to state how "In determining individual planning applications and appeals, considerations relating to the use of the Welsh language may be taken into account so far as they are material. Section 70(2) TCPA does not give any additional weight to the Welsh language above any other material consideration and decisions on all applications for planning permission must be based on planning grounds only and be reasonable. Planning applications should not routinely be subject to Welsh language impact assessment, as this would duplicate the SA and LDP site selection processes. Provided that the SA has given due consideration to the Welsh Language, an impact assessment at application stage would not be based on any further information than that which has been presented during the plan preparation stage [..]"*

6.139. New development can influence population movement in an area. It may have positive effects through stabilising populations or promoting growth through in-migration. However, significant levels of migration, in or out, can have an adverse effect on the social balance of an area and, as a result, influence key characteristics of a community such as the use of Welsh language. With regards to development management considerations, TAN 20 sets out how the need for a Welsh language impact assessment would be limited to residential schemes (ten or more units) or commercial employment sites which generate new populations. Neither threshold apply to this development proposal which relates to ground mounted solar arrays. Furthermore, as the development would not be permanently manned during its operational phase. The development will provide 12 FTE jobs as set out in the Economics report, but it would not create any new permanent population to the local area which would require consideration by way of a Welsh language impacts assessment.

6.140. There is no evidence to indicate that the scheme will prevent opportunities for local people to stay in their communities. As stated elsewhere in this statement, the application site is shared across four operational farms, all which benefit from farm diversification as a result of the scheme. There are not considered to be any negative impacts on the four operational farms, furthermore there are not considered to be any negative impacts on existing communities.

6.141. As a result the scheme would not generate impacts resulting in the community migrating away with the development in place. Furthermore, it Is not expected that the scheme will lead to the change in any demographics (age groups) of the community.

6.142. In line with the Planning (Wales) Act 2015, which requires, amongst other things, the consideration of the Welsh language at every level of the planning system, the applicant has adopted specific steps during the planning application process; these have included:

- Consultation materials in English and Welsh
- Allowing community the opportunity to communicate directly in Welsh, by email or telephone, directly to a key member of the main project team without the need for any translation service.

6.143. These bilingual provisions will continue through to the statutory consultation process. These include the website, and key materials such as the Notices, consultation letters and the environmental Statement Non-Technical Summary.

6.144. The development proposal itself would contribute to the local community by way of a legacy community benefit fund.

6.145. In addition, to reflect paragraph 4.1.2 of TAN 20, the applicant has given the development a Welsh name that is linked to the locality, namely Alaw Mon Solar Farm. As with the site notices that were erected for consultation, all signage (including construction traffic signage) in the public domain will continue to be bilingual.

6.146. Reference is also made to the approved DNS scheme at Land to the west and south-east of Llanfihangel yn Nhowyn and to the south and south-east of Brygwran, (**Appendix 3 and 4**), the salient point of the Inspector's Report are set out below:-

- With regards to the Welsh language and culture, at IR 397, the Inspector noted how she was .." *aware of the rich history of the area and its strong presence in literature. The proposed development would largely be constructed on top of or within the existing landscape. The intrinsic character of the land would remain clearly identifiable in such elements as the field pattern, the routes through it, the buildings and archaeological features, the landscape features and topography, and placenames. To my mind, therefore, the proposed development would not undermine or sever the historic, literary or cultural associations with the landscape."*

7. PLANNING BALANCE

7.1. In terms of establishing a planning balance, this section of the statement examines the various material considerations to assist in determining the acceptability of the proposed development.

7.2. It is clear that delivering renewable energy is one of the Welsh Government's top national priorities for the next 20 years. The Future Wales set a clear direction of how Wales should be investing in infrastructure and development for the greater good of Wales and its people, the provision of renewable energy is firmly embedded to this future direction. Future Wales correctly picks up on the regulations set out in the Senedd on 9 February 2021 which formally commits Wales, for the first time, to legally binding targets to deliver the goal of net-zero emissions.

7.3. Paragraph 5.9.15 of PPW makes the important recognition that (inter alia) ***"The local need for a particular scheme is not a material consideration, as energy generation is of national significance and there is a recognised need to optimise renewable and low carbon energy generation".*** Future Wales and PPW identifies how significant weight should be given to renewable energy development.

7.4. Acknowledgement must be given to the pace of the legislative and policy evolution pertaining to the energy sector and the 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. In particular, Policy 17 of Future Wales 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 initial step towards net zero which is to generate 70% of consumed electricity by renewable means by 2030 and 100% by 2035.

7.5. Turning to the regional approach, Future Wales locates the application site within the northwest catchment area. The published document, at page 118, sets out how the provision of renewable energy is vital for the northwest to play its role in decarbonising. It states (inter alia) It is vital the region plays its role in decarbonising society and supports the realisation of renewable energy.

7.6. Policies 17 and 18 set out Future Wales' approach to renewable energy generation across Wales. There is strong potential for wind, marine and solar energy generation and Strategic and Local Development Plans should provide a framework for generation and associated infrastructure. The Welsh Government wishes to see energy generation, storage and management play a role in supporting the regional economy in the North. Local ownership and distribution is important for ensuring communities in proximity to renewable energy development benefit from it and that our future energy system better serves Wales.".

7.7. The North Wales Energy Strategy states the need for increases in the deployment of ground mounted solar PV[14].

7.8. In addition to the renewable energy provision, the proposed development will also deliver battery storage. There is also overwhelming need and government support for battery energy

[14] North Wales Energy Strategy, Version 2 October 2021, Page 20

storage development as part of the UK Energy Strategy and to facilitate the decarbonisation of the Energy Sector. The battery provision, together with the local energy security benefits associated with grid balancing services, contributes towards the very special circumstances for this development. Page 50 of the North Wales Energy Strategy also acknowledges how *"Further deployment of electricity storage, alongside flexibility such as demand side response provision or the creation of local energy markets, could support the decarbonisation of energy generation in North Wales by enabling more renewables to connect to the network in constrained areas and supporting the business case for investing in renewables"*.

7.9. It is worth highlighting that the applicant does not consider that the proposals would result in significant effects simply by virtue of the development being visible from any particular location.

7.10. At paragraph 1.2, the PPW identifies how its primary objective is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural being of Wales as required by the Well-being of Future Generation (Wales) Act 2015. There is no dispute that the development would increase the installed renewable energy capacity, contributing to meeting local and national, renewable energy targets, reducing reliance on energy generated from fossil fuels and actively facilitating the transition to a low carbon economy. To this end, it would embrace the WBFG Act goals to achieve a globally responsible, prosperous and resilient Wales (this is discussed below). Overall, the applicants say that the application proposal are in accordance with Welsh Government policies in meeting the challenges of climate emergency as set out in the Future Wales and PPW. Accordingly, in this case the Future Wales & PPW favours approval.

7.11. PPW and Future Wales make it clear that achieving decarbonisation and climate-resilience is a key national priority for Wales, and a recognition of a need for Wales to focus on generating the energy it needs to support its communities and industries over the next twenty years. The application proposal would align with and support this approach. However, there is more at play here, there are additional matters which weigh in favour of the proposed development . These are discussed in turn below.

Renewable and low carbon projections

7.12. PPW sets out a need for a precautionary action on the delivery of renewables to prevent Wales being 'locked in' to further fossil fuels extraction and high carbon development. In the context of energy, the precautionary approach manifest itself as a 'factor of safety' (or additional renewable energy capacity) that should be added to the overall provision of renewable energy. As discussed elsewhere in this Statement**,** the Energy Generation in Wales report 2022, identified how approximately 27% of all Welsh electricity generation came from renewables in 2022. This is down from 33% in 2020 due to significant increase in generation from non-renewable sources. It is clear that Wales is heading in the wrong direction in terms of its energy mix and its reliance on non-renewable sources. Accordingly, a step change is required to achieve the projected 100% of renewables by 2035. This demonstrates and constitutes the overriding need for the application proposal and the need to use best and most versatile agriculture land

Well-being and Future Generations (Wales) Act 2015

7.13. Planning Policy Wales identifies how the planning system in Wales should seek to maximise the contribution planning makes to achieve the goals set out in the Well-Being of Future

Generations (Wales) Act. The Well-being of Future Generations (Wales) Act is about improving the social, economic, environmental and cultural well-being of Wales. The Well-being Act has established seven well-being goals which are intended to shape the work of all public bodies in Wales. In order to demonstrate that appropriate consideration has been given to the well-being goals and sustainable development principle in the decision-making process, public bodies are required to have regard to the 'five ways of working' contained in the Well-being Act. These require consideration of: involvement; collaboration; integration; prevention; and long term factors.

7.14. The Wellbeing of Future Generations (Wales) Act requires planning decisions to comply with the 7 well-being goals of the Act. The seven well-being goals are discussed below together with an assessment of how the application proposal contributes towards them.

Well-Being Goals	Applicant's Assessment
A prosperous Wales - An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work	Welsh Government's main outcomes for the planning system reflect their vision of sustainable development which means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals. Overall, this means meeting the needs of the present without compromising the ability of future generations to meet their own needs. The provision of renewable energy plays an important part within Welsh Government priorities towards reducing carbon emissions, as part of decarbonisation, whilst enhancing the economic, social and environmental well-being of the people and communities of Wales. Economic benefits will arise through the provision of temporary jobs during the construction phase at the application site. Based on information provided by the Applicant, the average number of construction workers on-site is expected to be around 100. The construction period is estimated to be 12-months. The direct jobs on-site will support further employment via the "multiplier effect", which measures further economic activity (jobs, expenditure or income) associated with additional local income and local supplier purchases. Research published in 2014 by the Centre for Economic & Business Research (CEBR) on solar powered growth in the UK gives an employment multiplier for large-scale solar PV investments of 2.33 – i.e. for every single job supported on-site,

	1.33 indirect/induced jobs are supported in the wider economy. Applying this multiplier to the average of 100 on-site jobs, the Proposed Development could support up to 133 additional temporary jobs in the wider economy during the 12-month build phase. In total, the Proposed Development could support up to 233 temporary jobs, both direct jobs on-site and indirect/induced roles in the wider economy, during peak times of the 12-month construction period. A similar number of jobs are expected to be supported as part of the decommissioning process after 40 years when the solar project comes to the end of its lifespan. The gross value added (GVA) generated by jobs supported during the construction phase could be up to £15.1million. It is estimated that the Proposed Development will support up to 12 full-time equivalent jobs (FTE) in IACC and the wider economy once it is operational. The GVA associated with the 12 FTEs is estimated to be £0.8million per annum. Business rates generated by the Proposed Development could be in the region of £11.9million over its 40-year lifespan (present value). The scheme would also deliver significant business rates to Isle of Anglesey Council. The scheme would contribute towards farm diversification, this is discussed further below.
A resilient Wales - A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change)	This Statement has highlighted the national legislation, guidance and policy which supports the transition to a low carbon future and the continued roll out of renewable energy infrastructure. PPW states how the benefits of renewable and low carbon energy, as part of the overall commitment to tackle the climate emergency and increase energy security, is of paramount importance and that the planning system should, inter alia, maximise renewable and low carbon energy generation. The application proposal will have a positive impact on climate change over its 40 year lifespan. The application proposal would contribute to limiting the impacts of climate change and thus increasing the social, economic and ecological resilience to the challenge. The accompanying Biodiversity Net

	Gain calculations demonstrate that the application would delivery significant increases in habitats and hedgerow across the main development site.
A healthier Wales - A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.	Again, as discussed elsewhere in this statement, national guidance, policy and objectives are clear in their support towards the transition and delivery of a low carbon future. The continued roll out of renewable energy infrastructure is a critical element to achieve net zero by 2050. Adapting to climate change can drive a more sustainable, greener, cleaner society by bringing people together to create better places, through urban and rural green infrastructure; improved air quality; locally managed nature-based solutions; less wastage of resources; and citizen science and engagement in building community resilience. The Welsh Government has recognised the need to take action to prepare for climate change in publishing Prosperity for all: A Climate conscious Wales in 2019, its five-year plan to adapt to climate change impacts.
A more equal Wales - A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).	The wider benefits of renewable energy include security of energy supply and reduced energy costs for the consumer. Indeed, the proposed scheme would be delivered without any government subsidy support and as such, there is no burden placed on the tax payer to fund the development. In this respect, benefits of the project are to be realised through reduced energy bills and security of supply which will reduce Wales' exposure to the volatility of the wholesale energy markets. These are important factors in addressing fuel poverty, which disproportionately effects low-income households across Wales and contributes to economic inequality. To summarise, social gain would be provided through the generation of local electricity that will be connected directly to the local grid. The proposal would reduce reliance upon overseas energy sources. The energy production would help to meet the national and local need for energy and therefore the development would fulfil an important social role.

A Wales of cohesive communities - Attractive, viable, safe and well-connected communities.	The application proposal delivers decentralised energy generation and would therefore contribute towards energy provision & security at a local level. The application proposal would also assist towards the renewable energy targets as set out in the Anglesey Energy Island Programme and the North Wales Energy Strategy. The application proposal is therefore considered to contribute to the aim of achieving an attractive, viable, safe cohesive communities in these terms.
A Wales of vibrant culture and thriving Welsh language - A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.	The well-being of the language depends upon a wide range of factors including education, demographic change, community activities and a sound economic base to maintain thriving sustainable communities and places. The development would not result in any demographic changes that would put pressure on education or community activities. The development would not impact the current working practices of agricultural units surrounding the development site. The proposed green infrastructure would encourage recreational activity. The proposal would therefore not conflict with goals for the Welsh Language.
A globally responsible Wales - A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being	The scheme would principally and directly address the causes of climate change and the declared climate emergency. The development of the scheme would therefore contribute to meeting Wales' net zero target by 2050 and contribute towards meeting the Welsh Government target of meeting 70% of Wales electricity demands from renewables by 2030. The proposal is therefore in line with the objectives of a globally responsible nation as set out in the Well-being of Future Generations Act 2015.

7.15. Overall, there can be no dispute that the proposed development will increase the installed renewable energy capacity, contributing to meeting local and national renewable energy goals, reducing reliance on energy generated from fossil fuels and actively facilitating the transition to a low carbon economy; this carries significant weight in the determination process. To this end, it would clearly embrace the WBFG Act goals to achieve a globally responsible, prosperous, and resilient Wales and be accordance with Welsh Government policies in meeting the challenges of the climate emergency as set out in Future Wales and PPW.

7.16. Turning to Public Right of Ways, in the case of a DNS ground mounted solar scheme at Llanwern (**Appendix 7 and 8**), the Inspector noted how (inter alia) *"All footpaths and other PROW which pass through the application site would be retained in compliance with Policy. In my opinion, the proposed development would not deter users of these paths, the cycle route, or other access ways in the surrounding area."*

7.17. Overall, it is considered there is no conflict with Policy 18 of Future Wales. If the Inspector reaches a different view, reference is made to the approved DNS solar scheme at Wauntysswg (DNS Ref 3213639) (**Appendix 9 and 10**), whereby the Minister of Housing and Local Government reached the conclusion that *"I consider the significant benefits of the proposal, which is anticipated to generate 30MW of electricity per annum from a renewable source, outweighs any harmful landscape or visual impacts …"* In reaching her conclusions, the Minister was satisfied that the landscape and visual impacts of the development **was temporary and fully reversible**.

7.18. Reference is also made to the approved DNS scheme at Ty Croes (**Appendix 11 and 12**), the salient points of the Inspector's Report are set out below:-

- At Inspector's Report Paragraph ("IR") 270, the Inspector gave substantial weight in the overall planning balance to the benefits delivered by the Ty Croes Scheme, these comprise the production of renewable energy, a reduction in greenhouse gas emissions, assistance in securing a reliability of supply [IR 269]. It would contribute towards WFGA wellbeing goals as it would assist in building a stronger, greener economy. The same must therefore apply to Alaw Mon.

- At IR 275, the Inspector identifies how the Future Wales Polices 17 and 18 are the most directly relevant policy to renewable energy projects of national significance.

- At IR 271, on the issue of decommissioning the Inspector stated *"The Council raised concerns relating to the need for a planning obligation to make provision for a bond to fund the decommissioning of the development at the end of the limited period. Nevertheless, I have no evidence that a planning condition could not deal with this matter effectively and address the removal and restoration issue, as has been the case in many other instances of solar farms and other temporary developments"*. Moreover, the WG Circular 016/2014 states that *"Local planning authorities should seek to overcome planning objections, where appropriate, or secure mitigation by condition rather than by a planning obligation. In the absence of any evidence to the contrary, a condition could address the removal of the installation and the reinstatement of the land"*. Accordingly, a decommissioning condition for Alaw Mon should also be acceptable.

- At IR 227, the Inspector acknowledged that there is no evidence that existing or proposed solar farm has/would affect property values, and in any event, would not be material in determining planning applications and proposals.

- At IR 167, the Inspector identifies how (own emphasis in bold) "Future Wales would be the primary source of policy where there is any conflict [with the lower tiers of the development plan]".

APPENDIX 7: WELSH MINISTER DECISION LETTER FOR LLANWERN

APPENDIX 8: INSPECTORS REPORT FOR LLANWERN

APPENDIX 9: WELSH MINISTER DECISION LETTER FOR WAUNTYSSWG

APPENDIX 10: INSPECTORS REPORT FOR WAUNTUSSWG

APPENDIX 11: WELSH MINISTER DECISION LETTER FOR TY CROES

APPENDIX 12: INSPECTORS REPORT FOR TY CROES

7.19. The accompanying report prepared by Tony Kernon Countryside Consultants demonstrates that there is no evidence to conclude that solar farms will lead to reduction in soils quality, especially given the extremely small percentage of a solar farm area that is disturbed by the development.

7.20. The Applicant draws to the Inspector's attention the recently completed Welsh Government's trunk road improvement for the A487 Caernarfon and Bontnewydd Bypass scheme in Gwynedd. The bypass received consent via an Order (statutory instrument 2018 No 762) in June 2018 and it came into force in July 2028. The Examination Report, dated 18 October 2017, discussed how the new road would result in the loss of c. 33 ha of BMVAL and an additional 48.7 ha would be temporarily lost due to construction. The Inspector notes how mitigation measures put in place by the applicant, the Welsh Government, would ensure that agriculture land that would be temporarily lost due to construction would not be compromised in the long term. The Applicant asserts that the principle of the DCC's objection put forward during the statutory pre-application consultation over the construction impacts of solar cannot be sustained. The construction impacts of a solar farm are significantly less in comparison to the construction of a new road, photographs of the bypass being constructed is provided below. The DCC's criticism of the solar park construction and restoration process are clearly without merit, as Welsh Government has previously accepted that heavy engineering projects would not compromise BMV agricultural resource in the long term. A copy o the Examination Report is provided at Appendix 13.

APPENDIX 13 - INSPECTOR'S EXAMINATION REPORT TO HIGHWAYS ACT 1990 THE FISHGUARD TO BANGOR TRUNK ROAD (A487) (CAERNARFON AND BONTNEWYDD BYPASS AND DE-TRUNKING) ORDER 201-

Farm Diversification

7.21. Planning Policy Wales, Future Wales and TAN 6 all recognise how renewable energy is a form of farm diversification. Furthermore, planning policy does not impose any physical restrictions over the size of renewable energy schemes that constitutes farm diversification.

7.22. All farming enterprises associated within the site will receive a rental income for the duration of the solar tenancy (a period of 40 years). Income and expenditure associated with agriculture can be volatile so a long-term solar agreement would provide the business with a source of regular, predictable income which would enhance the continued resilience and viability of these family-run holding, helping to secure the long-term viability of the business for the next generation. The proposal would therefore *"facilitate diversification of the rural economy"* (TAN6) whilst being *"subordinate to, compatible with and supports the continued operation of the agricultural activity of the existing working farm"* and *"is of a scale and nature appropriate to the existing farm operation"*.

7.23. No agricultural land will be severed as a result of the proposed solar scheme. The proposals will not impact upon drainage outside the proposed areas. Adjacent agricultural land will be unaffected.

Compliance with the Local Development Plan

7.24. As stated elsewhere in this Statement, in broad terms JLDP policies support the principle of renewable development and align with the principles of sustainable development and renewable energy objectives. However, they carry less weight than the updated policy stance in Future Wales, PPW and the WBFG Act, the JLDP renewable energy policy (Policy PS 7) is also out of kilter with Future Wales which sets out a presumption for renewable energy within the open countryside.

7.25. Strategic Policy PS 1 intends to support communities and the Welsh Language. The development's assessment on the Welsh language is summarised at section 6 of this Statement.

7.26. Strategic policies ISA 1 deals with adequate infrastructure capacity. Where proposals generate a directly related need for new or improved infrastructure, it must be funded by the proposal. As stated elsewhere in this chapter, the application proposal will make efficient and effective use of spare capacity within the electricity grid network and the point of connection is near the main development. No other infrastructure works are considered necessary to make the development acceptable in planning terms. For the reason above the development accords with the requirements of Strategic Policy ISA 1.

7.27. Through Strategy Policy 5, the council will support development where it is demonstrated that they are consistent with the principles of sustainable development. Whilst sustainable development is discussed in section 5, it is also noted that with specific regards to the pertinent principles of Policy PS 4: -

7.28. Principle 1 states that all proposals should alleviate the causes of climate change and adapting to those impacts in accordance with Strategic Policy PS 6. Strategic Policy PS 6 seeks to alleviate the effects of climate change. The solar development will be using zero carbon technology to power approximately 33,900 homes per year which will reduce green house emissions. In addition, the development will implement sustainable water management measures which will have negligible to minor beneficial residual effects on water quality and flood risk. Therefore, the development is in accordance with principle 1, 2, 3 and 4 of Strategic Policy PS 6.

7.29. Principle 2 of Policy PS 5 relates to the effective use of land and infrastructure. This is discussed in more detail in Policy ADN 2 and PCYFF 1. There is no conflict with those Policies and there for the development accords with Principle 2.

7.30. In relation to Principle 3 of Policy PS 5 the development will offer construction employment during construction and will provide employment opportunities during the operational phase. Therefore, there is no conflict with principle 3 of Policy PS 5.

7.31. As discussed elsewhere in this statement, the development will protect, support and promote the Welsh Language in accordance with Policy PS 1, and is therefore in accordance with principle 4 of Policy PS 5.

7.32. Principle 5 of Policy PS 5 relates to Policy PS 20 to preserve and enhance the quality of the built and historic environment assets (including their setting), improving the understanding, appreciation of their social and economic contribution and sustainable use of them. As discussed below the development is in accordance with Policy PS 20, and therefore the development is in accordance with principle 5 of Policy PS 5.

7.33. Principle 6 of Policy PS 5 aims to protect and improve the quality of the natural environment, its landscapes and biodiversity assets, including understanding and appreciating them for the social and economic contribution they make in accordance with Strategic Policy PS 19. Overall, the development is in accordance with Policy PS 19, and therefore the development is in accordance with principle 6 of Policy PS 5.

7.34. Principle 7 of Policy PS 5 aims reduce the effect on local resources, avoiding pollution and incorporating sustainable building principles in order to contribute to energy conservation and efficiency; using renewable energy; reducing / recycling waste; using materials from sustainable sources; and protecting soil quality. The development is zero carbon and will provide carbon free energy for approximately 33,900 homes per year. The development will also protect soil through the change of use of the land from arable to grassland which will increase soil organic matter. Therefore, the development is in accordance with principle 7 of Policy PS 5. In addition to the relevant principles of Policy PS 5, the development is in accordance with Policies PS 4 and PCYFF 3, and therefore will accord with principles 12 and 13 of Policy PS 5.

7.35. Policy PCYFF 2 relates to the development criteria which the development will need to meet to achieve a sustainable and appropriately location. The proposal demonstrates compliance the national planning policy and relevant planning policies in this plan. In addition, the ES assesses the effects of the development on local amenities and provides adequate mitigation measures to alleviate these effects. Therefore, the development is in accordance with Strategic Policy PCYFF 1 and 2.

7.36. In relation to preserving and enhancing heritage assets an accompanying heritage assessment has been provided as part of the ES. The heritage assessment has identified two Scheduled Monuments within 2km of the development: Scheduled Monuments of Cors-y-Bol Bronze Age Burial Mound and Y Werthyr Iron Age Hillfort. In relation to Cors-y-Bol the development's layout accommodates a 60m buffer from the asset to the edge of the development. This is intended to preserve the open, close-ranging westerly views towards the asset within the low-lying marshland context. Overall, the effect of the development on the Scheduled Monument is considered 'not significant'. Y Werthyr lies 1.2km to the west of the development and represents a small Iron Age bivallate hillfort. There is no public access to the monument, therefore it is not possible to assess views from the interior or perimeter. Additionally, there is no evidence to suggest that visibility of the site was of particular importance to the sitting of the hillfort. It is considered that the Development will cause no harm to the monument. There is no potential for the significance of any other historic assets to be harmed by the development within a 5km radius. Therefore, the development is in accordance with Policy PS 20 and Strategic Policies AT 4.

7.37. Policy PCYFF 6 relates to water conservation. The development has incorporated water conservation measures, including SUDS. During the construction there is a negligible to minor adverse effects resulting from increased surface water runoff rates but will be mitigated by compliance with BS6031:198 'The British Standard Code of Practice for Earthworks'. Minor adverse effects resulting from potential contamination arising from general construction

activities on surface water and groundwater will be mitigated with the implementation of the CEMP, which will lead to a negligible residual effect resulting from construction. During the operational phase of the development there will be negligible to minor beneficial effects from potential contamination from accidental or process discharges on surface water and groundwater because of the implementation of the water drainage strategy and double skinned containers. There will be negligible to minor beneficial effects on the risk of the increase in surface water runoff rates from the development due to the implementation of surface water drainage strategy and LEMP and the absence of intensive farming activities. Overall, during both construction and operational phases of the development there will be no adverse effects on water conservation, and therefore the development is in accordance with Policy PCYFF 6.

7.38. Design and landscape is considered trough Policy PCYFF 4. A planting scheme and a Landscaping Scheme will be provided alongside the application, and the surface of the development will be kept predominantly as permeable. Chapter 7 of the Environmental Statement delas with landscape and visual considerations, the salient points are set out below.

7.39. There are no landscape designations within the Site. There are six PRoW that run through or adjacent to the Site and NCR5 runs adjacent to the Site. The Nantanog SSSI runs along the Cors-y-bol tributary, through the Site to the north-west. The scheduled Monument of Cors y Bol bronze age burial mound abuts the Site to the north-west.

7.40. The Site is located within NLCA 2: Central Anglesey and the north-western part of the Site lies within LCA 5: North Western Anglesey and the south-eastern part of the Site lies within LCA 17: West Central Anglesey. The Site is located within Geological AA Llanerchymedd, Habitat AA West Anglesey Farmland and Historic Landscape AA Fieldscape, Central Eastern Môn. The north-western part of the Site falls within Cultural Landscape AA North-West Drumlins and Visual and Sensory AA North-West Drumlins. The south-eastern part of the Site falls within Cultural Landscape AA Central Smooth Belt and Visual and Sensory AA Central Smooth Belt.

7.41. As a result of the construction activities associated with the Development there will be a direct change in land use of the Site, albeit in general the existing grassland and vegetation will remain. Construction activities will introduce movement and activities associated with vehicles, machinery and stockpiling of materials across the Site over the construction phase, anticipated to last approximately 12 months.

7.42. Means employed to reduce the adverse effects of construction will be included in a CEMP, including the controlling of lighting, location of compounds and stockpiles away from higher sensitivity receptors, and limiting movement of material between stockpiles.

7.43. A Marge magnitude of effect is likely to be experienced with respect to Fields and the Site Character (Medium sensitivity), resulting in a Moderate Adverse significance of effect during construction. This is likely to remain Moderate Adverse after mitigation.

7.44. The completion of the Development will result in a change in land use within the majority of the Site. The Development is considered to be temporary and reversible due to the limited lifespan of the Development (40 years) and the ease of decommissioning the Site without any permanent adverse effects on landscape character and visual amenity resulting from the Development. With respect to visual amenity, it is recognised that although the Development is temporary, it is also long-term.

7.45. The majority of the Development is of low, uniform height that is ground mounted and fits within existing field boundaries, albeit over a large area of approximately 258 ha. This would result in a change in land use within the existing field pattern, temporarily introducing structures into the open fields, but with limited removal of existing landscape features such as hedgerows, trees and woodland, to accommodate access, is proposed.

7.46. The more prominent elements of the Development include the battery energy storage system facility, with 40 2.9m high containers located within a levelled and secure enclosure, which requires cut and fill earthworks and retaining walls; a substation with 6m high overhead lines; inverter and transformer stations within 2.4m high containers; and control rooms of 3.9m high. The Development will also include CCTV, fencing and gates and weather stations.

7.47. A Landscape Strategy has been prepared that incorporates landscape and ecological mitigation measures into the Development and has been informed by the strategy and guidelines of the landscape as set out by the LANDMAP assessment and local planning policy and by ecology and tree surveys and recommendations.

7.48. Therefore, a Medium magnitude of effect is likely to be experienced with respect to the Fields and the Site Character, which are of Medium sensitivity, resulting in a Moderate Adverse significance of effect at Year 1 of completion.

7.49. With respect to watercourses and water features, which are of Medium sensitivity, a Small magnitude of effect is likely to occur, resulting in a Minor Beneficial significance of effect. This is due to the creation of wide landscape buffers to these features, reducing pressure of grazing as well as the proposed planting and creation of new habitat ponds with wet meadow grassland. A Small magnitude of effect on trees and woodland, which are of High sensitivity, is likely to occur, resulting in a Negligible Beneficial significance of effect at Year 1.

7.50. Significant visual effects at Year 1 are anticipated in relation to the following visual receptors:

- Users of NCR5 are likely to experience a Moderate Adverse significance of effect;
- Users of PRoW 25/028/1 are likely to experience a Moderate Adverse significance of effect; and
- Users of PRoW 47/038/1 are likely to experience a Moderate Adverse significance of effect.

7.51. Over time, the proposed planting as described in the Landscape Strategy will become established and, together with the management and maintenance regimes of existing vegetation, will reinforce the existing landscape pattern and framework within which the Development is located and substantially increase the screening provided by roadside hedgerows.

7.52. As a result, the following significant residual landscape and visual effects are likely to occur:

- A Moderate Adverse residual effect on Fields;
- A Moderate Beneficial residual effect on Watercourses and Water Features; and
- A Moderate Beneficial residual effect on Trees and Woodland.

7.53. With respect to decommissioning, the landscape and visual effects of decommissioning are likely to be very similar to those during construction. They key differences will be that:

- Decommissioning may be more intense, happening over a more condensed period of time than construction; and
- Decommissioning will benefit from the screening provided by the enhanced landscape framework of woodland and hedgerows that have established and matured over 40 years.

7.54. Reflecting on the above, the application proposal would satisfy the requirements of Policy PCYFF 4.

7.55. In relation to access and sustainable transport on and to the site the relevant polices are TRA 2 and 4 and PS 5. Parking will be provided on site for up to 100 construction workers during construction via a temporary construction compound which will provide parking, storage and turning areas for HGVs. Therefore, the development is in accordance with Policy TRA 2.

7.56. Transport impacts during construction will be mitigated via A Construction Traffic Management Plan which will include measures to minimise the effects of the construction phase on the highway network. Most construction workers will be transported to site via minibuses and will form part of the CTMP which will reduce private car use to and from the site, contributing to sustainable transport. During the operational phase of the development access to the site will be limited to maintenance and will not impact the highway network.

7.57. There are six PRoW that access the site, and all will be retained and safeguarded during the construction, operation and decommissioning of the site. Therefore, the development is in accordance with policies TRA 2, TRA 4 and PS 4.

7.58. Policy PS 19 sets out the Local Authority's intention to conserve and where appropriate enhance the natural environment. The development will safeguard habitats and species through ensuring buffer zones for key habitats and management of grassland and scrubs to comply with legal requirements regarding breeding birds. The geology of Nantanog SSSI will be safeguarded with a buffer zone between the site and the edge of the development. This is discussed in detail within the Environmental Statement and discussed elsewhere in this Statement.

7.59. Overall, it is considered that the application proposal would accord with the development plan as a whole.

8. CONCLUSION

8.1. The purpose of this Planning Statement is to provide a balanced justification for the proposed development. For the reasons outlined in this Planning Statement, it is considered that the application submission has demonstrated that the proposal would not have an unacceptable adverse impact on the environment and as such accord with Future Wales Policies 17 and 18. Having regard to the publication date of Future Wales relative to the JLDP, it is asserted that the proposal would accord with the development plan as a whole.

8.2. The supporting technical documents confirm that the selected site is appropriate in that it can accommodate the proposed development. The application proposal is considered to be acceptable within the open countryside as it represents agricultural diversification. The benefits of the development are multiple: (i) it would provide a valuable contribution with regards to provision of decentralised renewable energy; (ii) it would contribute towards the viability of the four farming enterprises through diversification of income; (iii) with regards to ecology, it has followed the stepwise approach and it would deliver significant biodiversity improvements and these can be secured by planning condition; (iv) economic benefits would be secured in terms of construction and less so operational management of the application proposal. The application proposal will provide employment and business opportunities for component suppliers / installers and those involved in grid connection, transport and logistics. Where possible, local businesses will be contracted for relevant parts of the scope of works over the period of construction, operation and maintenance. There will be additional induced impacts during the construction period with any incoming construction workers (engineers, project managers etc) spending their wages at a local level (restaurants, retail stores etc) and using local accommodation.

8.3. It is clear that delivering renewable energy is one of the Welsh Government's top national priorities for the next 20 years. The Future Wales set a clear direction of how Wales should be investing in infrastructure and development for the greater good of Wales and its people, the provision of renewable energy is firmly embedded to this future direction. Future Wales correctly picks up on the regulations set out in the Senedd on 9 February 2021 which formally commits Wales, for the first time, to legally binding targets to deliver the goal of net-zero emissions. Paragraph 5.9.15 of PPW makes the important recognition that (inter alia) ***"The local need for a particular scheme is not a material consideration, as energy generation is of national significance and there is a recognised need to optimise renewable and low carbon energy generation".*** Future Wales and PPW identifies how significant weight should be given to renewable energy development. There is more at play here, as additional significant weight should also be given to the battery energy storage system that us proposed as part of the development.

8.4. Turning to the regional approach, Future Wales locates the application site within the north Wales regional catchment area. The published document, at page 118, sets out how the provision of renewable energy is vital for the north wales to play its role in decarbonising. It states (inter alia) (own emphasis underlined and in bold) *"It is vital the region plays its role in decarbonising society and supports the realisation of renewable energy. Policies 17 and 18 set out Future Wales' approach to renewable energy generation across Wales. There is strong potential for wind, marine and solar energy generation and Strategic and Local Development Plans should provide a framework for generation and associated infrastructure. The Welsh Government wishes to see energy generation, storage and management play a role in supporting the regional economy in the North. Local ownership and distribution is*

important for ensuring communities in proximity to renewable energy development benefit from it and that our future energy system better serves Wales".

8.5. There is more at play here, the Energy Generation in Wales Report 2022, identified how approximately 27% of all Welsh electricity generation came from renewables in 2022. This is down from 33% in 2020 due to significant increase in generation from non-renewable sources. It is clear that Wales is heading in the wrong direction in terms of its energy mix and its reliance on non-renewable sources. Accordingly, a step change is required to achieve the projected 100% of renewables by 2035. This application proposal will make a significant contribution towards this target.

APPENDIX 1: SITE LOCATION PLAN



KEY

Site Boundary

Revisions:
First Issue- 16/03/2022 JS

N

0 1km

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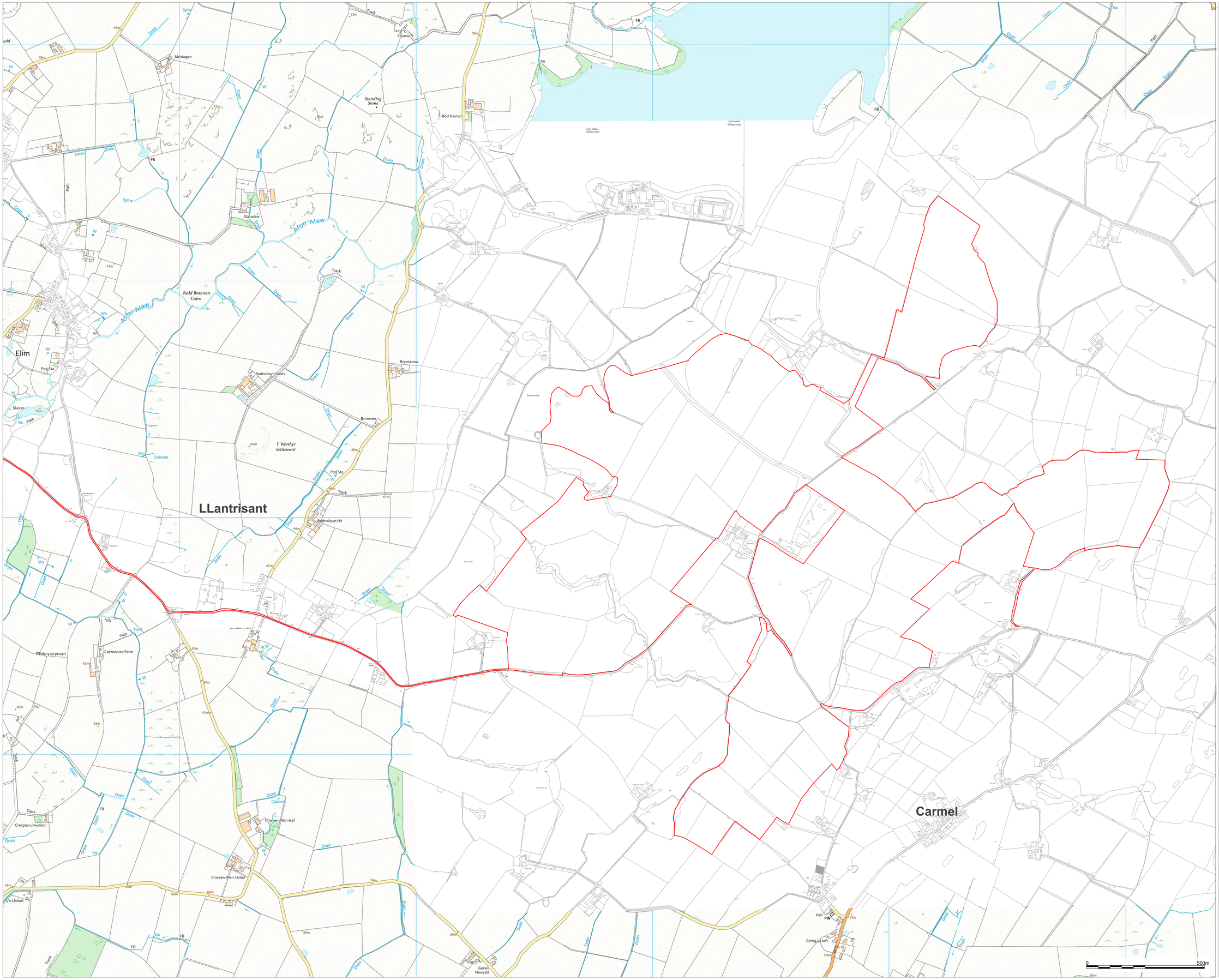
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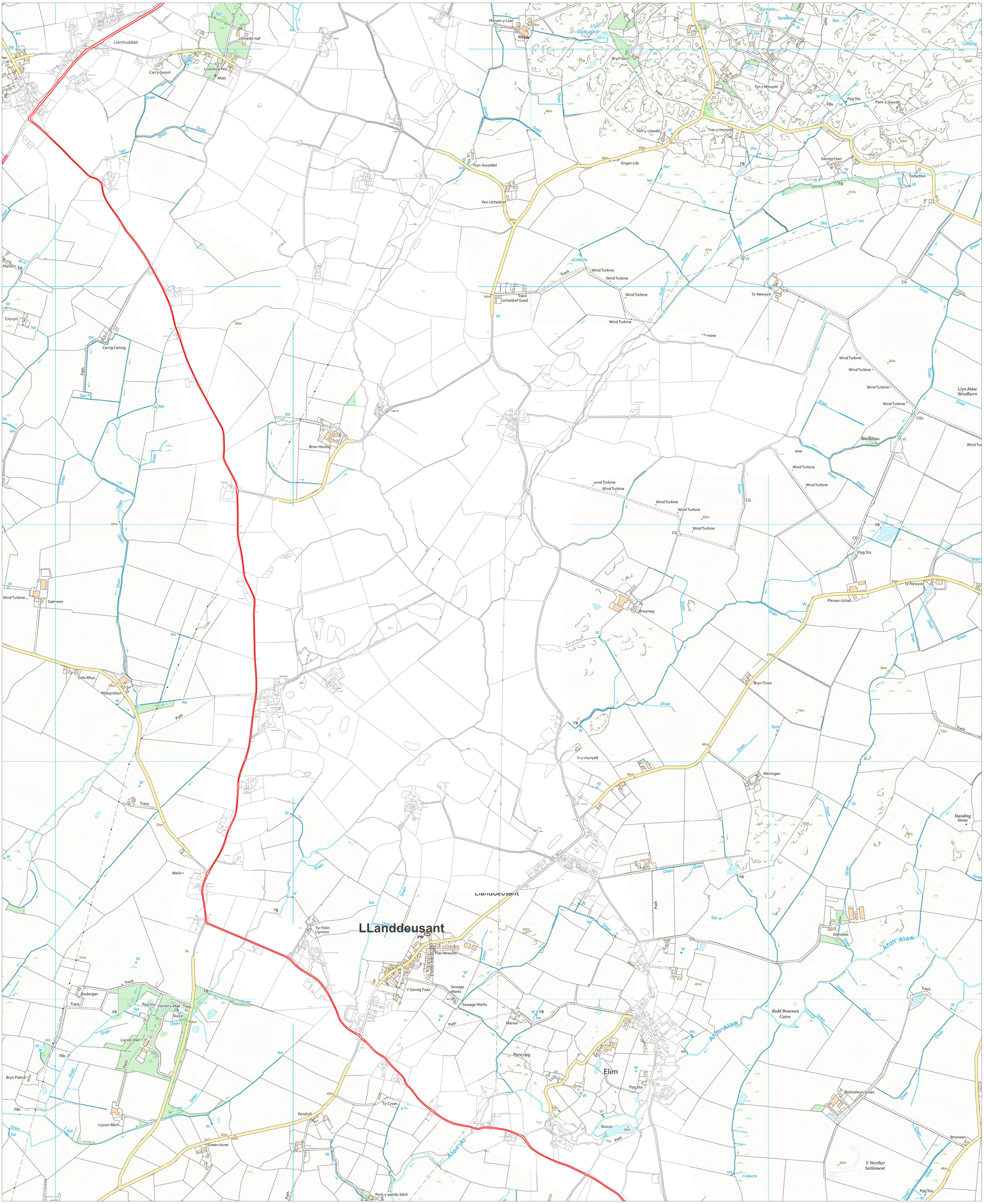
Alaw Môn (Wylfa) Solar Farm

Drawing Title:

Site Location Plan - Overall

DRWG No:	Rev:	Sht No:
ENSO-11-01	-	1/4
Drawn by : JS	Checked by: RS	
Scale: 1:12,500 @ A0	Date: 16/03/2022	


Elim
LLantrisant
Carmel
Llyn Alaw (Reservoir)
Llyn Alaw (Reservoir)
Aron Alaw
Aron Alaw
Standing Stone
Bedd Branwen Cairn
Y Werthyr Settlement
Meiriogen
Glanalaw
Bod Deiniol
Brynsanna
Bronwen
Bodnolwyn Goles
Bodnolwyn Hir
Caernarvon Farm
Rhôs-y-cryman
Creigiau-Llwydion
Chwaen-Wen-Isaf
Chwaen-Wen-Uchaf
Gorwel Newydd
Cerrig y Lloft
Hall
Sluices
Ppg Sta
Ppg Sta
Ppg Sta
Cors-y-bol
Collects
Collects
Path
Path
Path
Track
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KEY

Site Boundary

Revisions:
First Issue- 16/03/2022 JS

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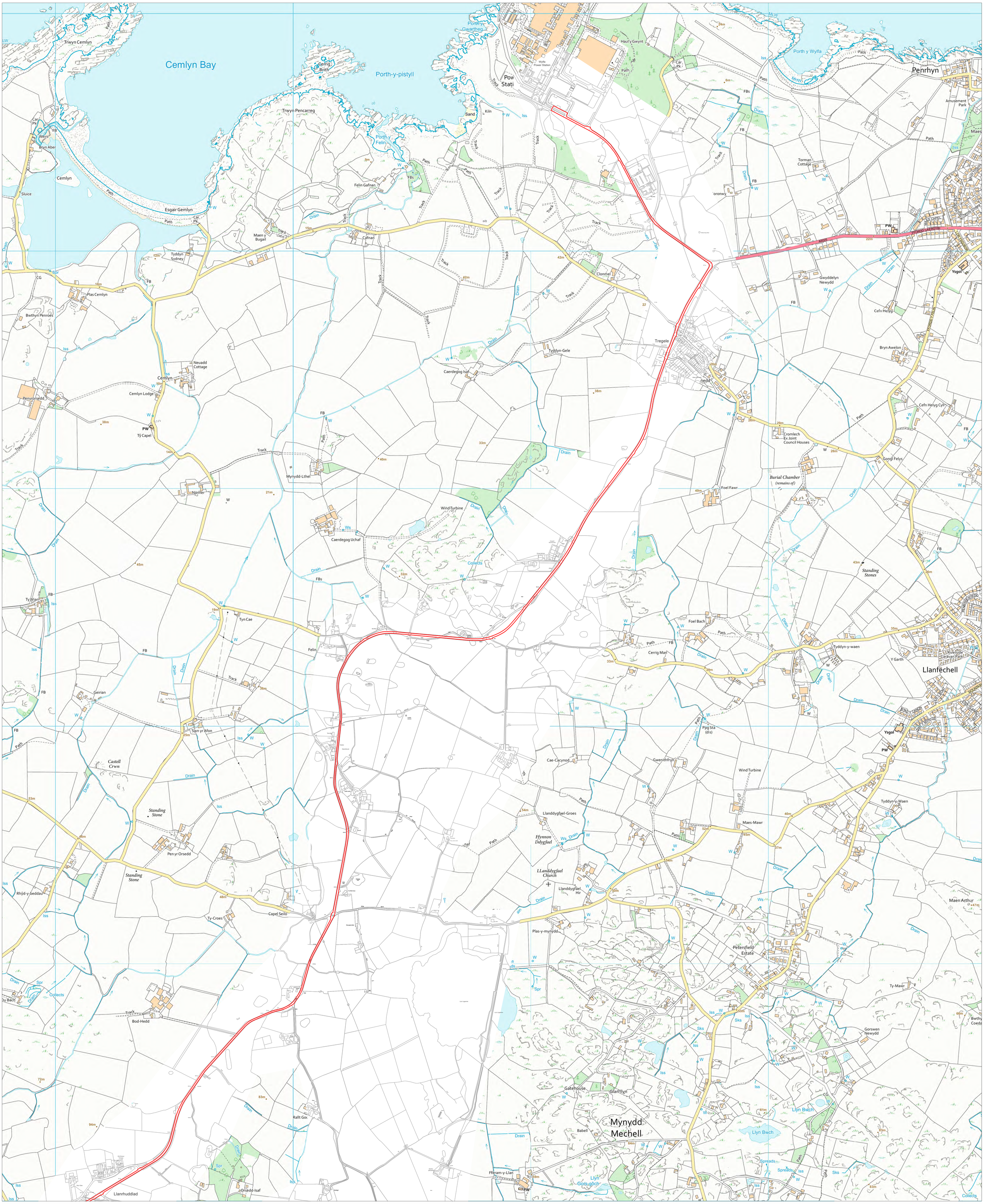
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Project Title:
Alaw Môn (Wylfa) Solar Farm

Drawing Title:
Site Location Plan

DRWG No:	Rev:	Sht No:
ENSO-11-01	-	3/4
Drawn by : JS	Checked by: RS	
Scale: 1:5000 @ A0	Date: 16/03/2022	



KEY

Site Boundary

Revisions:
First Issue- 16/03/2022 JS

N

0 500m

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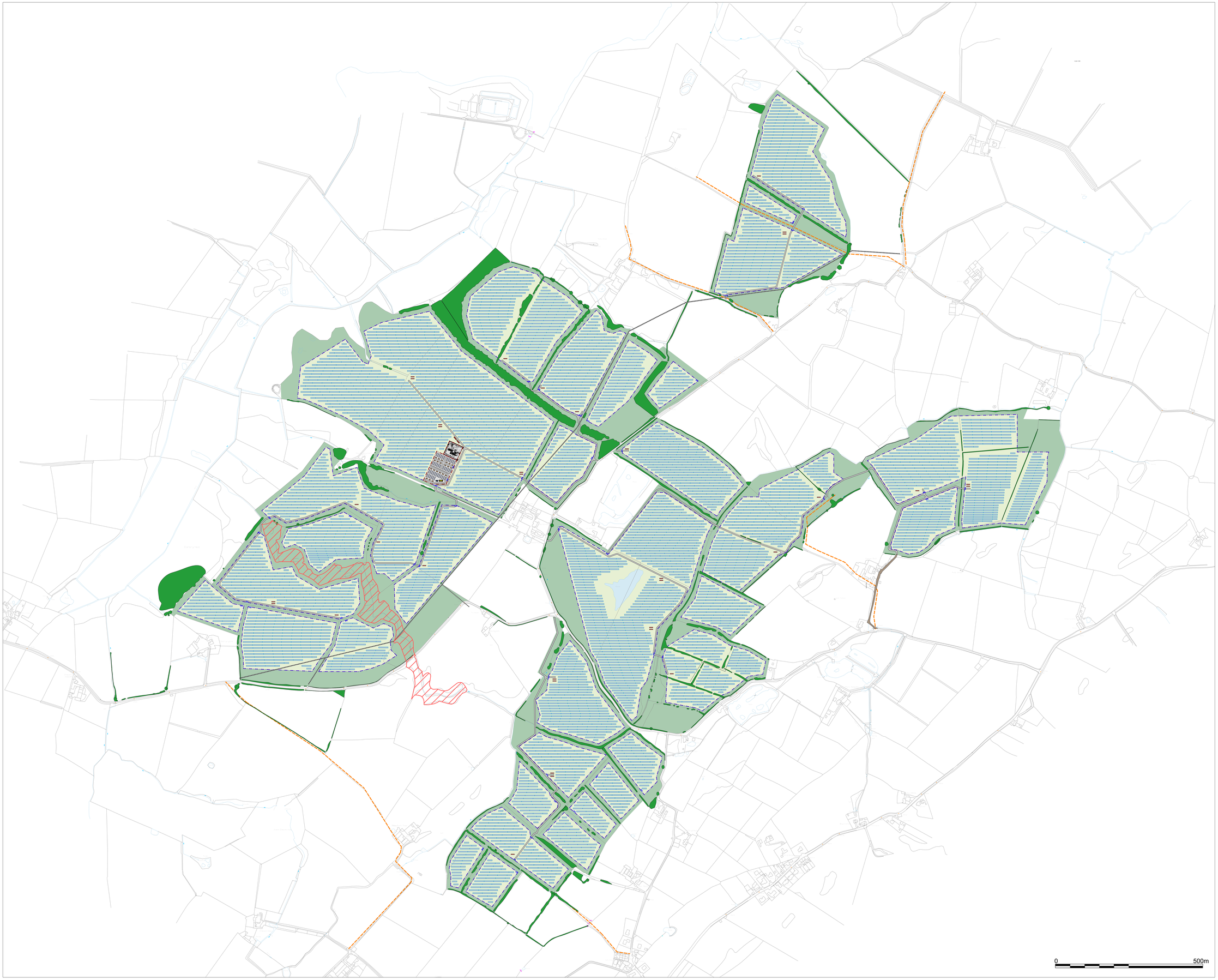
Alaw Môn (Wylfa) Solar Farm

Drawing Title:

Site Location Plan

DRWG No:	Rev:	Sht No:
ENSO-11-01	-	4/4
Drawn by : JS	Checked by: RS	
Scale: 1:5000 @ A0	Date: 16/03/2022	

APPENDIX 2: PROPOSED LAYOUT



KEY

- Solar Panels
- Inverter
- Deer Proof Fencing
- Battery Fence
- Storage Container
- Battery Container
- Substation
- Battery Storage Facility Inverter/Transformer
- Control Room
- New Access Track
- Existing Track
- Overhead Lines
- Species Rich Grassland *(Refer to Landscape Strategy Plan)*
- Field Margin Planting *(Refer to Landscape Strategy Plan)*
- Gravel
- SSSI
- Public Right of Way

NOTE:
CCTV cameras to be added around the perimeter of each fence line. The placement and spacing will be in accordance with the manufacturer's specification. Cameras face internally within site.

N

Revisions:
First Issue- 19/09/2023 JS

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Tel: 01452 764585 Email: enquiries@ensoenergy.co.uk

Project Title:

Alaw Môn (Wylfa) Solar Farm

Drawing Title:

Proposed Site Layout

DRWG No:	Rev:	Sht no:
WAM-01-P02	-	-
Drawn by : JS	Checked by: OH	
Scale: 1:4000 @ A0	Date: 19/09/2023	

APPENDIX 3: PARC SOLAR TRAFFWLL DECISION

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

Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: qA1486434

Mr James Nicol
Barton Willmore
Studio 117
The Creative Quarter
8A Morgan Arcade
Cardiff
CF10 1AF

E-mail [redacted]

17 March 2023

Dear Mr Nicol,

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 62D.
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (WALES) REGULATIONS 2016.
APPLICATION BY PARC SOLAR TRAFFWLL LIMITED.
THE DEVELOPMENT PROPOSED IS A GROUND MOUNTED PHOTOVOLTAIC SOLAR FARM, TOGETHER WITH ASSOCIATED EQUIPMENT, INFRASTRUCTURE, GRID CONNECTION AND ANCILLARY WORKS
LAND TO THE WEST AND SOUTH-EAST OF LLANFIHANGEL YN NHOWYN AND TO THE SOUTH AND SOUTH-EAST OF BRYGWRAN, ANGLESEY.
APPLICATION REF: DNS/3217391.

1. Consideration has been given to the report of the Inspector who held hearings to examine the Developments of National Significance ("DNS") 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.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400
[redacted]

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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 held hearings on 26, 27 and 28 July 2022 and made a site visits on 16 May, 27 July and 22 September 2022. A copy of the Inspector's report ("IR") is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.

4. I have given due regard to representations received after the hearings closed. However, I do not consider any new evidence or new matter of fact has been raised which would materially affect my conclusions on this appeal.

Main Considerations

5. I agree the main considerations are those listed at IR 288:

- whether the proposed development would conserve BMV, consistent with national policy;
- the effect of the proposed development on the character and appearance of the surrounding area;
- the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to outlook and noise; and
- whether the proposed development would provide sufficient benefit to the community.

6. The Inspector has also taken account of the following matters:

- highway safety in the surrounding area, particularly during the construction phase;
- whether the proposed development would be consistent with national and local policy on flooding;
- biodiversity and ecological interests on the site and in the surrounding area; and,
- Welsh language and culture.

Best and most versatile agricultural land (BMV)

7. The Inspector summarises the policy framework in Future Wales ("FW"), which identifies the need to protect agricultural land. The Inspector is also satisfied Policy 9 of FW identifies BMV land as a national natural resource. (IR 290 – 293)

8. Planning Policy Wales ("PPW") states BMV should be conserved as a finite resource for the future and considerable weight should be given to protecting such land from development because of its special importance. BMV should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value which outweighs the agricultural considerations. (IR 294)

9. The Inspector notes the contents of the letter from Minister for Climate Change to all Chief Planning Officers, dated 1 March 2022, which reaffirms the policy position in PPW. Policy guidance in Technical Advice Note 6 "Planning for Sustainable Rural Communities" ("TAN 6") is also relevant. (IR 295 – 296)

10. The Inspector considers PPW is the crux of BMV land considerations in this case and notes there are additional considerations: the amount and useability of BMV land; whether BMV land would be conserved through retention or restoration; and whether the loss of BMV land's agricultural potential during the scheme's lifetime would amount to failure to conserve BMV land. (IR 297 – 298)

Overriding need

11. The Inspector notes FW supports the principle of developing renewable energy to meet future energy needs. In determining planning applications for renewable and low carbon energy development, FW states, "decision-makers must give significant weight to the need to meet Wales' international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency".

12. The proposed solar farm would have an export capacity of circa 35MW of electricity, which the Inspector notes would make a sizeable contribution to Wales' targets and help to address climate change.

13. The Inspector is of the view these considerations indicate there is an overriding need for the proposed development. (IR 299 – 303)

Availability of other land

14. The applicant's site selection process is set out in the Environmental Statement ("ES"). The Inspector notes the site for the proposed solar farm originally comprised nine Development Areas ("DA"). During work on the EIA, six of these were removed from the scheme as it was considered that the potentially significant adverse impacts of their development could not be adequately mitigated. The removal of these six areas from the scheme and the reasons for their exclusion convince the Inspector the site selection criteria were adhered to and implemented appropriately. (IR 304 – 308)

15. The applicant's Assessment of Impact on Agricultural Land report ("AIAL") indicates that around 46% of the total site area is of Grade 2 and 3a quality. However, the Inspector states it has been demonstrated that there is an overriding need for the development and neither previously developed land nor land in lower agricultural grades is available. In this context the Inspector considers the proposed development would comply with PPW. (IR 309)

16. The Inspector notes, regarding site selection, the Anglesey and Gwynedd Joint Local Development Plan ("JLDP") directs solar farms of 5MW or greater to potential search areas identified on the Proposals Map. However, the Inspector recognises FW, which forms part of the development plan, was published more recently than the JLDP. FW does not direct solar development to particular areas and, therefore, the JLDP's requirement to site solar development in potential search areas no longer carries any weight. (IR 310 – 311)

Amount and Useability

17. The Inspector notes the Soil Policy and Agricultural Land Use Planning Unit of Welsh Government ("SPALUPU") does not consider the application to be a matter of national

agricultural interest and considers it would not be possible to farm all the identified BMV land within the three Development Areas ("DAs"). (IR 312 – 316)

18. The Inspector has no reason or evidence to disagree with SPALUPU's comments or the agreements reached in the Statement of Common Ground. The Inspector's findings are only 6.3ha of the BMV land in the application site could be farmed and used for the production of food crops. If it is considered the BMV quality of the land could not be retained or restored, the proposed development would result in the loss of only 6.3ha of BMV land. The Inspector states this position is agreed by SPALUPU which also states it does not consider the application to be a matter of national agricultural interest. (IR 317 - 318)

Retention/restoration of value

19. The Inspector considers measures secured through recommended conditions, including conditions requiring a Construction Environmental Management Plan ("CEMP"), soil management plans and a decommissioning framework, mean the quality of BMV land would not be significantly reduced. (IR 322 - 323)

Agricultural potential during scheme's lifetime

20. On this issue, the Inspector's view is the full potential of the BMV land would be lost and not conserved during the period that the solar farm was in place. (IR 324 – 325)

Conclusion on BMV

21. The Inspector concludes the proposed development would not harm the BMV resource and it would be consistent with policy on BMV land in PPW. (IR 326 – 332)

Character and appearance

Landscape character

22. The Inspector describes the topography around the proposal site and notes the Applicant's Landscape and Visual Impact Assessment ("LVIA") assesses the overall landscape scale and features of the Development Areas as being of lower sensitivity. (IR 333- 334)

23. Whilst the Inspector considers the proposed solar arrays would be noticeable, uncharacteristic and widespread new features within the existing fields, they would be contained within the existing, long-established field pattern. The Inspector also notes grazing would continue and mitigation measures would retain, protect and manage hedgerows, with new hedgerows planted. These measures would integrate the panels into the landscape and screen them. (IR 335 – 337)

24. On this matter, the Inspector agrees with the findings of the LVIA that the changes to the DAs would not have notable effects on the wider landscape. The Inspector considers the change to the existing landscape elements and characteristics would be partial and classified as moderate. (IR 338)

Visual effects

25. The Inspector considers the applicant's LVIA to be a thorough and robust assessment. It assessed the predicted visual effect of the proposal on nineteen viewpoints. Of the

nineteen viewpoints, only four were found likely to suffer a major and significant visual effect from the proposed development. (IR 339 – 341)

26. The Inspector has considered the visual effects from the viewpoints, informed by site visits. A range of mitigation measures to enhance existing screening are identified. The Inspector has considered the impact on the Ynys Môn Area of Outstanding Natural Beauty ("AONB") and is satisfied, due to the distance of the proposed development from the AONB and the presence of intervening, screening vegetation the proposal would not have any affect on the character of the AONB. (IR 342 – 349).

Conclusion on character and appearance

27. The Inspector concludes the proposed development would not have an unacceptable adverse impact on the character or visual appearance of the surrounding landscape and, in that respect, would comply with Future Wales Policy 18. As it would not cause significant demonstrable harm to landscape character or appearance the scheme would also be in line with JLDP Strategic Policy PS 7 "Renewable Energy Technology". The Inspector is also satisfied all impacts on the landscape would be adequately mitigated as required by JLDP Policy ADN 2 "PV Solar Energy". (IR 350)

Living Conditions

28. The Inspector has considered the impact of the proposal on residential properties and notes the main residential visual receptors within approximately 200m of the site were assessed by the LVIA. The Inspector recognises the proposed development would result in a considerable change to nearby residents' views. However, the Inspector does not consider this equates to the creation of an industrial landscape in either appearance or character. (IR 351 – 357)

29. Taking account of planning law, the height of the panels, a 50m buffer distance, existing hedgerows and proposed mitigation planting, as well as other factors described in the IR, the Inspector does not consider the proposed development would not be overwhelmingly unpleasant and oppressive, or that it would make the surrounding dwellings unattractive places in which to live. (IR 358-359)

30. The Inspector has considered the potential impact of construction and operational noise and does not consider the proposed development would result in levels of noise that would be sufficient to harm the living conditions of neighbouring occupiers. (IR 360 -361)

Conclusion on living conditions

31. On this matter the Inspector concludes there would be no unacceptable adverse visual impacts on nearby communities and individual dwellings and the scheme would comply with FW Policy 18. The Inspector also considers the proposed development would accord with JLDP Strategic Policy PS7 and Policy ADN 2.

Community Benefit

32. The Inspector notes the applicant has submitted a Collaborative Benefits Report, which includes payments into a Community Benefit Fund. The applicant has also been exploring the potential for the scheme to include an element of local ownership. (IR 364-367)

33. Welsh Government's objectives, regarding local ownership of energy projects, are recognised by the Inspector. However, FW is clear local ownership is not a planning consideration. PPW supports the principle of securing financial contributions for host communities through voluntary arrangements. However, PPW is clear such arrangements must not impact on the decision making process and should not be treated as a material consideration, unless it meets the tests set out in Circular 13/97: Planning Obligations. (IR 371)

34. The Inspector sets out other benefits of the scheme in IR 372; these include carbon savings, renewable energy generation, economic benefits, and biodiversity and habitat enhancements.

Conclusion on community benefit

35. The Inspector concludes the scheme complies with Policy 17 of FW in terms of describing the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities. (IR 373-375)

Other Considerations

Highway Safety

36. During the operational period, traffic to the development site would be negligible. Traffic would be more of an issue during the construction stage. However, the Inspector notes mitigation measures outlined in the Construction Traffic Management Statement ("CTMS") would be secured by planning condition. In conclusion on this matter the Inspector considers there would be no unacceptable adverse impacts on the transport network and the proposal complies with FW Policy 18 and accords with JLDP Policy ADN 2. (IR 376 – 380)

Flooding

37. The Inspector notes parts of DA4 and DA5 would be within flood zones C2 and 3, as defined by the Development Advice Maps associated with Technical Advice Note 15: Development and Flood Risk ("TAN 15"). (IR 381)

38. The Inspector notes the applicant and Isle of Anglesey Council agree the proposal would comprise less vulnerable development as defined in TAN 15. The Inspector is satisfied the proposal meets the justification test and consequences of flooding test in TAN 15. (IR 382-383)

39. I note TAN 15 does not specifically refer to renewable energy and I have considered this matter with reference to the approach taken in previous Welsh Ministers' decisions on DNS applications, for example the Llanwern Solar DNS (ref. DNS/3150137). The approach in that case was to consider the proposed solar farm development as an exception to the general rules in TAN 15, as there were robust reasons for locating the development in the C1 floodzone. Where exceptions apply, paragraph 5.3 of TAN 15 states proposals will not be subject to the first part of the justification test in section 6 of TAN 15, but will be subject to the acceptability of consequences part of the test. I consider similar robust reasons apply in this case which justify locating the proposed development in flood zone C2; namely the availability and proximity of a grid connection and the high number of hours of sunshine.

40. Regarding the acceptability of consequences of flooding the Inspector notes the Flood Consequences Assessment ("FCA") demonstrates the risks of flooding can be

effectively managed. The Inspector also notes NRW is satisfied the risks associated with the development could be managed in accordance with TAN 15. (IR 382-383)

41. I am satisfied the proposed development accords with TAN 15 and agree with the Inspector's conclusion on this matter.

Biodiversity and Ecology

42. The Inspector notes the applicant's ecological survey work was carried out in consultation with NRW and Isle of Anglesey County Council ("IACC"). The Inspector is satisfied the Landscape and Ecological Management Plan ("LEMP"), which would be secured by condition, would adequately address any shortcomings in the Great Crested Newts ("GCN") survey. (IR 384-386)

43. The Inspector is content, subject to mitigation measures, there would be no unacceptable adverse impact on internationally or nationally designated sites, habitats or species. As it was not possible to rule out an adverse effect on the integrity of the Llyn Dinan Special Area of Conservation ("SAC") without mitigation measures, the Inspector has provided an Appropriate Assessment, in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations"), which concludes, subject to mitigation measures, it is beyond reasonable scientific doubt that the scheme would not have an adverse effect on the integrity of the Llyn Dinan SAC. (IR 387 – 390 and Annex B)

44. The Inspector outlines a number of biodiversity enhancement measures (IR 387) and is satisfied the scheme will result in a net biodiversity gain. The Inspector is satisfied the scheme accords with FW Policy 18 and JLDP Policy ADN 2, "PV Solar Energy". (IR 390)

45. I am also content the measures proposed satisfy Policy 9 of FW and the biodiversity and resilience of ecosystems duty in the Environment (Wales) Act 2016.

46. I accept and adopt the findings of the Inspector's summary HRA/AA and am satisfied the Welsh Ministers, as competent authority, have addressed the relevant requirements of the Habitats Regulations.

Welsh Language and culture

47. The Inspector notes the applicant has submitted a Welsh Language Statement ("WLS") in response to JLDP Strategic Policy PS1: Welsh Language and Culture. The assessment's conclusion is, mainly through the creation of jobs during the construction stage, the proposal would have a positive impact on the community characteristics of existing Welsh speakers. The Inspector notes the Council agrees with these conclusions, subject to mitigation measures outlined in the WLS to support the local community and linguistic effects, such as use of bilingual signage and job advertisements. (IR 391 – 395)

48. The Inspector is satisfied the proposal complies with JLDP Strategic Policy PS1. (IR 396 – 397)

Other Matters

49. Following pre-application discussions with the MOD, a glint and glare assessment was provided by the applicant. The Inspector has considered this matter and is satisfied the proposed development would not have unacceptable impacts on the operations of defence facilities and operations (including aviation and radar) at RAF Valley, consistent with criterion 8 of FW Policy 18. (IR 399-400)

50. The Inspector has considered cumulative effects and has no reason to disagree with the conclusion of the ES that there would be limited potential for the proposal to create cumulative effects with schemes that had permission, whether they were yet in operation or not. (IR 401 – 403)

51. Matters relating to security, wind nuisance and the need for renewable energy are addressed in IR 404 – 405)

Conditions

52. The Inspector's consideration of the recommended planning conditions is set out in IR 406 – 408. I am satisfied, subject to minor drafting amendments, the recommended conditions meet the relevant tests set out in Welsh Government Circular 016/2014 "The use of planning conditions for development management". (IR 406 – 408)

Planning Balance

53. Whilst the Inspector notes the concerns of the local community, the proposal would generate 35MW of electricity, which the Inspector considers would be a considerable and valuable contribution to reducing carbon emissions. (IR 409 – 411)

54. The Inspector concludes the proposed development would not result in significant harm to the BMV land resource, to the character or appearance of the landscape and surrounding area, or to living conditions or any other interests on the site or in the surrounding area. The scheme would be consistent with FW Policies 17 and 18, and with JLDP Policy ADN 2. The Inspector considers any minor harm is more than justified by the significant renewable energy benefits which would arise from the proposed scheme. (IR 412 – 414)

55. All matters have been taken into account and the Inspector has not found any which are sufficient to recommend the scheme be refused. The Inspector has taken account of the requirements of the Well-being of Future Generations (Wales) Act 2015. (IR 415)

56. The Inspector recommends planning permission be granted, subject to conditions. (IR 416)

Conclusion and Decision

57. Paragraphs 3.58 and 3.59 of PPW apply to all BMV land irrespective of the area or amount of BMV land included within the application site. In this case, there is just over 23ha of BMV land within the application site and all this BMV land is subject to the protection afforded by national policy expressed in paragraphs 3.58 and 3.59 of PPW.

58. PPW is clear, BMV land should only be developed if there is an overriding need for the development and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value which outweighs the agricultural considerations.

59. The Inspector's consideration of overriding need is set out in IR 299-303. The Inspector notes the Welsh Government's commitment to decarbonisation and tackling the climate emergency and highlights the contribution the proposal would make to these objectives by generating a significant amount of energy from a renewable source. I agree with the Inspector that there is a need to increase the generation of renewable energy in Wales. However, this in itself does not comprise "overriding need" for the purpose of paragraph 3.59 of PPW. I consider "overriding need" in this context requires the need for the proposed development to be balanced against the need to protect BMV land.

60. I note Welsh Government's Soil Policy and Agricultural Land Use Planning Unit ("SPALPU") questions the practicality of farming all the identified BMV land to its full BMV potential. Whilst 23.3 ha of BMV land has been identified within the application site boundary, representations by SPALPU (IR 314) focus on a contiguous block of 6.3 ha of BMV land, located within Development Area 4 (DA4). SPALPU explain there are a number of reasons why it would not appear practical to farm some BMV areas to their potential: the dispersed nature of BMV land; the extent to which BMV grades are intermixed with non-BMV grades; the shape of BMV areas limiting the scope for mechanical and agricultural operations; topography and drainage.

61. I agree with the Inspector that there is no reason to disagree with SPALPU's representations and its conclusion that the application is not considered a matter of national agricultural interest. In this context, for this particular development proposal, I consider the proposal's capacity to generate a significant amount of renewable energy outweighs the need to protect the BMV land within the application site boundary. In coming to this view I have taken into account the comments of SPALPU that only 6.3ha of the total amount of BMV land within the application site boundary could be practically farmed to its full potential.

62. Therefore, having considered the need for renewable energy, the need to protect BMV land in the context of the application proposal, and SPALPU's assessment of the BMV land, I have established, in the specific circumstances relevant to this case, the need for the development overrides the need to protect the BMV land for the purposes of paragraph 3.59 of PPW.

63. Having determined that there is an overriding need for the development proposal, paragraph 3.59 requires the decision maker to consider the site selection process, whether either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value which outweighs the agricultural considerations.

64. The Inspector describes the applicant's site selection process, as set out in the ES (IR 304 – 311). I note SPALPU's initial representation to PEDW expressed concern that it was unclear how the site selection criteria were weighted when considering BMV policy. However, the Inspector notes these concerns were not pursued through the hearings.

65. The Inspector has considered the site selection process detailed in the ES, noting the applicant's search sequence assesses a range of technical, environmental and economic factors. I have no reason to disagree with the Inspector that the site has

been chosen in line with the site search criteria and that it has been demonstrated, for the search area considered by the applicant, that neither previously developed land nor land in lower agricultural grades is available. As the Inspector states (IR 311), Policy ADN 2 of the LDP, which directs solar farms of 5MW or more to potential search areas, has no weight in the determination of this application. The most recent development plan policy framework for assessing DNS renewable energy projects is set out in FW and FW does not direct solar development to specific search areas.

66. FW Policy 18 requires acceptable provisions to be made for the effective restoration of sites which have been developed to facilitate renewable energy projects. Whilst the Inspector acknowledges the full potential of the BMV land would not be conserved during the period that the solar farm was in place (IR 328), the Inspector is satisfied, given the safeguarding conditions recommended, the quality of BMV land would not be significantly reduced (IR 319-322).

67. As the Inspector notes, SPALPU and the applicant agree there are no examples of large scale solar farms having been decommissioned and removed. In this context I consider there is a level of uncertainty, regarding the effectiveness of measures designed to restore BMV land once it has been developed for renewable energy projects. However, I have accepted that the 6.3ha of BMV land which can be practically farmed to its full potential would be required to accommodate the project, with panels covering about 3.1ha of this area. Whilst there is potential that this land will not be restored to its full BMV quality, and I note the applicant and SPALPU agree in the Statement of Common Ground that the areas under tracks and the inverter would be irreversibly lost to agriculture, the Inspector is satisfied with the decommissioning and soil protection measures secured by the recommended planning conditions and no evidence has been submitted to challenge the restoration provisions. In this context, on this particular matter and for this specific site, I have no reason to disagree that the proposal broadly accords with Policy 18 of FW.

68. Subject to these comments, I agree with the Inspector's appraisal of the main considerations, the conclusions of the IR and the reasoning behind them, and I accept the recommendation. Therefore, I hereby grant planning permission for DNS/3217391, subject to the conditions in the Annex to this decision letter.

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

69. 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

70. 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

71. 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 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

72. 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

73. The decision takes account of the need to increase renewable energy production and combat the climate emergency, as well as increasing energy security.

74. 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.

75. 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.

76. I accept and adopt the findings of the Inspector's HRA/AA and am satisfied the relevant requirements of the Habitats Regulations have been addressed.

77. A copy of this letter has been sent to Isle of Anglesey 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 – Conditions attached to DNS permission, reference: DNS/3217391

1. The development to which this permission relates shall begin no later than the expiration of five years beginning with the date of this permission.

   Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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

Title	Drawing Reference
Planning Application Boundary	LOC1001/11/03 Rev 1
Indicative Site Arrangement DA4 & DA5	LOC1001/11/04 Rev 1
Indicative Site Arrangement DA6	LOC1001/11/05
Panel and Frame Specification	LOC1001/11/06
Customer Substation Details	LOC1001/11/07
DNO Substation Details	LOC1001/11/08
Inverter, Transformers and Control Equipment Details	LOC1001/11/09
Inverter, Transformers and Control Equipment Acoustic Fencing Details	LOC1001/11/10
Perimeter Fence and CCTV Details	LOC1001/11/11
Fencing and Security Layout DA4 & DA5	LOC1001/11/12 Rev 1
Fencing and Security Layout DA6	LOC1001/11/13
Landscape Masterplan DA4	LOC1001/11/14 Rev 1
Landscape Masterplan DA5	LOC1001/11/15 Rev 1
Landscape Masterplan DA6	LOC1001/11/16
Temporary Set Down Area DA4	LOC1001/11/17
Temporary Set Down Area DA5	LOC1001/11/18
Temporary Set Down Area DA6	LOC1001/11/19
Access Details DA4 & DA5	LOC1001/11/20
Access Details DA6	LOC1001/11/21
Access Upgrade Works-Construction Details	LOC1001/11/22
Cable Routes DA5 to DA4 & DA4 to DA6	LOC1001/11/23 Rev 1
Cable Routes DA6 – Substation	LOC1001/11/24
Flood Consequences Assessment KRS Environmental Final report	February 2022

   Reason: To ensure development is carried out in accordance with the permitted application details and with the policies of the JLDP and for the avoidance of doubt.

3. Notwithstanding the requirements of condition (02), no development shall take place until a detailed final layout plan of the site has been submitted to and approved in writing by the local planning authority. This shall include the precise location and appearance (materials and colour) of the arrays, inverter buildings, transformer buildings, sub-station, and lighting and any other ancillary/associated infrastructure within the project sites.

Reason: To comply with Paragraph 4.16 of Welsh Government Circular 016/2014

4. The date when electricity from the development is first exported to the local electricity grid network (excluding any testing or commissioning), hereafter known as the "Operational Date", shall be notified in writing to the local planning authority within 28 days after its occurrence. The authorised development shall cease operating 40 years after the operational date. This planning permission authorises the decommissioning of the development and shall expire on the date that the site has been decommissioned in accordance with an agreed Decommissioning Environmental Management Plan ("DEMP").

   Reason: To define the scope of the permission and establish the commencement date for the 40 year operational life of the solar farm and to define the time scale of the permission in the interests of visual amenity and to comply with Future Wales Policy 18 and JLDP Policy ADN 2.

5. No development or site clearance shall take place until a final Construction Environmental Management Plan ("CEMP") has been submitted to and approved in writing by the local planning authority. The CEMP shall provide the following details:

   i) Measures to ensure environmental protection at the site to cover all construction operations;
   ii) Details of any temporary fencing required for construction, including the precise location and appearance;
   iii) Detailed construction schedule and implementation timescales for all elements of the CEMP;
   iv) Reporting and monitoring responsibilities and delivery mechanisms for all elements of the CEMP;
   v) Noise mitigation measures during the construction phase;
   vi) Details of site working hours;
   vii) Reasonable Avoidance Measures in relation to relevant protected species;
   viii) A method statement and risk assessment for the protection of the structural condition of DCWW assets crossing the site and the proposed cable route (as required under Condition 13); and
   ix) A method statement for liaising and engaging with the local community during the construction phase.

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

   Reason: In the interests of biodiversity, visual amenity, and public health and safety, and in compliance with Future Wales Policy 18 and JLDP Policy ADN 2.

6. 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 if earlier) a Decommissioning Environmental Management Plan ("DEMP") shall be submitted for the written approval of the local planning authority.

   The plan shall include details of the following:

   i) Surveys and assessments to identify the existing ecology and habitat status at the time of decommissioning;

ii) Method Statement detailing the process and extent of removal of surface elements of the photovoltaic solar farm and associated development and any foundations, anchor systems, trackways and subsurface cabling and associated works;
iii) Proposals for effective recycling and disposal of decommissioned elements;
iv) Traffic management plan to address likely traffic impacts arising from decommissioning operations;
v) Measures to ensure environmental protection at the site to cover all decommissioning operations;
vi) Measures to ensure ecological protection at the site to cover all decommissioning operations informed by the surveys and assessments under i) above;
vii) Implementation timescales for all elements of the DEMP;
viii) Reporting and monitoring responsibilities and delivery mechanisms for all elements of the DEMP;
ix) Site restoration measures following all decommissioning operations; and
x) A final Decommissioning Soil Management Plan based on the Decommissioning Framework Plan approved under Condition 19.

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

Reason: To ensure that upon the expiry of the lifespan of the development, the development is decommissioned, and the land restored appropriately, in the interests of visual amenity and ecology and to comply with Future Wales Policy 18 and JLDP Policy ADN 2.

7. Site `rating' noise levels at the nearest non-financially involved residential property (in free field conditions) lawfully existing at the time of this planning permission shall not exceed 4dB above the representative background sound level (background measured in terms of LA90). The applicant shall submit to the Council confirmation that the above noise limit is being achieved within 2 months following normal site operating conditions. In the event that the information confirms that the noise limit is being exceeded the operator shall propose measures to mitigate the noise to ensure compliance with the above noise level limit.

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 site rating level shall be expressed as a LAeq 1hr during the daytime period (i.e. between 0700 to 2300 hours) and as a LAeq 15mins during the night-time period (i.e. 2300 to 0700 hours).

Reason: In the interests of amenity protection, consistent with Future Wales Policy 18, JLDP Policy PS 7, and Policy ADN 2.

8. No development shall take place until a Written Scheme of Investigation for a programme of archaeological work has been submitted to and approved in writing by the local planning authority. The development shall be carried out and all archaeological work completed in strict accordance with the approved details. A detailed report on the archaeological work set out in the Written Scheme of Investigation shall be submitted to and approved in writing by the local planning authority within 12 months of the completion of the archaeological fieldwork.

Reason: In the interests of archaeological protection and to comply with JLDP Policy PS 20.

9. 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 provide details of:

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

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

   Reason: In the interests of landscape character and ecology, and to comply with Future Wales Policy 18 and JLDP Policy ADN 2.

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

    Reason: In the interests of highways safety and to comply with Future Wales Policy 18 and JLDP Policy ADN 2.

11. Prior to the operation of the site, no CCTV and supporting structures shall be installed until details of any such CCTV installations for the site have been submitted to and approved in writing by the local planning authority. All CCTV installations within the site shall be retained in accordance with the approved details.

    Reason: In the interests of amenity and to comply with JLDP Policy ADN 2.

12. Prior to the operation of the site, no fencing for the site required during its operation shall be erected until details of any such fencing have been submitted to and approved in writing by the local planning authority. All CCTV installations within the site shall be retained in accordance with the approved details.

    Reason: In the interests of amenity and to comply with JLDP Policy ADN 2.

13. No development shall take place until details of a scheme to either protect the structural condition of the water mains or divert the water mains crossing the site have been submitted to and approved in writing by the local planning authority. The scheme shall include the precise location of the water mains in relation to the development, a detailed design, construction method statement and risk assessment outlining the measures taken to secure and protect the structural condition and ongoing access of the water mains. No other development pursuant to this permission shall be carried out until the approved protection measures or diversion scheme have been implemented and completed. All temporary physical protection measures shall be retained thereafter for the duration of the construction works and any permanent physical protection measures or diversion scheme shall be retained for the lifetime of the development.

Reason: To protect the integrity of the public watermain(s) and avoid damage thereto.

14. Notwithstanding the indicative plans submitted with the planning application no development shall take place until final plans have been submitted to and approved in writing by the local planning authority showing:

    i) The Final Site Arrangement for DA6 with an agreed minimum clearance distance width measured from the outer edge of the existing overhead line to the nearest solar panel throughout the length of the overhead lines crossing the site; and

    ii) The Final Site Arrangement for DA4 and DA5 with an agreed minimum clearance distance width measured from the outer edge of the existing overhead line to the nearest solar panel throughout the length of the overhead lines crossing the site.

    No development permitted by this decision shall infringe the statutory clearance distances of the existing 11kV and 33kV overhead electricity lines crossing the site and prevent the implementation of SP Manweb's statutory rights to maintain and operate these overhead lines.

    Reason: To protect overhead electricity lines.

15. No development shall take place unless or until such time as an Electrical Noise Interference Management Plan ("ENIMP") has been submitted to and approved in writing by the local planning authority. The submitted ENIMP shall contain, but not be limited to:

    i) manufacturer's specifications for any generating, and associated, infrastructure to be installed at the site, to include any inverter(s), substation(s), PV panels, and any associated cables (including all interconnecting cables as well as the export cable(s) to the national grid) and connectors;
    ii) details of measures designed to prevent electrical noise interference being caused to transmitter/receiver technical installations at RAF Valley;
    iii) a schedule setting out how the development will be operated, maintained, and tested throughout its life to ensure that any electrical noise interference on transmitter/receiver technical installations at RAF Valley is prevented; and
    iv) a protocol through which the site operator can be notified of electrical noise interference issues or observations, the measures that would be taken to investigate, and a description of the approach to resolving/rectifying/mitigated those impacts.

    The provisions set out in the ENIMP and any modifications or mitigation, as agreed in writing with the local planning authority, shall be maintained for the life of the development. No electrical component or electrical equipment that is not specified within the approved ENIMP shall be installed or operated within the site without the express written consent of the local planning authority.

    Reason: In the interests of maintaining the effective operation of national defence infrastructure and to maintain aviation safety. To comply with Future Wales Policy 18.

16. No development or site clearance shall take place until a final Construction Soil Management Plan ("CSMP") has been submitted to and approved in writing by the

local planning authority. All development and site clearance shall be carried out in accordance with the approved CSMP.

Reason: In the interests of protecting agricultural land quality, consistent with Future Wales Policy 9, PPW and TAN6.

17. No development or site clearance shall take place until final Landscape Masterplans have been submitted to and approved in writing by the local planning authority. The Landscape Masterplans shall deliver the principles and content of the proposals set out in drawing series Landscape Masterplans Plots DA 4, DA 5 and DA6 (Ref. LOC10001/11/14 Revision 1, LOC10001/11/15 Revision 1 and LOC10001/11/16), including planting to mitigate effects on residential visual amenity.

    The Landscape Masterplans shall include sufficient information to enable effective compliance monitoring or enforcement to include:
    i) Plant specification
    ii) Plant species, varieties and cultivars
    iii) Planting stock specification (stock size, form, root condition etc.)
    iv) Planting specification
    v) Depths of topsoil and subsoil; ground preparation and cultivation
    vi) Dimensions of planting pits or trenches and proposed backfill material
    vii) Planting densities/spacing or numbers
    viii) Methods of weed control, plant protection and support
    ix) Seed mix specifications and sowing rates; and/or turf specification

    Reason: In the interests of residential and visual amenity, landscape character and biodiversity. To comply with Future Wales Policy 18 and JLDP Policy ADN 2.

18. The approved Landscape Masterplans, as submitted to discharge condition 17, shall be fully implemented in the first planting season following the commencement of development and retained for the lifetime of the development hereby approved unless agreed through landscape plan updates. If within a period of 5 years from the date of the planting of any tree or hedge proposed as part of the Landscape Masterplans, or any tree or hedge planted in replacement of it, is removed, uprooted or destroyed or dies or becomes, in the opinion of the local planning authority, 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. The landscape masterplans must be reviewed by the undertaker and a plan with any updates required as a result of the review must be submitted to the local planning authority for written approval every five years for the operational life of the authorised development to ensure that the objectives set out are being met. The updated landscaping masterplan must be implemented in accordance with the approved details.

    Reason: In the interests of residential and visual amenity, landscape character and biodiversity. To comply with Future Wales Policy 18 and JLDP Policy ADN 2.

19. Prior to the commencement of development, an Operational Soil Management and Decommissioning Framework Plan (“the Framework Plan”) shall be submitted to, and approved in writing by, the local planning authority. The Framework Plan shall include details of:
    i) the measures to be implemented during the operation of the development to safeguard the agricultural quality of the soil within the development site, and

ii) the works necessary to revert the site to its original agricultural condition, including (as appropriate); the method for the removal of all the solar panels, structures, enclosures, equipment and all other apparatus above and below ground level from the site.

All development and site clearance shall be carried out in accordance with the approved Framework Plan.

Reason: To ensure best and most versatile agricultural land is protected during operation and that upon permanent cessation of electricity production the land is restored appropriately, consistent with Future Wales Policy 9, PPW and TAN6.

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.

APPENDIX 4: INSPECTORS REPORT PARC SOLAR TRAFFWLL

Adroddiad	Report
gan Siân E Worden BA DipLH MCD MRTPI	**by Siân E Worden BA DipLH MCD MRTPI**
Arolygydd a benodir gan Weinidogion	**an Inspector appointed by the Welsh**
Dyddiad:	**Date:**

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 62D

Application by Parc Solar Traffwll Limited

Land to the west and south-east of Llanfihangel yn Nhowyn and to the south and south-east of Brygwran, Anglesey.

Cyf ffeil/File ref: DNS/3217391

Abbreviations used in this report:

AA	Appropriate Assessment
AIAL	Assessment of Impact on Agricultural Land
ALC	Agricultural Land Classification
AONB	Area of Outstanding Natural Beauty
BMV	best and most versatile [agricultural land]
CEMP	Construction Environmental Management Plan
CMP	Construction Management Plan
CPO letter	Letter from Minister for Climate Change to all Chief Planning Officers dated 1 March 2022
CTMS	Construction Traffic Management Statement
DA	Development Area [one of the three parcels of land which would be developed]
DAM	Development Advice Map
DNS	Development of National Significance
EIA	Environmental Impact Assessment
EIP	Energy Island Programme
ENIMP	Electrical Noise Interference Management Plan
ES	Environmental Statement
FCA	Flood Consequences Assessment
FMfP	Flood Map for Planning
GAPS	Gwynedd Archaeological Planning Service
GCN	great crested newt
GVA	gross value added
HRA	Habitats Regulations Assessment
IACC	Isle of Anglesey County Council
LDP	Local Development Plan
LEMP	Landscape Ecological Management Plan
LIR	Local Impact Report
LNR	Local Nature Reserves
LPA	Local Planning Authority
LVIA	Landscape and Visual Impact Assessment
MoD	Ministry of Defence
NRW	Natural Resources Wales
PAR	Precision Approach Radar
PPW	Planning Policy Wales
PV	Photo voltaic
RIGS	regionally important geological / geomorphologic sites

RVAA	Residential Visual Amenity Assessment
SAB	Sustainable Urban Drainage Approval Body
SAC	Special Area of Conservation
SAM	Scheduled Ancient Monument
SoCG	Statement of Common Ground
SPA	Special Protection Area
SPALUPU	Soil Policy and Agricultural Land Use Planning Unit of WG
SPG	Supplementary Planning Guidance
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage Scheme
S106	Section 106 agreement or undertaking
TA	Transport Assessment
TAN	Technical Advice Note
VP	Viewpoint
WG	Welsh Government
WGHA	Welsh Government Highway Authority
WS	Wildlife Sites
'The 1990 Act'	The Town and Country Planning Act 1990 (as amended)
'The 2015 Act'	The Planning (Wales) Act 2015
'The DNS Regulations'	The Developments of National Significance (Wales) Regulations 2016
'The EIA Regulations'	The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017
'The Habitats Regulations'	The Conservation of Habitats and Species Regulations 2017
'The Procedure Order'	The Developments of National Significance (Procedure) (Wales) Order 2016
WFGA	Well-being of Future Generations Act (Wales) 2015
WLS	Welsh Language Statement
WMs	Welsh Ministers
ZOI	Zone of Influence

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DNS Application Ref: APP/ DNS/3217391

Site location: Land to the west and south-east of Llanfihangel yn Nhowyn and to the south and south-east of Brygwran, Anglesey.

- The application, submitted to PEDW on 26 February 2022, was made under section 62D of the Town and Country Planning Act 1990 (as amended by the Planning (Wales) Act 2015).
- The applicant is Parc Solar Traffwll Limited.
- The application was confirmed as valid on 11 April 2022.
- Site visits were made on 16 May, 27 July and 22 September 2022.
- Hearings were held on 26, 27 and 28 July 2022.
- The development proposed is a ground mounted photo voltaic solar farm, together with associated equipment, infrastructure, grid connection and ancillary works.

Summary of Recommendation: That planning permission be permitted subject to the conditions set out in Annex A of this document.

Procedural Matters

1. In accordance with Article 5 of The Developments of National Significance (Procedure) (Wales) Order 2016, the applicant notified PINS (Wales) on behalf of the Welsh Ministers of the proposed development on 10 May 2021. The submitted application was subject to appropriate pre-application consultation and publicity from 6 August 2021 until 17 September 2021, and was accompanied by a Pre-Application Consultation Report, dated February 2022.

2. An Environmental Statement (ES) under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (the EIA Regulations) was submitted with the application. The ES was assessed for completeness by PEDW. A report was issued on 19 April 2021 confirming that the ES contained the level of information identified in Regulation 17 and Schedule 4 of the EIA Regulations and was complete for the purposes of those Regulations. I have taken into account the ES and the environmental information, as defined in the EIA Regulations, in this report.

3. On confirmation of the validity of the application on 11 April 2022, PEDW undertook the specified consultation and publicity measures as required by the Order. The Isle of Anglesey County Council (IACC) subsequently submitted its Local Impact Report (LIR) in May 2022.

4. In a letter dated 30 May 2022, I informed the parties of the matters that would be discussed at hearings; all other matters would be considered by written representations. The letter also informed the applicant that further information was required for the purposes of the hearings.

5. The hearing sessions were held on 26, 27 and 28 July 2022 and considered the following topic areas.

- Hearing 1 - Best and Most Versatile Agricultural Land
- Hearing 2 - Character and appearance
  - Living conditions
- Hearing 3 - Community benefits and ownership
  - Conditions

6. I carried out unaccompanied inspections of the surrounding area on various dates, an accompanied visit to three dwellings adjacent to the site on 27 July 2022 and a further, post-hearings unaccompanied visit to various viewpoints on 22 September 2022.

The Site and Surroundings

7. The site of the proposed development comprises three parcels of land to the west of the island, close to the coast and RAF Valley. One, DA6, is to the south east of the village of Caergeiliog; the other two, DA4 and 5, lie opposite one another on the lane running out of Bryngwran and to the south of the A55. In total, the proposal site covers as area of approximately 63ha.

8. Despite its proximity to the trunk road, the area surrounding the parcels of land is rural and tranquil. The lanes connecting settlements and farms are narrow and, for the most part, bordered by tall hedges. The land around the sites is low lying with several bodies of water. It undulates gently and from several places there are wide reaching views towards the coast and of the intervening land. Much of it is in agricultural use, mainly grazing, but there are also scrublands, dunes and wetlands.

The Proposal

9. The proposed development is described on the application form as a ground mounted photo voltaic solar farm, together with associated equipment, infrastructure, grid connection and ancillary works. It is anticipated that the proposed development would have an electrical generating capacity of 30 - 40MW.

10. The Design and Access Statement provides a detailed description of what the proposal would include, namely:

- photovoltaic (PV) panels to a maximum height of 3m; the lowest part of the panel would be approximately 0.9m above ground level;
- mounting frames - matt finished, small section, metal structure;
- scheme of landscaping and biodiversity enhancement;
- central inverters (inverters and transformers will be housed together in prefabricated containers to a maximum height of circa 3m), substations (DNO and Customer to a maximum height of circa 3m) and associated cabling (below ground);
- point of connection;

- stock fencing up to a height of about 2m to secure the development areas;
- infra-red CCTV (CCTV cameras would operate using motion sensors and would be positioned inward only to ensure privacy to neighbouring land and property);
- temporary set down areas;
- internal service roads; and
- site access for the construction, operational and decommissioning phases.

11. The proposed point of connection would be located at an existing SP Energy Networks substation to the south of Caergeiliog on the eastern side of Cymyran Road. A customer substation would be located on DA6 and from here a cable would connect directly into the existing substation on Cymyran Road. DA4 and DA5 would be connected to the main customer substation at DA6 by underground cabling which would be located within the adopted highway or within land where an agreement is in place with the landowner.

National Planning Policy and Guidance for Renewable Energy

Prosperity for All: A Low Carbon Wales

12. The Environment (Wales) Act 2016 requires Welsh Government (WG) to reduce emissions of greenhouse gases (GHGs) in Wales by at least 80% for the year 2050 from 1990 levels with a system of interim emissions targets and carbon budgets. The Plan sets out how Wales aims to meet the first carbon budget (2016-2020) and consequently the 2020 interim target through 100 policies and proposals across Ministerial portfolios.

Planning Policy Wales Edition 11

13. WG published Planning Policy Wales Edition 11 (PPW) in February 2021. This provides the overarching national level source of planning policy for Wales and is a material consideration alongside Future Wales: The National Plan 2040 (Future Wales). It has been updated to take into account Future Wales and the Wellbeing of Future Generations Act which incorporates seven wellbeing goals. It seeks to support the requirement for sustainable development via the planning system whereby the presumption in favour of sustainable development forms the overarching role together with a firm view on improving population wellbeing.

14. PPW sets out the specific planning policies for achieving sustainable development across Wales. Figure 4 sets out the key planning principles of this national policy, stating that “The planning system has a vital role to play in making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of both the built and natural environments and to contribute to the achievement of the well-being goals.”

15. Chapter 5 (Productive and Enterprising Places) of PPW sets out WG’s policies regarding Enterprising Placemaking and Wellbeing across Wales. One of the key aims in relation to energy is:
    - For Wales to generate 70% of its electricity consumption from renewable generation by 2030;

- For 1 Gigawatt of renewable electricity capacity in Wales to be locally owned by 2030; and
- Actively managing the transition to a low carbon economy.

16. PPW chapter 5 outlines the importance of the planning system to deliver these targets; paragraph 5.7.15 states: “The planning system has an active role to help ensure the delivery of these targets, in terms of new renewable energy generating capacity and the promotion of energy efficiency measures in buildings.

17. Paragraph 5.9.19 states that: “In determining applications for the range of renewable and low carbon energy technologies, planning authorities should take into account:

    - the contribution a proposal will make to meeting identified Welsh, UK and European targets;
    - the contribution to cutting greenhouse gas emissions; and
    - the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development.

18. Paragraph 5.9.20 states:

    Planning authorities should also identify and require suitable ways to avoid, mitigate or compensate adverse impacts of renewable and low carbon energy development. The construction, operation, decommissioning, remediation and aftercare of proposals should take into account:

    - the need to minimise impacts on local communities, such as from noise and air pollution, to safeguard quality of life for existing and future generations;
    - the impact on the natural and historic environment;
    - cumulative impact;
    - the capacity of, and effects on the transportation network;
    - grid connection issues where renewable (electricity) energy developments are proposed; and
    - the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development.

19. Chapter 5 also outlines that before an application is submitted “…developments should, wherever possible, consider how to avoid, or otherwise minimise, adverse impacts through careful consideration of location, scale, design and other measures”. Furthermore, active engagement with the local community should be undertaken at pre-application stage.

Technical Advice Notes (TANs)

20. Supplementing PPW are Technical Advice Notes (TANs) which provide additional policy and detail on a variety of topics. Those of relevance to this case include:

- TAN 5, Nature Conservation and Planning;
- TAN 6, Planning for Sustainable Rural Communities;
- TAN 11, Noise;
- TAN 15, Development and Flood Risk;
- TAN 18, Transport; and
- TAN 24, The Historic Environment.

Development Plan Policy

Future Wales: The National Plan 2040 (Future Wales)

21. Future Wales was published in February 2021. It comprises part of the development plan (in conjunction with the local development plan for the area concerned). It provides a spatial expression of national planning policy and sets the guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years. Anglesey is in the North region with connections identified within the region, to Mid Wales, England and, via the port at Holyhead, internationally.

22. DNS applications must be determined in accordance with Future Wales. Policy 17 states that WG strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. 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 targets. These are:
    - for 70% of electricity consumption to be generated from renewable energy by 2030.
    - for one gigawatt of renewable energy capacity to be locally owned by 2030.
    - for new renewable energy projects to have at least an element of local ownership from 2020.

23. Policy 18 provides the criteria for assessing DNS proposals for renewable and low carbon energy and is required to be read together with Policy 17. The eleven criteria are that (briefly):
    1. the proposal does not have an unacceptable adverse impact on the surrounding landscape;
    2. there are no unacceptable adverse visual impacts on nearby communities and individual dwellings;
    3. there are no adverse effects on the integrity of Internationally designated sites and the features for which they have been designated;
    4. there are no unacceptable adverse impacts on national statutory designated sites for nature conservation, protected habitats and species;
    5. the proposal includes biodiversity enhancement measures to provide a net benefit for biodiversity;
    6. there are no unacceptable adverse impacts on statutorily protected built heritage assets;

7. there are no unacceptable adverse impacts by way of shadow flicker, noise, reflected light, air quality or electromagnetic disturbance;
8. there are no unacceptable impacts on the operations of defence facilities and operations (including aviation and radar);
9. there are no unacceptable adverse impacts on the transport network through the transportation of components or source fuels during its construction and operation;
10. the proposal includes consideration of the materials needed or generated by the development to ensure the sustainable use and management of resources;
11. there are acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration.

Anglesey and Gwynedd Joint Local Development Plan 2011 – 2026

24. The Anglesey and Gwynedd Joint Local Development Plan (JLDP) was adopted in July 2017 and provides the overarching strategic planning framework for Anglesey and Gwynedd to 2026. As Future Wales is the national, and highest, tier of development plan in Wales, local development plans are required to be in accordance with it. S38(5) of the Planning and Compulsory Purchase Act 2004 confirms that "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document". For this application, the last document is Future Wales.

25. The JDLP covers a period of 15 years (2011 to 2026) and its strategy concentrates on ensuring sustainable development. A full review of the JLDP commenced on 31 July 2021.

26. All JDLP policies are interrelated and should be read together to understand their combined effect on a planning proposal. The parcels that form part of the application site all lie outside the development boundaries identified in the JLDP and none are allocated for a specific use. They are in the open countryside outside of the Ynys Môn AONB and Special Landscape Areas (SLAs).

27. The JLDP sets out the key issues to be tackled across the joint area. This includes the loss of young economically active residents, low productivity within the local economy and the need to respond to business development needs and employment needs of existing/new employers. The lack of appropriate training and skills is a barrier to growth. The need for the plan area to adapt and respond positively to the challenges of climate change is also highlighted as one of the key issues. The Vision for the plan area is:

    By 2026, Anglesey and Gwynedd will be recognized for their vibrant and lively communities that celebrate their unique culture, heritage and environment and for being places where people choose to live, work and visit.

28. JLDP policies particularly relevant to the proposal are:

- **Strategic Policy PS 7** promotes renewable energy technologies subject to criteria including that installations outside designated areas will be supported

provided they would not cause significant demonstrable harm to landscape character, biodiversity, or amenity of residential or holiday accommodation, either individually or cumulatively.

- **Policy ADN 2** is PV solar energy specific, directing proposals for solar PV farms of 5MW or more to the potential search areas shown on the Proposals Map. Proposals of this scale will only be permitted in other locations in exceptional circumstances when the need for a scheme can be justified and there are specific locational circumstances.

  Proposals for Solar PV Farms of 5MW or more and other solar schemes of up to 5MW will be permitted provided that the proposal conforms to the following criteria:

  i. All impacts on landscape character, heritage assets and natural resources have been adequately mitigated, ensuring that the special qualities of all locally, nationally and internationally important landscape, biodiversity and heritage designations, including, where appropriate, their settings are conserved or enhanced;

  ii. The proposal will not result in significant harm to the safety or amenity of sensitive receptors including effect from glint and glare and will not have an unacceptable impact on roads, rail or aviation safety;

  iii. The proposal will not result in significant harm to the residential visual amenities of nearby residents;

  iv. The proposal will not have unacceptable cumulative impacts in relation to existing solar PV farms and those which have permission and other prominent landscape features;

  v. The panels and associated infrastructure will, at the end of the operational life of the facility, be removed in accordance with a restoration and aftercare scheme submitted to and agreed by the Local Planning Authority;

  vi. That a Construction Environmental Management Plan (CEMP) is provided to demonstrate that any potential negative effects arising during construction and decommissioning phases are avoided.

29. Other key policies are:

- **Strategic Policy PS 5**: Sustainable Development - supports development where is it consistent with the principles of sustainable development such as to “alleviate the causes of climate change…”.
- **Strategic Policy PS 6**: Alleviating and Adapting to the Effects of Climate Change - In order to alleviate the effects of climate change, proposals will only be permitted where it is demonstrated that they have fully taken account of and responded to the following factors: the energy hierarchy; reducing energy demand; energy efficiency. In addition, proposals must demonstrate that they have fully taken account of and responded to matters including the ability of landscapes, environments and species to adapt to the harmful effects of climate

change is not affected, and that compensatory environments are provided if necessary…"

- **Strategic Policy PS 19**: Conserving and Where Appropriate Enhancing the Natural Environment - development must be managed to conserve and where appropriate enhance the Plan area's distinctive natural environment, countryside and coastline, and proposals that have a significant adverse effect on them will be refused unless the need for and benefits of the development in that location clearly outweighs the value of the site or area and national policy protection for that site and area in question."
- **Policy PCYFF 1**: Development Boundaries – resists development outside the development boundaries identified in the Plan unless in accordance with specific policies in this Plan or national planning policies or the proposal demonstrates that its location in the countryside is essential.
- **Policy PCYFF 2**: Development Criteria – sets out criteria for all proposals including that planning permission would be refused where there was an unacceptable adverse impact on the health, safety or amenity of occupiers of local residences, other land and property uses or characteristics of the locality due to increased activity, disturbance, vibration, noise, dust, fumes, litter, drainage, light pollution, or other forms of pollution or nuisance.
- **Policy PCYFF 4**: Design and Landscaping – states that all proposals should integrate into their surroundings and that those failing to show (in a manner appropriate to the nature, scale and location of the proposed development) how landscaping has been considered from the outset as part of the design proposal will be refused.
- **Policy TRA 4**: Managing Transport Impacts – does not permit proposals which would cause unacceptable harm to the safe and efficient operation of the highway, public transport and other movement networks including pedestrian and cycle routes, public rights of way and bridle routes.
- **Policy AMG 3**: Protecting and Enhancing Features and Qualities that are Distinctive to the Local Landscape Character – states that development will be managed to conserve and where appropriate enhance the Plan area's distinctive natural environment, countryside and coastline; proposals that have a significant adverse effect on them will be refused unless the need for and benefits of the development in that location clearly outweighs the value of the site or area and national policy protection for that site and area in question. A proposal will be granted provided it doesn't have significant adverse impact upon features and qualities which are unique to the local landscape in terms of visual, historic, geological, ecological or cultural aspects.
- **Policy AMG 5**: Local Biodiversity Conservation – states that proposals must protect and, where appropriate, enhance biodiversity that has been identified as being important to the local area by avoiding significant harmful impacts through the sensitive location of development. Opportunities to create, improve and manage wildlife habitats and natural landscape including wildlife corridors, stepping stones, trees, hedges, woodlands and watercourses must also be

considered. Proposals affecting sites of local biodiversity importance will be refused unless they can conform with criteria.

- **Policy AMG 6**: Protecting Sites of Regional or Local Significance – will not permit proposals likely to cause direct or indirect significant harm to Local Nature Reserves (LNR), Wildlife Sites (WS) or regionally important geological / geomorphologic sites (RIGS) unless there is a proven, overriding need for the development, and no other suitable site.
- **Policy PS 20**: Preserving and Where Appropriate Enhancing Heritage Assets – permits proposals that would preserve and, where appropriate, enhance heritage assets, their settings and significant views into and out of the buildings/areas.

30. Other JLDP policies which should be considered include: PCYFF 6 Water Conservation; PS2 Infrastructure and Developer Contributions; ISA 1 Infrastructure Provision; and Policy PS13 Providing opportunity for a flourishing economy.

31. In addition, the Supplementary Planning Guidance (SPG) on Maintaining and Creating Distinctive and Sustainable Communities (July 2019) and the Isle of Anglesey County Council's Community Benefit Contribution Strategy are also of relevance.

Planning History

32. The relevant planning history is summarised below:

Planning reference	Description	Decision Date
Development Area 4		
EL/974/E	Erection of electricity lines on land near Plas Llechylched, Bryngwran.	18/01/1980
16C132A	Erection of an agricultural shed on O.S 1815, Bryngwran.	19/04/2007
16C132B	Construction of track to gain access to the agricultural shed approved under planning application ref: 16C132A on land at Plas Llechylched, Bryngwran.	08/10/2007
16C132D	Full application for the erection of an agricultural dwelling on land adjacent to Plas Llechylched, Bryngwran.	04/04/2011
16C132E	Application to determine whether prior approval is required for the erection of an extension to the agricultural shed to store agricultural equipment and machinery on land forming part of O.S. enclosure SH 3477 1815, Bryngwran.	02/08/2011
16C187	Erection of an agricultural shed together with the construction of a new access to the field opposite Plas Llechylched, Bryngwran	13/12/2010

16C145G	Application to determine whether prior approval is required for the construction of a hardstanding area on land at Plas Llechylched Farm, Bryngwran.	12/07/2012
16C151	Alterations and extensions including the erection of a private double garage at Plas Llechylched Farm, Bryngwran	22/08/2003
16C151A	Full application for the re-siting of the garage previously approved under planning permission 16C151 together with alterations to the existing dwelling at Plas Llechylched, Bryngwran.	10/10/2014
16C204	Full application for conversion of outbuildings into 5 dwellings and 2 holiday letting units together with the installation of a package treatment plant at Plas Llechylched, Bryngwran	07/06/2016
16C204A/DIS	Application to discharge conditions (06) (management and maintenance for the communal foul and surface water system), (07)(full photographic record) and (11) (copy of an European Protected Species Licence) of planning permission 16C204 at Plas Llechylched, Bryngwran.	10/01/2017
16EL/1361/E	Erection of overhead electricity lines at Plas Farm, Bryngwran.	19/08/92
16/C/71	Formation of an 18 hole golf course with a hotel and club house at Llechylched Farm, Bryngwran.	06/04/1992
Development Area 5		
N/A		
Development Area 6		
N/A		

Environmental Statement (ES)

33. To determine the extent (or 'scope') of environmental topics to be considered in the EIA and reported on in the ES, the Planning Inspectorate [now PEDW] was requested to provide a formal opinion (Scoping Direction). This Direction (Appendix 1.1, Doc. Ref. 4.01.1 to the ES) confirmed the information to be supplied in the ES by the applicant. The ES has been prepared in accordance with the Scoping Direction from the Planning Inspectorate.

Environmental considerations not significantly affected by the proposals

34. A number of environmental topics were scoped out of the EIA as they were considered unlikely to result in any significant environmental effects. These included:

- **Major accidents and/or disasters** - due to the benign nature of the proposed development and the careful management of the construction and operation periods, it is unlikely to have a significant effect in terms of pollution, nuisance, accident or disaster.

- **Public health and wellbeing** – the proposed development is unlikely to release pollutants or any hazardous, toxic or noxious substances to air or land. Potential health impacts are therefore related primarily to construction and operational related impacts. A detailed Construction Management Plan (CMP) in accordance with statutory requirements and best practice methods will mitigate any construction related impacts. Once operational, the generation and transmission of electricity produced by the development can be safely managed and the panels themselves are inert, static structures which will are unlikely to release light, heat energy or electromagnetic radiation.

- **Land use** - there are elements of 'Best and Most Versatile' agricultural land within the development areas. But given the varied nature of the identified Agricultural Land Classification (ALC) grades it is not possible to farm the land that reflects (in part) the higher grades. As such, agricultural management of the land has always fallen within the capabilities of the lowest grade hence the development areas have always been grazed or used for haymaking. No significant effects are anticipated from a land use perspective.

- **Air quality** - solar developments have no direct source of emissions to atmosphere during the operational phase. Possible impacts to local air quality only have the potential to occur during the short period of the construction phase through vehicular and plant emissions and through the creation of dust. It is considered that this potential effect during construction will be managed through a Construction Traffic Management Statement in accordance with best practice methods;

- **Glint and glare** - Pre-application discussions with the Ministry of Defence (MoD) confirmed the need for a glint and glare assessment. However, it was agreed that the assessment should only cover the potential from DA6, the closest deployment area to RAF Valley. Following the completion of the glint and glare assessment, the MoD confirmed that they had no objection to the proposed development.

- **Socio-economic** – the proposed development could potentially generate a range of socio-economic and economic benefits throughout its 40 year lifespan. These include job creation, multiplier benefits, carbon reduction, and local community and educational benefits. The need to upskill the current and future workforce across North Wales is a key aspiration within policy guidance and growth strategies. The proposed development offers the opportunity to build awareness of the energy sector and expand the knowledge network through potential collaboration with local schools. In addition to this the Applicant actively works with university research programs.

- **Traffic and transport** - over the 4 - 5 month construction phase, it is anticipated that approximately 330 return journey deliveries to site, or 660 individual movements, will be generated. Even at the most intense period of construction when solar panels, frames, posts and electrical support equipment and fencing are being delivered, there would be approximately an average of just over 5 HGV deliveries (10 movements) per working day. A package of measures would be put in place to ensure the safety of highway users and delivery vehicles. On the basis of the trip generation outlined above and given the temporary nature of the construction works, it is expected that the construction of the proposed solar farm would have minimal impact on the local highway network. Once operational, movements would be limited to maintenance vehicles and are anticipated to be no more than 1 – 2 vehicles per week.

35. From the above summaries it is clear the proposal will not lead to significant effects from the scoped out environmental topics.

36. The following sections summarise the environmental topic chapters of the Environmental Statement, Volume 1 (Doc. Ref. 4.01). Each section includes a brief description of any identified potential environmental effects resulting from the proposed development and the ways, if necessary, to reduce such impacts.

Landscape and Visual Impact Assessment (LVIA)

Landscape impact

37. The LVIA concludes that the Development Areas (DAs) are of a low-medium landscape value. They are noted for their contribution towards landscape condition (intact field systems), scenic quality (quieter areas away from transport corridors and the airfield) and conservation interests (cultural and ecological features). Such features would, however, be predominantly unaffected by the form of the proposed solar development. The DAs contain commonplace landscape features that are seen throughout the local area and provide very limited direct, recreational value / public access. Perceptions of the landscape are also influenced by the nearby busy transport corridors, overhead electricity pylons and views to, and audible aircraft disturbance, from RAF Valley.

38. The susceptibility to change of the pastoral landscape is considered medium largely due to the scale of the proposal, in terms of its vertical and overall surface area, and local landscape features which are a gentle undulating landform surrounded by blocks of mature hedgerows and scrub. The LVIA accepts that there would be some undue consequences from development. The local landscape of the DAs could, however, accommodate a solar farm of the form and scale proposed without a significant change in local character as the DAs contain few landscape characteristics that would be vulnerable to the proposal.

39. With regard to the construction and de-commissioning activities, any effects on landscape character and landscape receptors during the construction and decommissioning phases would be temporary and short term in duration. There would be no direct changes to the landscape immediately outside of the site

boundaries as the construction and decommissioning operations would be retained within.

40. A moderate significance of landscape effect is concluded overall and this is classified as a not significant effect.

Visual impact

41. The LVIA residential visual assessment (Doc. Ref. 4.01.7f) concluded that seven properties/groups out of thirty one assessed had the potential to experience 'major' visual effects that would be classified as 'significant'. Those seven properties/groups with potentially significant visual effects were considered in further detail through a Residential Visual Amenity Assessment (RVAA). The RVAA reviewed the properties against the defined criteria to consider the effect of the solar development upon the residential visual amenity on the living conditions of the residents. With regard to case law and residential visual amenity guidance, the assessment judged that there would be no situation where the solar development would appear 'overbearing, overwhelming or oppressive' in such a way that the visual effects would render the properties as unattractive and uninhabitable places to live. In summary the RVAA confirms that identified residential receptors will not experience significant adverse effects.

42. Five additional settlements within the study area were considered, the assessment concluding that there would be extremely limited visibility to the DAs from the settlements. The scale of visual effect was considered to be 'negligible' and therefore 'not significant' visual effects are concluded from the local settlements.

43. DA6 has the greatest concentration of public rights of way within 250m, nine in total. Only one footpath (32/017/1), which passes directly beside the southern boundary of the solar arrays within the DA boundary, was considered to experience effects of a 'significant' nature. However, the significant effects are limited to the short section beside the development only; outside of the DA the effects on the majority of the route are considered not significant.

44. The main vehicular routes have been assessed and it is concluded the effects from the main 'A' roads that pass through the study area would be 'not significant'. These routes are subject to the greatest volume of traffic movements in the study area. Visual effects from the minor roads that pass the DA boundaries have been considered as they are the location for numerous viewpoints. Of the nineteen viewpoints considered as part of the LVIA, four were assessed to have potentially significant visual effects, three of which were in open field gate access. These are stationary views, whereas in reality the views would be glimpsed, of a very short duration and so likely to be of a lower scale of effect. The remaining 'significant' viewpoint was from a locally elevated position on the highway. The majority of the road corridor close to this viewpoint is filtered and screened by mature hedgerows allowing a glimpsed view.

45. Overall, the LVIA demonstrates that the proposed development could be successfully integrated into the local landscape of Anglesey without causing significant and wide scale harm to the landscape character, and providing opportunities for enhanced mitigation and management of the 'undeveloped' areas

of the DAs, totalling c.29 ha. The assessment demonstrates that the development would result in no significant adverse effects upon landscapes including protected landscapes (The Anglesey AONB).

46. Whilst significant visual effects are noted, the assessment has established that these would be focussed upon a limited number of near highway receptors only. However, it is expected that the proposed planting mitigation and management of existing hedgerows will over time reduce the level of visual effects on the near highway receptors, filtering views to the DAs.

Noise and vibration

47. Six noise sensitive locations were identified within the vicinity of the DAs, including residential properties. Noise surveys were simultaneously carried out at these locations to understand the local noise climate. These background levels were then compared with likely sound levels generated during the construction, operational and decommissioning phases of the proposal.

48. During the construction and decommissioning phases there would be a variety of noise sources from various operations at different times such as deliveries, trenching or constructing the arrays. The highest noise levels relative to nearest receptors are likely to occur during site preparation and infrastructure activities. However, the proposed mitigation will ensure noise levels are kept to acceptable levels. Such measures include:

    - Restricting operation to current permitted hours during the daytime;
    - Regular maintenance of plant;
    - Where required, use of local screening where plant is being used in close proximity to sensitive receptor boundaries or around plant (e.g. within 30m of sensitive boundary) using temporary hoarding.

49. Due to the relatively quiet nature of the equipment, during the operational phase noise levels will be low at identified receptor locations. As such, environmental effects are considered not significant.

Hydrology, hydrogeology and flood risk

50. All sources of flooding have been considered, namely fluvial (river) flooding, tidal (coastal) flooding, groundwater flooding, surface water (pluvial) flooding, sewer flooding and flooding from artificial drainage systems/infrastructure failure. Natural Resources Wales (NRW) identifies parts of DA4 and DA5 as being within flood zones C2 and 3 from undefended fluvial flood extents.

51. A Flood Consequence Assessment (FCA) has been undertaken for the proposed development in accordance with guidance contained in PPW and TAN15. The FCA identifies and assesses the risks of all forms of flooding to and from the development and demonstrates how these flood risks would be managed so that the development remains safe throughout the life of the development taking climate change into account.

52. It was agreed with IACC that the proposed development would constitute ‘less vulnerable development’ as defined by TAN15. The FCA has demonstrated that the

risks of flooding can be effectively managed in the areas at risk within DA4 and DA5 and (together with the Planning Statement) has demonstrated that the Justification Test as prescribed in section 6 of TAN15 is met.

53. Research has found that, with well-maintained grass underneath, the solar panels themselves do not have a significant impact on the runoff volumes of surface water; as such, environmental effects are considered not significant. At present surface water runoff is discharged from the Dol Eithin housing estate and flows slowly through DA6 to Llyn Dinam Special Area of Conservation (SAC). Currently the poor state of the ditch network means that much of the silt and nutrients settle out in very localised temporary ponding/ flooding areas or are lost en route before reaching Llyn Dinam. As part of a package of enhancements the ditch network would be managed to ensure surface waters are retained for a sufficient period to maximise sediment and nutrient fall out prior to entering the SAC. Details of the enhancement are presented in the Sustainable Urban Drainage Approval Body (SAB) submission (Appendix 10.3, Doc. Ref. 4.01.10c).

Ecology and nature conservation

54. Of the five statutory sites designated for nature conservation (European) within 10km of the application site, two (Llyn Dinam SAC and Glannau Ynys Gybi /Holy Island Coast Special Protection Area (SPA)) have been scoped into the assessment. The remaining statutory sites have been scoped out of the assessment as there are no ecological or hydrological links with the application site.

55. Of the six statutory sites designated for nature conservation under national legislation within 10km of the application area, two (Llynnau y Fali SSSI and Llyn Traffwll SSSI) have been scoped into the assessment. The remaining statutory sites have been scoped out of the assessment as there are no ecological or hydrological links with the application site.

56. There are fourteen non-statutory sites designated for nature conservation within 2km of the application site. Three sites are adjacent to some of the development areas and have been scoped into the assessment namely Cors Plas, Tywyn Trewan and RSPB Valley Wetlands Reserve. The remaining sites have been scoped out of assessment as there are no ecological features that are likely to be affected by the proposal.

57. A significant amount of baseline survey work has been carried out to fully understand the habitats in and around the site and the species they support. In consultation with NRW and IACC the following surveys have been completed:
    - Great Crested Newt Survey Report
    - Common Bird Census (Breeding Birds) Survey Report
    - Wintering Birds Survey Report
    - Chough Report
    - Bat Report and Data Appendices
    - Water Vole and Otter
    - Pre-Application and Scoping Responses from Consultees
    - Phase 1 habitat maps

- Results of desktop data search - protected species & habitats
- Reptile habitat suitability assessment

58. Semi-improved neutral grassland is dominant across DA6 while DA4 and DA5 comprise improved grassland. The survey also noted the varying amounts of rush pasture intermixed with the semi-improved grassland particularly on DA6.

59. In response to the findings the following mitigation is proposed:
    - No deployment in DA6 where it overlaps the SAC/SSSI areas and undertake management of adjacent non-deployment area for key wildlife;
    - Enhancements to SAC/SSSI through no agricultural inputs to the development areas and management of the principal drain through DA6 to improve water quality;
    - Removal of DAs 8, 9 and 1 from the application to avoid potential impacts to choughs winter foraging and lapwing, golden plover breeding and foraging and breeding skylarks;
    - All DAs will be enhanced through re-sowing with a species-rich wild flower and fine grass mix suitable for grazing;
    - Installing bat boxes of multiple designs in taller trees at the margins of the DAs.

60. Whilst the construction phase may lead to temporary displacement and disturbance of foraging behaviour, this impact will be temporary (4-5 months maximum). Taking into account all the proposed mitigations, the scale should be contained within the immediate environs of the development and as such is not significant.

61. The increase in botanical diversity will lead to an increase in invertebrate diversity. In combination, such enhancements will produce significant environmental benefits for breeding and wintering birds, small mammals, bats, reptiles and amphibians. A monitoring programme will be established to assess the effects of the development, mitigation and enhancements upon key elements of biodiversity. The monitoring system will be designed to provide results that are comparable between years and between DAs.

Cultural heritage

62. Consideration had been given to the potential impact of the proposed Parc Solar Traffwll project on archaeological and cultural historic assets. Gwynedd Archaeological Planning Service and Cadw have been consulted in relation to the archaeological assessment. The consultation took place before the assessment was undertaken, at each stage of the assessment process thereafter and in relation to final reporting.

63. There are no listed buildings within the application site but 94 listed buildings are located within the 5km search area. The desk-based assessment identified thirteen scheduled monuments within the 5km search area of the proposed development. The desk-based assessment (Doc. Ref. 4.01.9a) and the Historic Asset Setting Impact Assessment (Doc. Ref. 4.01.9d) determined that the scheduled monuments would not be directly or indirectly impacted upon by the proposed development.

64. No additional mitigation would be required for archaeological remains when the solar farm is operational as any issues would have been suitably resolved prior to

or during the construction phase of the project. It is anticipated that no additional mitigation would be required for listed buildings during the operation of the solar farm. The partial views to the Grade II listed buildings from the solar farm would be suitably mitigated through a combination of landscaping and/or the introduction of additional vegetation. The operational stage of the solar farm would not have a negative impact on the scheduled monuments in the proximity of the development. The removal of DA3 from the proposal ensures that there will not be an adverse effect on the setting of the Castellor Hut Settlement.

65. The residual significance of effect during the three phases of operation of the development has been assessed to be minor adverse for the archaeological remains and most of the affected listed buildings; the exception would be the Church of St Mihangel on which the solar farm would have a negligible effect. Overall, there will be no significant environmental effect on identified heritage resources.

Cumulative impacts

66. Of the environmental topic areas considered as part of the EIA, the significance of impacts from the continued operations which are considered would be greater than negligible are limited to:
    - Ecology
    - Landscape and visual
    - Heritage

67. In terms of assessing the cumulative impact from the proposal in isolation, it is considered that the following topics would have an adverse effect:
    - Minor impacts to certain habitats and species during the 4-5 month construction/decommissioning phases;
    - Minor impacts to landscape character and some nearby visual receptors during the 4-5 month construction/decommissioning phases;
    - Moderate impacts to landscape character and up to major impacts for some nearby visual receptors during the operational phase;
    - Minor impacts to known archaeology within the deployment area; and
    - Minor impacts to nearby Listed Buildings.

68. It is considered there would be no synergistic characteristics between temporary impacts to certain site-based habitats and species, landscape character/visual amenity and known archaeology during the construction and decommissioning phases. During the operational phase potential impacts to nearby visual receptors and landscape character were assessed, as were potential impacts to nearby Listed Buildings. It is considered that opportunities for synergistic effects to increase the impacts on identified receptors beyond that assessed individually would be negligible given the different sensitivities of the identified receptors. In terms of cumulative impacts with development from beyond the application site boundary, no potentially significant effects were identified.

The Case for the Applicant

Principle of development

69. The UK and Welsh Governments (WG), and IACC, have declared a climate emergency. In response, both UK and WG have legislated an ambitious net zero emissions target by 2050. WG has also set an interim target of net Welsh emissions to be 63% lower than the 1990 baseline by 2030. In December 2020, the CCC published a progress report on emissions reduction in Wales showing that emissions of greenhouse gases have fallen by 31% since 1990 according to 2018 reports. Although this progress is likely to meet 2020 targets, there is still much to be done in order to meet the net zero target by 2050, and the interim targets set by WG. WG's own figures on greenhouse gas emissions demonstrate a more gradual decline in emissions with the 2020 target of 40% reduction from 1990 levels unlikely to be met.

70. According to WG figures, Wales is substantially behind its own net zero target by 2050. The evidence shows that the effects of climate change are already being seen in Wales, including rising sea levels and an increase in extreme heat events, highlighting the need for greater urgency in decarbonisation efforts.

71. Welsh energy policy acknowledges that renewable energy development is a key contributor to the net zero target. Specifically, Prosperity for All: A Low Carbon Wales and Net Zero Wales seek to accelerate the deployment of renewable energy generation in order to cut emissions. At a UK level, the National Infrastructure Strategy states that to achieve net zero by 2050, the power system will need to be carbon free and significantly larger to cope with additional demand. As set out in the Energy White Paper, generation of clean energy may need a four-fold increase to meet this additional demand and to replace the retiring of old capacity.

72. The proposed development will have an export capacity of circa 35MW of electricity, enough to power approximately 11,630 homes per year and offset over 7,161 tonnes of CO2 every year, the equivalent of taking around 3,818 cars off the road.

Compliance with planning policy

73. There is unequivocal planning policy support for the principle of renewable energy development, primarily through Future Wales and PPW at a national level, and the Anglesey and Gwynedd JLDP at a local level. Future Wales, together with PPW, aims to ensure that the planning system focuses on delivering a decarbonised and resilient Wales, including through energy generation. Policy 17 of Future Wales provides strong support for the principle of developing renewable and low carbon energy from all technologies and at all scales and requires that decision makers give significant weight to the need to meet Wales' international commitments, and the target to generate 70% of consumed electricity by renewable means by 2030. The proposal will make a significant contribution to meeting these targets.

74. The significant weight to be placed on the need to meet Wales' renewable energy targets is evident in recent decisions taken by Welsh Ministers in respect of other DNS applications .

75. Future Wales also considers the responsibility of the North Wales region (specifically the north west), with the supporting text to Policy 24 explaining that the region plays an important role in the decarbonisation of society. It also recognises the strong potential for solar energy generation in North Wales.

76. PPW strongly supports the principle of renewable energy development. It states (para 3.30) that the planning system plays a key role in tackling the climate emergency through the decarbonisation of the energy system. The energy section of PPW states that low carbon electricity must become the main source of energy in Wales, and that significant investment will be needed in energy generation, transmission and distribution infrastructure in order to ensure future demand can be met. It also states that the benefits of renewable and low carbon energy, as part of the overall commitment to tackle the climate emergency and increase energy security, is of paramount importance.

77. At a local level, the JLDP is supportive of renewable energy, with Strategic Policy PS 7 (Renewable Energy Technology) seeking to ensure that Anglesey realises its potential to provide renewable and low carbon energy technologies. With specific regard to solar energy, Policy ADN 2 (PV Solar Energy) states that proposals for solar farms of 5MW should be directed to 'potential search areas', and proposals elsewhere will be permitted in exceptional circumstances when the need for a scheme can be justified and there are specific locational circumstances.

78. Significantly, the JLDP was adopted in July 2017, predating both Future Wales and edition 11 of PPW. This is an important consideration in the planning balance as LDPs are required to be in conformity with Future Wales and PPW. In light of this, significant weight cannot be applied to Policy ADN 2 as the national policy context has changed since it was prepared and adopted, and it is now superceded by the policy expressed in Future Wales and PPW. PPW states that LDPs should be identifying the most appropriate locations for development of energy developments below 10MW, a threshold which the proposed development exceeds. As such, it is considered that ADN2 and the potential search areas it identifies are of limited policy relevance to the proposed development.

79. Notwithstanding this, it should be noted that the IACC officer recommendation report for an approved solar farm at Rhyd y Groes, Rhosgoch (application ref 20C310B/EIA/RE), which also fell outside a Policy ADN2 'potential search area', acknowledged that the policy does not prevent development outside of search areas but that exceptional circumstances must exist - being when the need for the scheme can be justified and there are specific locational circumstances. It was acknowledged that need is not a material planning consideration and that (in the case of that scheme), there was a lack of viable sites within the potential search areas. The same circumstances exist for the developed proposed at Parc Traffwll.

80. The ES (chapter 5) sets out the detailed criteria used for site selection and demonstrates the need for the development in the proposed location and why the 'potential search areas' were not suitable. On review of the opportunity area around Caergeiliog it was found that a significant proportion of this area was constrained by rocky outcrops which would make deployment very difficult and the project not viable. Land to the immediate north-east, east and south-east of the substation was

vegetated with scrub and trees. Approaches were made to landowners within the solar search area but none were interested in having solar on their land.

81. Renewable energy generation has an important role in achieving sustainable development. As part of decarbonising the Welsh economy, the proposal will provide economic, social and environmental enhancements. Economic benefits will include the creation of temporary jobs, supporting local supply chains during the construction phase and support the low carbon decentralised energy generation on the Isle of Anglesey as a key growth sector. Social benefits will be realised through decentralised energy generation and not relying on energy imports. Environmental gains would be secured through carbon reduction and local biodiversity enhancements.

82. National and local planning policy is overwhelmingly supportive of renewable energy developments and therefore the 'in principle' acceptability of the proposed development is considered to be established.

83. Policy 17 of Future Wales should be read alongside the criteria set out in Policy 18 for assessing large scale proposals for renewable and low carbon energy. These criteria are considered below, and notwithstanding the limited weight afforded to the JLDP, also demonstrate compliance with the criteria set out in the second part of Policy ADN2 of the JLDP.

Landscape and visual amenity

Landscape

84. The ES (chapter 7) presents the LVIA of the proposed development and confirms that the application site does not form part of any statutory landscape designation, with the Anglesey AONB being located c.850m south-west of DA6. The DAs are noted for their contribution towards landscape condition, scenic quality and conservation interests. These are all features considered to be predominantly unaffected by this form of solar development. The DAs also contain commonplace landscape features that are seen throughout the host LCAs (Landscape Character Area) and provide limited direct recreational value / public access. Landscape perceptions are also influenced by the busy nearby transport corridors, overhead electricity pylons and views to and aircraft from RAF Valley Airfield.

85. The development would not lead to a loss of pastoral grazing land at the local level, as grazing can continue throughout the life of the project, albeit at a lower intensity. It is also considered that due to the distribution of the individual DAs in the study area (and the overall reduction in number of DAs from the original proposal) that the local landscape could accommodate this particular form of development without a significant change in local character. The DAs contain few landscape characteristics that would be vulnerable to the proposal.

86. It is acknowledged that the character of the local landscape within the DAs will change. The retention and management of surrounding vegetation, however, and mitigation will aid integration and lessen the visual prominence of the solar farm.

87. Overall, it is considered that the DAs are of a Medium-Low landscape value. The magnitude of landscape change arising from the proposed development is considered Medium. A ‘Moderate’ significance of landscape effect is concluded overall, this is a ‘Not Significant’ effect. With regard to the construction and decommissioning activities, any effects on landscape character and landscape receptors will be temporary and short term. As such, it has been demonstrated that the proposed development would not have an unacceptable adverse impact on the surrounding landscape.

Visual amenity

88. The Residential Visual Amenity Assessment (RVAA) assessed 14 properties/groups of properties, including 7 at which the LVIA had identified the potential to experience ‘major’ visual effects considered ‘significant’. The RVAA focusses exclusively on private views and private visual amenity against defined criteria to consider the effect of the proposed development upon the residential visual amenity of local residents. In line with tests established in case law and residential visual amenity guidance, the assessment judged that there would be no situation where the solar development would appear ‘overbearing, overwhelming or oppressive’ in such a way that the visual effects would render the properties as unattractive and uninhabitable places to live. In summary, the RVAA confirms that identified residential receptors will not experience significant adverse effects.

89. In terms of visual effects on other receptors, only 1 footpath was considered to experience effects of a ‘significant’ nature, footpath 32/017/1, which passes directly beside the southern boundary of the solar arrays within the DA6 boundary. However, the significant effects are limited to the short section beside the development only. It is concluded the effects from the main ‘A’ roads that pass through the study area would be ‘not significant’.

90. Of the 19 viewpoints considered as part of the LVIA, 4 were assessed to have potentially significant visual effects, 3 of which were in open field gate access with near range views of the DAs where significant effects would be expected. In reality the views would be glimpsed and of a very short duration so likely to be of a lower scale of effect. The remaining 'significant' viewpoint was from a locally elevated position on the highway. The majority of the road corridor close to this viewpoint is filtered and screened by mature hedgerows allowing transient and a glimpsed view. The proposed planting mitigation and management of existing hedgerows will, over time, reduce the level of visual effects on the near highway receptors.

91. The LVIA demonstrates that the proposed development could be successfully integrated into the local landscape without causing significant and wide scale harm to the landscape character. There would also be enhanced mitigation and management of the ‘undeveloped’ areas within the site (c.29 ha.) The scheme includes additional mitigation in the form of the reinforcement of hedgerows together with offsets and buffer zones and additional hedgerow planting to minimise impacts on residential dwellings.

Biodiversity.

92. Of the statutory sites designated for nature conservation within 10km of the application site, two European sites (Llyn Dinam SAC and Glannau Ynys Gybi /Holy Island Coast SPA) two national sites (Llynnau y Fali SSSI and Llyn Traffwll SSSI) and were scoped into the assessment. The remaining statutory sites were scoped out of the assessment as there are no ecological or hydrological links with the application site.

93. As part of the management of the DAs there will be a significant increase in botanical diversity, including a total of 750m of new species rich hedgerow be planted in DA4 and DA5, which will lead to an increase in invertebrate diversity. Such enhancements are likely to produce significant benefits for breeding and wintering birds, small mammals, bats, reptiles and amphibians. The management of the southernmost and western fields of DA6 as wet pasture / floodplain grazing marsh will provide a positive water quality improvement to Llyn Dinam SAC and Llynnau y Fali SSSI. The principal drain through DA6 will be managed as a vegetated ditch designed to slow the flow of water to aid settling out of sediment and filter the water. The significance of this impact is positive and moderate and there will be no unacceptable adverse impact on internationally or nationally designated sites, habitats or species.

94. In relation to net benefit for biodiversity, a calculation of Biodiversity Net Gain has been made using the Defra Biodiversity Metric 3.0. The proposed development will deliver an overall gain for habitats of 21.69%, with the main gains coming from the conversion of agricultural grassland to higher value habitats such as wild flower meadows, wild bird seed mixes and wet pasture in DA4 and DA5. The overall gain for hedgerow habitats is 70.25% achieved by improving the quality of existing hedges and planting new, species rich sections. The net gain delivered would meet Policy 18 of Future Wales. Overall, the proposed development would meet the biodiversity objectives of Future Wales, PPW11 and the JLDP.

Historic Environment

95. Following the Desk-Based Assessment and the guidance provided in the EIA Scoping Direction, an archaeological evaluation was conducted within the DAs to help determine the level of subsurface archaeology present. The desk-based assessment identified 13 scheduled monuments within the 5km search area of the DAs, the majority of which will not be directly or indirectly impacted upon by the proposed development. There are no listed buildings within the proposed DAs but 94 are located within the 5km search area of the desk-based assessment, four of which are located adjacent the application site.

96. Of the 131 trial trenches excavated, 77 contained no archaeological evidence. The remaining 54 confirmed the presence of archaeological features, primarily linears, which proved to be agricultural in nature such as field boundaries, trackways, plough furrows or land drains. The remaining four archaeological features within the trial trenches were isolated pits. The most notable of these contained a standing stone in DA5. Proposed further works include a control strip of an identified burnt mound in DA4, and a small ring ditch and possible standing stone in DA5.

97. A four-stage assessment found that the development of DA3 would result in considerable changes to the setting of the Castellor Hut Group Scheduled Monument as a result, DA3 was removed from the proposal.

98. The ES chapter concluded that no additional mitigation would be required for archaeological remains when the proposed development is operational as the matter would have been suitably resolved prior to or during the construction phase of the project. The partial views to the Grade II listed buildings from the proposed development would be mitigated through landscaping. After mitigation, no significant effects on any known archaeological remains, listed buildings and scheduled monuments are predicted.

99. The residual significance of effect of the proposed development has been assessed to be minor adverse for the archaeological remains and most of the affected listed buildings; an exception is the Church of St Mihangel on which the proposed development will have a negligible effect. The proposed development will not have unacceptable adverse impacts on heritage assets and meets the objectives of Future Wales, PPW11 and the JLDP.

Disturbance

100. There will be no impacts in relation to shadow flicker, air quality or electromagnetic disturbance.

Noise and Vibration

101. Five noise sensitive locations including residential properties were identified within the vicinity of the development area. Noise surveys were simultaneously carried out at these locations to understand the local noise climate. These background levels were then compared with likely sound levels generated during the construction, operational and decommissioning phases of the proposal.

102. During the construction and decommissioning phases, noise from various activities such as deliveries, trenching or construction is anticipated. The highest noise levels are likely to occur during site preparation and infrastructure activities but the mitigation will ensure noise levels are kept to acceptable levels. Such measures include:
    - Restricting activity to current permitted hours during the daytime;
    - Regular maintenance of plant;
    - Use of local screening where plant is in close proximity to sensitive receptor boundaries

103. Solar farms are inherently quiet operations, with only the air-cooling systems for the inverters and substations and the operation of the transformers generating sound power levels. During the operational phase noise levels will be low at identified receptor locations. Due to the construction techniques used and the distance to sensitive receptors the potential for vibration effects is unlikely. There will be no significant noise impacts on sensitive receptors during the construction or operational phases. The project therefore satisfies Policy 18 of Future Wales and policy PCYFF2 of the JLDP.

Glint and Glare

104. Pre-application discussions with the Ministry of Defence (MoD) confirmed the need for a glint and glare assessment. It was agreed that the assessment should only cover the potential from DA6, the closest development area to the runways at RAF Valley. The glint and glare assessment confirms that no impact upon the Air Traffic Control Tower or the approach paths to the runways is expected. Whilst a marginal 'yellow' glare could occur it would be for only 14 minutes of the year and would be on the periphery of a pilot's field of vision. The MOD agreed that these potential risks were acceptable. Therefore, the proposed development meets the requirements of Policy 18 in that "there are no unacceptable adverse impacts by way of… reflected light…" and "there are no unacceptable impacts on the operations of defence facilities and operations (including aviation and radar) …" Furthermore, the proposed development will be in accordance with Policy ADN2 of the LDP as it "…will not result in significant harm to the safety or amenity of sensitive receptors including effect from glint and glare and will not have an unacceptable impact on roads, rail or aviation safety."

Highways and Traffic

105. The Transport Statement and outline Construction Traffic Management Statement (CTMS) set out the current and proposed access arrangements to the three DAs, the anticipated construction programme, construction vehicle numbers and routing of deliveries, construction worker numbers and the proposed construction hours.

106. The construction of the solar farm is expected to last around 4 - 5 months. During this period, there will be journeys associated with the arrival and departure of site staff and the delivery of parts and construction materials. The construction phase will generate approximately 330 return journey deliveries to site, or 660 individual movements. At the most intense period of construction when solar panels, frames, posts and electrical support equipment and fencing are being delivered, there would be approximately an average of around 4-5 HGV deliveries per working day resulting in an average of just over 10 movements per working day.

107. Some materials and equipment will be delivered directly to the other DAs but in most cases will be transferred by smaller vehicles to and from DA4. These will be additional movements between the areas.

108. An estimated 120 to 190 staff will be on site during the peak of the construction period. Staff will be from both local and regional contractors who will be encouraged to use shared transport such as minibus or car-sharing. All vehicle parking will be provided within the temporary construction compound.

109. The Transport Statement concludes that the local highways are operating safely and there are no highway safety concerns which are likely to be exacerbated by the traffic generated from the proposed development.

110. The mitigation measures will be dependent on the appointed contractor for the construction of the facility. The submitted CTMS outlines several broad measures that could be readily implemented including:
    - The use of a banksman to help guide deliveries into sites;

- Advisory temporary signage on the highway for works in the area;
- Temporary signage along the proposed route from the A55 to ensure deliveries follow agreed routes;
- Providing sufficient parking areas so there is no parking on the highway or potential blockage to access tracks;
- Vehicles carrying loose material will be sheeted;
- The use of bowsers/sprays during dry conditions to prevent dust and the use of wheel cleaning facilities to prevent transfer on to the highway;
- Securing the site to prevent unauthorised access;
- Regularly monitoring the condition of the highway for spoil transfer or damage and rectify as required;
- Contacting local residents prior to construction works commencing advising of anticipated duration and a contact number to advise of any issues/concerns; and
- Turning engines off when not in use.

111. The proposed development meets the objectives of Policy 18 of Future Wales, PPW11 and the JLDP.

Social economic

112. The social and economic benefits of the proposed development are clear. Through localised energy production more benefits can be directed to the local communities through skills, quality jobs and a greater retention of economic value. The Economic Benefits Statement identifies that the Isle of Anglesey and Gwynedd authority area, and the North Region, have a higher concentration of professional, scientific and technical jobs when compared to Wales as a whole. This is also the case for business administration, information communication and finance/insurance roles, highlighting the area's potential to meet the skills requirement.

113. The Economic Benefits Statement also notes that the environment and energy are becoming attractive career paths. Bangor University has a growing specialism in Nuclear and Low Carbon energy research and development. The solar farm would be supporting the industry's development as a key growth sector.

114. Key benefits identified are:
- creation or safeguarding between 162 and 192 jobs during the installation phase, followed by approximately two maintenance staff over the 40 year lifespan;
- the labour force employed throughout the installation stage could generate between £2.3m and £2.6m in gross value added (GVA);
- the two employees working throughout the 40-year operation phase could generate a further £3.3m in GVA;
- employment onsite would support local business through daily expenditure and also any accommodation required for the construction period.

115. The proposed development could allow local business to operate on clean energy and thus market themselves as low carbon businesses. Other socio-economic benefits include:
    - Opportunities for local communities to invest in the project;
    - Community Benefit Fund;
    - Contribution to local services and infrastructure;
    - Provision of education packs on climate change and renewables as an education resource offered to schools.

116. The proposed development meets with the objectives of Polices 17 and Policy 24 of Future Wales

Agricultural Land Quality

117. Significantly, Policy 18 of Future Wales does not include a criterion relating to agricultural land. PPW11 states that best and most versatile (BMV) agricultural land should be conserved as a finite resource for the future and only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable. The policy in PPW seeks to conserve the BMV resource but does not require BMV land to be used in any particular way or at any particular intensity.

118. After an extensive search exercise that considered criteria including solar irradiation levels, proximity to the distribution network, land availability, and agricultural land quality, an assessment was made of sites in Anglesey. The JLDP identifies potential search areas for solar development with one identified in the Caergeiliog area. On review of the search area around Caergeiliog it was found that a significant proportion of this area was constrained by rocky outcrops which were not conducive to the development of solar.

119. The principle of development is supported in national and local policy and the overriding need for renewable and low carbon energy development is established, as seen in decisions on other DNS applications.

120. During pre-application consultation, a response was received from WG's Soil Policy & Agricultural Land Use Planning Unit (SPALUPU). The matters raised in this letter have been addressed by an Assessment of Impact on Agricultural Land (AIAL). The AIAL highlights that WG's predictive land quality maps show over half of Anglesey falls within agricultural land classification (ALC) Grade 2 and subgrade 3a, and the western coastal area where the proposed development is located is mostly subgrade 3b. However, detailed studies for alternative sites confirm that whilst the higher quality land is present in the area, the pattern is highly complex and ALC changes from Grade 2 to Grade 4 in short distances.

121. The availability of previously developed land, or land of lower agricultural grades is limited within proximity to Caergeiliog substation, which is the only feasible option for connecting at this scale to the distribution. The proposed development meets the necessary tests in PPW on need and the availability of alternative land.

Current and Future Agricultural Use at the Site

122. The AIAL concludes that ALC grades 2 and 3a occur across approximately 15.5ha of the deployment area. This is below the threshold of 20ha, above which WG's SPALUPU consider a loss to be significant. The proposed development will not result in the significant loss of BMV agricultural land. The deployment area is the available land for the siting of the PV panels, the development area includes non-operational land for provision of biodiversity management and/or grazing.

123. The AIAL highlights that the pattern of BMV distribution is extremely complex across the site, with most fields involving a mix of BMV and non-BMV land. In practice this makes it impossible to utilise the better quality land differently from the rest of the field; the use of whole fields is mostly dictated by the poorest land in the field.

124. The area under and around the solar panels is, and will remain, grassland. Once the panels have been installed, the area will be mostly grazed with occasional topping to maintain grass quality and prevent weeds and scrub growth.

125. Current and future farming activities for each DA are set out in the AIAL, and can be summarised as follows:
    - DA4 – part of Plas-Llechylched farm – currently used for sheep grazing. Use of the land for solar will continue with little change.
    - DA5 – outlying part of Bodrwnsiwn Farm – currently used for grazing of sheep and beef cattle. The area will continue to be used for sheep grazing after installation of solar panels. Currently a crop of silage is taken in June, but with the panels in place the land will be grazed all year round instead.
    - DA6 – Glan-y-Gors smallholding – currently used for horse grazing. The land will be grazed with sheep after installation of the solar panels and so will go from non-agricultural grazing to an active agricultural use.

126. Planning policy seeks to conserve BMV but does not require it to be farmed intensively or as arable land. The AIAL notes that WG's guidance makes clear that intensity of use does not affect ALC grade.

Recent DNS Decisions of Relevance

127. A recent DNS decision for a solar farm at Blackberry Lane, Pembrokeshire considered the issue of BMV agricultural land. In that case, the Minister concluded that 20.75 ha of Grade 2 and 3a land would be affected and accepted the Inspector's conclusion that it was likely, in that case, that installation would disturb the ground considerably and that BMV would be lost. The AIAL considers that in that case the Inspector had no evidence to demonstrate that BMV would not be reduced by the proposal, and the decision was significantly influenced by a lack of information from the applicant.

128. The AIAL notes the reference in the decision to TAN 6 and the statement that "soft" uses such as golf courses are often impractical to return to BMV quality but that this must be a judgement on a case-by-case basis. The golf course example involves earthworks to create greens, tees, hazards such as bunkers, and usually involves tree and bush planting to separate fairways. This is incomparable to the

works required to construct a solar development. TAN 6 does not specify that all 'soft' uses involve irreversible development. The installation and operation of a solar development does not differ substantially from normal agricultural activities and with an appropriate soil management plan, the quality of the site as BMV can be retained.

129. The Installation Soil Management Plan and a Decommissioning Soil Management Plan set out methodologies to ensure the soil structure is treated carefully and not harmed. Measures include:
    - timing of works to avoid traffic moving over wet land;
    - separating of the top and subsoils when laying cables, and their return in the correct order;
    - stripping of topsoil for the small number of fixed buildings and its retention in a low bund adjacent to the fixtures so that it can be used for restoration;
    - laying and removing of any stone in the gateways if needed to prevent the spread of mud onto the highway.

130. Conditions requiring the approval of these management plans could be imposed and would ensure that the BMV resource will be conserved.

Welsh Government Consultation

131. The response from WG's SPALUPU refers to 23.30ha of confirmed BMV agricultural land – a figure which includes areas of land that will not be developed. As the area of BMV land that will be developed is below 20ha, the proposed development does not meet the threshold where the loss would be considered, by Welsh Ministers, to be of national significance. The applicant made the following responses to comments made by WG on the scheme.

132. Weight given to protecting BMV agricultural land because of its special importance - PPW seeks to conserve the BMV resource, however it does not require BMV land to be used in any particular way or at any particular intensity and does not prohibit development of BMV in all cases. There will be no change to current agricultural activity following installation of the solar development, and with the implementation of management measures in the proposed soil management plans (secured by condition), the BMV resource can be conserved for the future, and as such the proposed development can comply with the policy requirement of paragraph 3.58 of PPW.

133. Sufficiency of the Site search area – as set out in Chapter 5 of the ES the site selection exercise considered a range of technical, environmental and economic factors, of which agricultural land was a consideration. Key factors for the deliverability of the proposed development are solar irradiation levels and proximity to a grid connection, which were applied to an extensive search area. The coastal area around the west of Anglesey receives some of the highest amounts of sunshine in north Wales, making it a particularly favourable area for solar development, and Caergeiliog substation is currently the only feasible option for connecting at this scale to the distribution network on Anglesey. The AIAL highlighted that agricultural land in the western coastal area of Anglesey is mostly

subgrade 3b. However, detailed studies for alternative sites confirmed that whilst higher quality land is present in the surrounding area, the pattern is highly complex and ALC changes from Grade 2 to Grade 4 in short distances, which makes it impracticable to farm at the higher grade. As such, the proposed development meets the necessary tests in PPW on need and the availability of alternative land.

134. Practicability of returning site to agriculture as best and most versatile agricultural land – the proposed development is a temporary use with installation and operation not differing substantially from normal agricultural activities currently present at the DAs. The management measures set out in the draft Soil Management (final plans to be secured by condition) will ensure that the return of the site to agriculture use as BMV land is practicable and achievable. As detailed in the AIAL and summarized above, the proposed development is in compliance with PPW in relation to agricultural land. There is an established overriding need for renewable and low carbon energy development, and limited availability of previously developed land or land of lower agricultural grades in the area, and as such the proposed development complies with the policy requirement of paragraph 3.59 of PPW.

Hydrology and Flood Risk

135. The TAN 15 Development Advice Maps identify parts of DA4 and DA5 as falling within flood zones C2 and B. A Flood Consequence Assessment (FCA) has therefore been carried out accordance with guidance contained in PPW and TAN 15. The FCA identifies and assesses the risks of all forms of flooding to and from the development and demonstrates how these flood risks will be managed so that the development remains safe throughout its lifetime taking climate change into account.

The TAN 15 Justification Test

136. The Justification Test defined TAN 15 sets out the details required to justify siting a new development in an area believed to be at risk of flooding. The required criteria a site / development must fulfil are:
    i. 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
    ii. 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
    iii. it concurs with the aims of PPW and meets the definition of previously developed land; and
    iv. 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.

137. Discussions with IACC (as the Lead Local Flood Authority) confirmed that solar farms are considered less vulnerable development which can be accommodated

in higher flood risk areas subject to meeting the requirements of the Justification Test. TAN15 does not include any provisions or guidance specific to renewable energy development. However, the acceptability of renewable energy development within areas subject to flooding has been considered in a number of recent DNS decisions. These are outlined below.

138. The Inspector's Report on the Llanwern Solar DNS (ref. DNS/3150137) from October 2018, considered the Justification Test associated with the defended C1 flood zone application site. The Inspector acknowledged that the site was not previously developed land, but paragraph 306 of the report stated:

'*There are, however, robust reasons why the proposal needs to be located in this area. Foremost of these are the availability and proximity to a grid connection, and the high number of hours of sunshine. The former is not present in most other locations in the plan area or even nationally, and the highest and second highest average values for sunshine duration are nearly all in coastal locations64 . In the absence in TAN 15 of any consideration of renewable energy installations, I consider these circumstances to present an alternative and strong justification for the proposed development's location in this area. Where there are exceptions to the general rule TAN 15 states that these will not be subject to the first part of the justification test but subject to the acceptability of consequences part of the test.'*

139. The Inspector's Report on the Wentlooge Solar DNS (ref DNS/3216558) from March 2021, came to the same conclusion in relation to the TAN15 tests for the proposed development within a C1 flood zone with the inspector noting:

'I consider that there are robust reasons for locating the development within this zone as an exception to the first 3 justification tests. The Llanwern decision also established the Cabinet Secretary's view that, in this context, solar farms should not be regarded as 'power stations' or as highly vulnerable development, and there is no reason not to follow that approach'.

140. Chapter 5 of the ES sets out detailed site selection criteria for the proposed development. The coastal area around the west of Anglesey (where the site is located) receives some of the highest amounts of sunshine in north Wales, presenting a particularly favourable area for solar development as it allows for significantly more electricity generation than other site locations. In addition, Caergeiliog substation is currently the only feasible option for connecting this scale of project to the distribution network on Anglesey. The same circumstance as present in the cases highlighted above provides robust reasons for locating the development within areas of flood zone as an exception to the first 3 justification tests in TAN 15.

Meeting the Justification Test

141. It is considered the proposed development meets the justification tests with the exception of being located on previously developed land. It will make a significant contribution to national and local policy objectives in relation to renewable energy generation, economic opportunities, and sustainable living.

142. The flood risk to the site is explored in the FCA. This found that the potential significance of flooding was at worst low from fluvial and surface water sources. The consequences of flooding for this type of development were considered and found to be acceptable.

143. In accordance with TAN 15 the proposal has been designed to incorporate suitable mitigation to meet the criteria which require:

- Minimal risk to life – solar farm remotely controlled and not visited during adverse weather;
- Minimal disruption to people living and working in the area – DAs in a low flood risk area and a safe access can be permanently maintained. The existing roads are about 600mm above the neighbouring fields and coincident with the upper confidence interval flood level in the 1 in 100 year and 1 in 200 year even;
- Minimal potential damage to property – the solar arrays and vulnerable infrastructure will be located above the ground level and would be unaffected by floodwater depths;
- Minimal impact of the proposed development on flood risk generally – the frame supporting the solar panels would not impede overland flow or reduce flood storage capacity, as it would only be the legs which would be within the path of overland flow or floodwaters. The ancillary structures: substation, transformers etc are also small structures and require shallow foundations which would limit ground disturbance and disruption to overland flow routes. The proposals are based on maintaining the existing drainage, the structures associated with the solar farm will introduce only small areas of impermeable surfacing;
- Minimal disruption to natural heritage – where possible existing farm access tracks will be used, and the position of new access tracks will avoid the necessity for watercourse crossings to avoid changes to in-channel flow and disturbance of the riparian habitat.

144. The proposed development reflects the objectives of PPW11 in providing renewable energy generation as part of decarbonising the Welsh economy, and will provide economic, social and environmental enhancements. Given that the consequences of flooding can be managed, and the proposed development meets the requirements of the Justification Test, it is considered that the proposed development is entirely acceptable from a flood risk perspective.

145. In respect of hydrology, the ES concludes that potential impacts associated with the construction/decommissioning and operational phases of the development on identified hydrological receptors can be adequately controlled by proposed mitigation resulting in only negligible impacts. Proposed mitigation includes:

- A 4m minimum buffer strip on DAs 4 and 5 and a 6m buffer on DA6 adjacent to the top of any small watercourse;

- A Surface Water Management Plan (SWMP) would be developed to manage the additional site runoff anticipated during the construction phase. The detail would be confirmed through a SuDS Design which will detail the methods that will be used to discharge the surface water runoff as part of a SuDS Approval Body (SAB) application. This has been subject to pre-application dialogue with the SAB.

Conclusion

146. The policy appraisal has considered the key planning issues associated with the proposed development. Future Wales is clear that decision-makers must give significant weight to Wales' need to meet its international commitments, and its target of generating 70% of consumed electricity by renewable means by 2030. Future Wales is the latest expression of national planning policy and therefore has precedence over the JLDP. Due to the contribution that the proposed development will make to meeting Wales' renewable energy targets and net zero objectives, it is considered to be fully complaint with Policy 17 of Future Wales.

147. The proposed development will result in some impacts as reported in the ES but there will be no unacceptable adverse impacts from the proposed development. In addition, the proposed development meets the requirements of TAN 15, will not result in the permanent loss of BMV agricultural land, and will deliver a range of benefits to the local area.

148. As such, the proposed development is considered to be fully complaint with Policy 18 of Future Wales. The proposed development should be granted planning permission, subject to appropriate and reasonable conditions being imposed.

Consultation Responses

Isle of Anglesey CC Local Impact Report (LIR)

Introduction

149. The Local Impact Report (LIR) has been prepared by the Isle of Anglesey County (the Council) in its capacity as the Local Planning Authority, Local Highway Authority and Host Authority. In preparing it, regard has been had to the Planning Inspectorate's guidance document Developments of National Significance Appendix 5: Local Impact Reports. In accordance with that guidance, the LIR details the likely impact of the proposed development on the Council's area based on local knowledge and evidence of local issues. It is focussed specifically on establishing the degree of local impact of the proposed development in relation to what are the principal planning issues, having regard also to the local planning policy context. Impacts have, where appropriate, been expressed in terms of whether they are positive, neutral or negative.

150. The LIR also includes confirmation of the planning history of the site, the identification of local designations, and recommendations for planning conditions

as well as evidence that the publicity required to be undertaken by the LPA has been carried out.

151. In accordance with the guidance, the LIR has not examined the relationship with national policy and guidance but instead is focussed specifically on establishing the degree of local impact in relation to the main planning issues, having regard also to the local planning policy context. For each topic, in accordance with guidance impacts have been expressed in terms of whether they are positive, neutral or negative; with the degree of impact, where relevant, being expressed as major, moderate or minor. However, in accordance with the guidance, the LIR does not contain a balancing exercise between positives and negatives, nor does it conclude on the relative merits of the development itself.

Local planning policy framework,

152. The JLDP was adopted in July 2017 and is the relevant local development plan for the purposes of the application. Policy PS 7 (Renewable Energy Technology) and Policy ADN 2 (PV Solar Energy) provide the policy framework for renewable energy technology and PV solar energy proposals. As part of the evidence base for the JLDP, an assessment of the potential for solar PV farms in the Gwynedd Planning Authority area and Ynys Môn was commissioned to identify areas of search. It was based upon the methodology outlined within Planning for Renewable and Low Carbon Energy – A Toolkit for Planners (2015) by WG. None of the Traffwll Solar Park site falls within the Potential Opportunity Areas identified in Table 11 of the JLDP and therefore, under the requirement of Policy ADN 2, proposals will only be permitted where the need for the scheme can be justified and there are specific locational circumstances.

153. The need for the scheme refers to the requirement to justify an alternative to the potential opportunity areas rather than questioning the specific need for additional solar PV farms. The specific locational circumstances refer to the justification of the site through the site selection process.

154. The Council notes that the applicant's ES provides detail in relation to the need for the development, the site selection process and detail of the alternatives that have been considered. It outlines how the project sites were identified based upon latest grid capacity as well as a range of technical, environmental and economic factors. The applicant's own network capacity review concluded that the area of search is severely restricted due to the lack of grid capacity. The area around Caergeiliog identified as a Potential Area of Solar PV development is constrained by rocky outcrops which would make deployment difficult and the project not viable. Approaches were made to landowners in the solar search area but none were interested in having solar on their land. The ES thus concludes that the site of the proposed development is the closest available to the identified solar search areas.

155. The grid capacity indicates a limited opportunity area this is why opportunity areas S3 to S9 (as identified in Table 11 in the JLDP) on Ynys Môn were not progressed further even though the ES does not specifically state this. Provided the

information is corroborated then the Council deems that the need for the scheme at this location can be justified as an alternative to the potential opportunity areas.

156. Other JDLP policies which may be relevant to the proposal are as set out in the Development Plan Policy section above.

157. In addition, the Supplementary Planning Guidance on Maintaining and Creating Distinctive and Sustainable Communities (July 2019) is relevant.

Need for the development

158. The Council has a strong commitment and a track record of promoting, supporting and facilitating progress in the low carbon energy sector through the Energy Island Programme (EIP) which was established in 2008. The vision for the EIP is 'for Anglesey to be an exemplar in the transition to a prosperous and resilient low carbon economy, providing high quality jobs, education and supply chain opportunities, whilst protecting and enhancing the natural environment and enabling the Welsh Language and culture to thrive in vibrant communities.'

159. As identified in the Economic Benefit Statement 'the programme has established a credible status with developers, through regular interaction throughout the developmental process. The 'brand' is recognised by key players at UK Government level and companies in the energy sector. The Energy Island Programme is strategic in nature, aligning with the corporate objectives of Isle of Anglesey County Council, with the ambition of raising the economic performance of the island'.

160. The Collaborative Benefits Report confirms that the proposed development has the potential to produce a generating output capacity of circa 35MW. At peak capacity, the proposed development could generate enough electricity to power the equivalent of approximately 11,600 homes. The Council acknowledges that the Traffwll Solar Farm would assist in realising the overarching vision of its Energy Island Programme (EIP) in terms of producing low carbon energy and would contribute towards the UK and Welsh Governments commitment to achieve net zero by 2050.

161. In addition, the Council has recently published a Plan 'Establishing the Isle of Anglesey County Council Towards Net Zero Plan 2022 – 2025' which sets out the Councils aims, programme areas and the actions required to become a net zero carbon organization by 2030. The Plan refers to the EIP and notes that the outcomes of the Programme should support the Councils efforts in transitioning to a net zero organization. The development therefore has a positive impact in addressing need.

Socio-economic and community benefits

Local benefits and local ownership

162. The current WG planning and energy policy framework seeks to ensure that large scale renewable energy generation delivers benefits at the local level alongside the considerable benefits delivered in respect of climate change. Policy 17 of Future Wales requires applicants to describe the net benefits a proposed

development will bring in terms of social, economic, environmental and cultural improvements to local communities. Against the background of these important matters and policy framework, the Council's support for the project is on the basis that the project represents a sustainable form of development that will provide real local benefits to those communities directly affected and to the local economy.

163. The applicant's Collaborative Benefits Statement notes that it has been prepared to demonstrate the social, economic, environmental and cultural benefits that the proposed development could deliver - benefits that should be weighed positively in the planning balance. It also provides an overview of the engagement that has taken place (and its outcomes) with local communities to identify opportunities for local ownership.

164. Future Wales acknowledges that large-scale renewable and low carbon energy schemes can generate direct social and economic benefit to local communities and states that developers should explore how infrastructure improvements associated with a development may be utilised by the host communities to bring additional, non-planning related benefits. Although not a planning consideration, local ownership of projects, in whole or part, can ensure these benefits are accrued over the long-term.

165. In February 2020 WG published a policy statement on local ownership of energy developments. This set out WG's expectation for all new renewable energy projects in Wales to include at least an element of local ownership, to retain wealth and provide real benefit to communities. Some benefits can be justified as mitigation of development impacts through the planning process. In addition, developers may offer benefits not directly related to the planning process. Local authorities, where practical, should facilitate and encourage such proposals.

166. In order for Anglesey and its residents to fully capitalise upon the positive impacts of major development, the County Council has prepared a voluntary Community Benefit Contributions Strategy (updated version November 2021). It confirms that although the County Council is fully committed to playing its part in the pursuit of net zero 2050, this must not be at any cost. The Strategy aims to maximise local benefits to support the long term sustainability, quality of life and wellbeing of the Island and its communities.

167. Whilst the County Council has no powers to compel developers to provide voluntary community benefit contributions, it will work with developers and the impacted communities to secure meaningful benefits which address the need of those communities directly impacted from major development.

168. The applicant is proposing the following two options for the Traffwll Community Benefit Fund; i. an annual payment of £200/MWp/annum for the operational life of the project with no index linking i.e. the annual payment in year 40 will continue to be £200/MWp; or ii. an annual payment of £155/MWp/annum for the operational life of the project index linked to CPI. It has confirmed that, based on a current estimated figure of 35MWp this would equate to approximately £7,000 per annum under ii for the lifetime of the project or, approximately £280,000 in total, over the project lifetime.

169. The Council welcomes this updated offer to contribute for the operational life of the project as this recognises the siting of the development within the community area for a 40 year period, the changes to the landscape, changes away from traditional uses of land and intangible but important impacts such as changes in the sense of place and to qualities such as tranquillity. The Council requests that the applicant shares details of the offer with Bryngwran and Llanfair yn Neubwll Community Councils, who will administer the fund, to seek their views. The Council also wishes to see an effective and appropriate mechanism, such as a Section 106 or a similar form of agreement, put in place prior the granting if the DNS.

170. The Council welcomes the engagement between the applicant, WG Energy Service, the Energy Saving Trust, and Mentor Mon in order to meet WG's local ownership target for renewable energy projects. Partial or complete local ownership of a solar farm provides real and long terms benefits to the host community.

171. At the time of submission, Mentor Mon were exploring whether it was interested in and capable of taking a stake in the project. It is anticipated that this work will continue during the application process and beyond. The Council encourages the applicant to progress and engage on local ownership as soon as possible.

Local jobs, skills, supply chain and education promotion

172. The proposed development will create or safeguard between 162 and 192 jobs during the installation phase, generating between £2.3m and £2.6m in GVA. Two maintenance jobs would be necessary during the 40 year operation phase, generating a further £3.3m in GVA. In addition, there would be a contribution to local services and infrastructure through the payment of around £115,500 in business rates per annum. The Council considers this to be a positive impact. The Council notes the intention to draw on the local skills base through the project stages and to connect with the labour workforce where possible. The Council also acknowledges the potential opportunities that will become available to local business including the need for locally based accommodation and food provision. The developer has already asked local suppliers with an interest in supplying the project to contact it. This should be communicated widely and any job opportunities should be advertised locally.

173. The following commitments are now included in the Collaborative Benefits Statement to ensure local jobs, skills and education promotion;

    1) Facilitation of Meet the Buyer events to find local contractors with experience and a track-record of sourcing labour and supplies locally, and of providing local young people with skills, training and apprenticeships opportunities.

    2) A commitment to engage early with Grŵp Llandrillo Menai, STEM Gogledd and MSParc who are identified as key stakeholders for ongoing dialogue to provide important local context.

    3) Confirmation that the project will offer the opportunity to build awareness of the energy sector and expand the knowledge network.

4) The provision of an education resource on climate change and renewable energy to be offered to local schools.

5) Confirmation that discussions with the North Wales Wildlife Trust have identified benefits to the education of younger people through providing site tours of the solar farm. These trips can show how generating clean energy and providing biodiversity improvements go hand in hand.

174. The Council would welcome continued engagement with the developer in relation to ensuring local socio-economic benefits.

Landscape and visual effects

175. The Council does not dispute the points made in, or the findings of, the majority of the applicant's LVIA. In the interests of brevity and conciseness I only record in this section the instances of disagreement and diversion.

176. Policy PCYFF 3: Design and Place Shaping is excluded from the LVIA. As it is relevant to the character and appearance of the site and area and its context within the local landscape, the LPA considers it should be included.

177. The Council notes that, while the DAs exhibit LANDMAP qualities for the area such as being within a generally pleasant rural landscape absent of remarkable features, the wider study area contains detractors such as RAF valley and the A55. The A55 is also a principal transportation corridor from where visual impacts need to be properly considered.

178. While landscape and visual integration can be closely related to ecology enhancements, the Council considers that of the list of eight measures noted only the three below (two are broadly the same) have direct relevance to landscape and visual mitigation (the remainder are primarily for reasons of landscape and habitats). These are:

i. Reinforce hedgerows to improve visual containment of deployment areas, improve landscape structure;

ii. Provide additional hedgerow and tree / scrub planting mitigation to improve landscape structure and screen views from sensitive receptors;

iii. Maintain a minimum offset distance of at least 50m from all residential receptors that will remain clear of all development.

179. Visual mitigation to address residential effects is proposed for DAs 4 and 5. This is estimated to be up to 790 metres of hedge planting. More limited planting is proposed for DA6. Although the landscape and visual mitigation will have positive effects on landscape features, it will not fully address the significant effects identified within the assessment. No details of species or numbers are contained within the landscape masterplans for the DAs.

Operational effects on Landscape Character

180. The negative impact on landscape character is assessed by the applicant in the LVIA as 'Not Significant' individually or cumulatively. The applicant's LVIA concludes that a positive effect on the main landscape feature, hedgerows, would result. The Council, however, considers the impact on landscape character to be negative.

Operational effects on Visual Amenity

181. Seven properties would experience major and significant negative effects. Boundary tree and hedge planting proposed as visual mitigation would not fully address negative effects which remain as residual impacts. The LPA considers that the open nature of the area limits rapid growth of hedges and trees meaning that residential visual mitigation will take from 7 years to begin to become effective.

182. The LVIA contains an additional assessment of Residential Visual Amenity. The assessment considers case law and Residential Visual Amenity guidance and while it considers that the proposal would not be 'overbearing, overwhelming or oppressive' or render properties unattractive or inhabitable, JLDP policies do not allow for this analysis as follows:

JLDP Policy	**LPA Comments**
PS 7	The assessment has identified significant adverse effects on the residential amenity of seven properties. Negative. It is understood that all energy infrastructure associated with the proposal would be placed underground. Neutral
AND 2	The proposal would result in significant adverse effects on the residential amenity of seven properties. There effects are not fully mitigated by new landscaping. Negative.

183. The LPA considers this to be a negative impact.

Visual effects on vehicular routes within 1km

184. The assessment includes minor roads near the site and the A55 and A5. The A55 is located to the north of the site and has elevated views over much of DA 4 and 5. Views are available in both directions but the quality and scale of the view depends on the vehicle position in the dual carriage way and differs between driver and passengers. This is a busy route for local, national and international travellers and includes frequent and occasional users. The Council considers that the visual impact on this receptor group due to the large scale change to the appearance of the area and duration of the view has been underestimated but in any event would be negative.

JLDP Policy	LPA Comments
PCYFF 3	The proposal would have an adverse effect on views from an important gateway into Anglesey. Negative.

Viewpoint assessment

185. The assessment identifies a number of localised views where, due to proximity combined with an absence of boundary screening significant, visual effects will result. These are 28 representative viewpoints and significant effects would result at other points near the site. Similarly there are other locations where boundary vegetation or buildings locally screen views of the site. While mitigation in the form of gapping up and increasing the height of boundary hedges will reduce views into the site, it will not reduce effects at site entrances. Overall, the proposal will have a negative impact on visual amenity as represented by the viewpoints.

JLDP Policy	LPA Comments
PS 7	The proposal would not affect the visual amenity or visual qualities of a designated landscape. Neutral.
PCYFF 3	The proposal would have an adverse effect on the appearance of the site and area. Negative
PCYFF 4	The development would have an adverse effect on a number of local views assessed in the LVIA. Negative

186. The Council's view is that mitigation through landscape management (boundaries) and new planting will not fully address these negative effects, although they are individually positive landscape interventions.

Ecology

187. The Council does not dispute the points made in, or the findings of, the majority of the applicant's ecology survey. In the interests of brevity and conciseness I only record in this section the instances of disagreement and points which the Council emphasises for clarity.

188. With regard to badgers, the Council notes that the 15m buffer distance proposed in the event that a sett is found will depend on the construction activities taking place in the vicinity; certain activities may require a 30m buffer. It is thus important to ensure that the pre-construction survey includes the surrounds of the development area.

189. Points of note on reptiles and red squirrel are:

i. Reptiles – no evidence has been provided to confirm reptiles are isolated to field margins, and not likely to be present within the open field.

ii. Reptiles are protected from reckless or intentional harm under the Wildlife and Countryside Act 1981 (as amended).

iii. Details were given for strimming prior to construction in areas where vegetation was taller in order to protect reptiles, amphibians and small mammals.

iv. Red Squirrel – no COFNOD records were returned for red squirrel but incidental sightings were recorded. The Council accepted the undertaking of a pre-commencement survey and identification of appropriate buffer zones.

190. In respect of marshy grassland / swamp habitats on DA6 the Council requested that 'solar panels are re-arranged in a way that leaves more areas of marshy grassland in particular unaffected by the development'. No realignment of panels to avoid impacting marshy grassland is apparent. The Council acknowledged however that regeneration is likely post construction and that operational management may benefit this habitat.

191. Section 6 of Environment (Wales) Act 2016 includes the duty to conserve and enhance biodiversity. The Council acknowledges the Biodiversity Net Gain Assessment that is provided in ES (Appendix 11.12). It notes the loss of low biodiversity value habitat and the smaller proportion of medium biodiversity value habitat but also that enhancement proposals are predicted to lead to an overall enhancement resulting in a net gain of 63 biodiversity units. All hedgerows will be retained and enhanced and 770m of new hedgerow planted. The Council considers this to be a positive impact.

192. Common ragwort is noted as dominant. Ragwort can be harmful to horses, ponies, cattle and sheep. Should grazing take place on the site, control of ragwort will be required to avoid harm to animals and associated welfare offences. Ragwort control shall also be undertaken to prevent spread to adjacent fields used for grazing, forage (silage or hay) and crops. Otherwise, ragwort may be left as a pollinator plant.

193. In summary, the Council is satisfied that no impacts on local or regional receptors are identified or, where minor impacts were assessed, appropriate mitigation has been incorporated. The impact of the proposed development on ecology is therefore considered to be neutral.

Cultural heritage

194. All stages of archaeological assessment and evaluation work have been carried out satisfactorily. However, post-excavation analysis of samples taken from archaeological features during trial trenching has not been undertaken. Technically this means that evaluation is incomplete which could affect the scope of mitigation to a minor degree.

195. The chapter has not assessed the impact upon all relevant assets, nor the potential for or impact upon buried remains that have not been identified by the work to date. Consequently, these have not been considered in the mitigation recommendations. Damage to or loss of potential buried archaeology should be acknowledged as an unknown potential impact.

196. The Council agrees that the proposed combination of mitigation techniques, of 'strip, map and record' and the formal observation and recording commonly termed a 'watching brief' is acceptable, although it is not considered that the strategy outlined deploys these techniques appropriately. Various assets within the area are not well understood, in some cases because they were flooded during trial trenching and could not be evaluated. They may be indicative of more extensive archaeology, may be of early date, and are likely to be compromised by development.

197. Mitigation of impact on historic agricultural features is proposed with a watching brief. This is impractical and unnecessary. They are extensive, simple features of low archaeological value, and development will have limited impact on their integrity, significance or the ability to investigate them in future, therefore specific mitigation is not justified. The Council recommends instead that a watching brief should be employed on groundworks in sensitive locations and where the nature of construction activity permits observation. This would be a proportionate response to the low risk of encountering archaeological deposits which have not been identified by the work completed so far.

198. The Council agrees with the conclusion of the assessment and concludes overall the impacts to be neutral. Subject to the implementation of mitigation under a suitable condition the Council is satisfied that the proposal will be compliant with Policy AT4.

Traffic and transport

199. The Traffic & Transport topic was scoped out of the ES following a Screening Opinion but the Council welcomes the preparation of a Transport Statement and Outline Construction Traffic Method Statement.

200. The LIR sets down in some detail the proposals for traffic access to and through the area. In the main it has no concerns with these and agrees with the conclusions of the transport assessment.

201. In addition, the Council believes that mitigation measures should be provided to protect cyclists at the Hebron Crossroads. It notes the conclusion that there are no highway safety concerns that are likely to be exacerbated by the vehicular traffic expected from the proposed development. However, the Council believes that the construction phase of the development will increase the total number of vehicles on the local highway network and in particular the number of HGVs and will therefore have a negative impact.

202. The Council is satisfied that the detailed CTMS to be agreed under condition will include a detailed Highway Safety Signage Strategy. This will mitigate the risks associated with the HGV movements on the surrounding highway network particularly in sensitive locations such as the vicinities of Bryngwran primary school and Plas Crigyll (Care Home). Restrictions on deliveries by large vehicles during school arrival and home times should be secured as part of the detailed CTMS.

203. The Council requested that an alternative site(s) should be identified for the central compound area in order to ensure that all vehicles can safely manoeuvre in and out avoiding the risk of collision. The Statement of Common Ground (SoCG) records an escort arrangement could be put in place for such vehicles in order to mitigate this risk. The Council considers that there is a need for the developer to identify an alternative site(s) on or close to the A5 where goods and loads can be transferred onto smaller flatbed vehicles which would result in less disruption and damage to minor and unclassified highways and pose less risk at highway junctions.

204. The Outline CTMS recognised that the visibility at the access to DA5is limited, due to the existing hedgerows. To assist when HGVs are manoeuvring in/out of the access, use of a banksman is proposed.

205. The Council welcomes the confirmation that the detailed CTMS will include a communication plan, detailing how the applicant intends to consult, liaise and take on board the views and concerns of the affected communities, Community Councils and local members. The Council also welcomes that engagement will take place between the developer, contractors, haulage contractors and the Council as Local Highway Authority immediately prior to commencement of construction and during construction in order to discuss progress and any issues and local concerns.

206. The Council welcomes that joint road condition surveys will be carried out of the transport routes before, during and after the development. The survey undertaken prior to development will agree and record existing carriageway, footway and verge conditions; a survey carried out approximately 2 months after construction has commenced will inspect the highway for deterioration and/or defects and agree the condition of the highway and any damage that has been caused as a result of the project. The developer and Highway Authority will undertake a final joint video camera survey within 2 weeks after the construction has been completed. If there is damage to the carriageway, footway or verge, that can be reasonably attributed to the construction phase of the development, the developer will compensate the Highway Authority for the repair costs plus administrative charges for carrying out the required repairs to the highway in accordance with Section 59 of the Highways Act 1980.

207. The developer will arrange the installation of Automatic Traffic Counters on all haulage routes throughout the construction stage in order to collect associated traffic data. The Council requests that this is secured as part of the CTMS.

208. Any works to be undertaken on the public highway shall require the consent of the Council, as Highway Authority, under S.278 of the Highways Act 1980. The Council encourages early dialogue to take place between the developer and Council with regards to such highway improvements as they form essential mitigation that are required to manage the impacts of the proposed development.

Public protection and environmental management

Noise and Vibration

209. The Council confirms that the assessment shows that there would be no significant adverse effects during the construction or operation of the proposed development in relation to noise and vibration. It is satisfied that the Outline CEMP includes an appropriate outline of the measures to be incorporated into the development to control noise and that the detail will be approved through the approval of the detailed CEMP under condition. The Council is also satisfied that condition 7 as included in the LIR provides an appropriate limit to noise levels.

Working Hours

210. The CTMS confirms the site working hours to be 08:00 to 16:00 on a Saturday. However, the Council in its pre-application responses has requested that the CEMP confirms site working hours as being 0800 – 1300hrs on Saturdays. This is to protect the amenities of nearby residents and users. There is now agreement on this point confirmed in the SoCG between the Council and the applicant.

Drainage

211. A number of surface water features are present within the vicinity of the site and. A culverted watercourse and an open watercourse flow through the development site. The Council has no record of flooding associated with the watercourses, however the exact route and condition of the culvert should be established prior to undertaking any works on site. Structures should not be placed within 3m of the watercourses as this may hinder future maintenance. In addition, any permanent or temporary works which could affect the flow of the watercourses will require Ordinary Watercourse Consent.

212. The proposed development will be in line with the requirements of the National Standards for Sustainable Development Systems which will be demonstrated through the application for Sustainable Drainage Approval to the Sustainable Drainage Approval Body (SAB), prior to the commencement of works. Pre-application consultation has taken place with the Council as the SuDS Approval Body and that the information provided indicates that the developer is considering sustainable techniques to manage surface water.

Welsh Language

213. JLDP Policy PS 5 states that all proposals should protect, support and promote the use of the Welsh language. In accordance with JLDP Policy PS 1 a Welsh Language Statement forms part of the application documentation. The methodology of this complies with the Council's Supplementary Planning Guidance on Maintaining and Creating Distinctive and Sustainable Communities (July 2019).

214. The Statement demonstrates that the proposed development will generate direct employment opportunities across a range of occupation types. Through the land preparation, installation and grid connection stage (covering 4 – 5 months), the development could generate between 120 and 190 positions. When the

development is operational, it will require two positions in maintenance roles (for 40 years).

215. The Statement also identifies a number of enhancement and mitigation measures which would support the local community and linguistic effects including:

    1) Use of bi-lingual signage;

    2) Job advertisements to confirm that the ability to speak Welsh will be beneficial to the applicants;

    3) Local job advertisement undertaken within the industry;

    4) Local advertisement/marketing of the development,

216. The Statement demonstrates that the proposals provide the opportunity for an overall positive community and linguistic impact. The Council agrees with this conclusion subject to the mitigation being implemented and considers the impact on the Welsh Language to be positive.

Agricultural Land

217. A letter from the Minister for Climate Change to all Chief Planning Officers (1 March 2022) (CPO letter) confirmed that PPW paragraphs 3.58 and 3.59 outline national policy towards safeguarding Wales' BMV agricultural land. Future Wales identifies BMV agricultural land as a national natural resource under Policy 9. Criterion 6 of JLDP Strategic Policy PS6 (Alleviating and adapting to the effects of climate change) states that proposals must fully take account of safeguarding the best and most versatile agricultural land. Further guidance is provided in TAN 6, including the consultation arrangements with WG included at Annex B.

218. Specifically PPW states that: '…in development plan policies and development management decisions considerable weight should be given to protecting such [BMV] land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations'.

219. The purpose of the CPO letter is to clarify that in accordance with WG policy outlined above, where BMV land is identified within a proposed solar PV array development, considerable weight should be given to protecting such land from development, because of its special importance, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission.

220. The Council refers PEDW to seek the views of WG's Land Quality Advice Service in relation to the impact of the proposal with regards to BMV agricultural land.

Cadw

221. Cadw had no objections to the proposed development. It noted that the impact of the proposed development on the settings of the designated historic assets inside 3km of the site had been fully considered in the ES. The assessments had concluded that, apart from three listed buildings, the proposed development would have no impact on the settings of any of the assets. In regard to the listed buildings at the Church of At.Mihangel, Pandy Cymunod and the bridge east of Tyn Lidiart it was considered that with appropriate landscaping and vegetation planting, the proposed solar farm would have, at worst a minor, but not significant, adverse impact on their settings. Cadw concurred with these conclusions.

Natural Resources Wales (NRW)

222. NRW had previously raised concerns regarding potential impacts on chough and Llyn Dinam SAC but were now satisfied that these had been addressed and ruled out any adverse effects on the above sites and their features. It noted the commitment to address risks from construction and operation through a CEMP and a Landscape Ecological Management Plan (LEMP). It was generally satisfied with the Outline CEMP. Conditions would be necessary ensure the approval and implementation of the CEMP and LEMP.

223. Prior commencement surveys for great crested newt (GCN) would need to be undertaken and should be included within the LEMP condition 2. Given the scale of the development and the fact that GCN have been found within 130m of the development boundary NRW advised that construction should be carried out under derogation licence issued by NRW. The outline proposals regarding GCN conservation action to be included in the LEMP were welcomed. In NRW's view, this had the potential to appropriately contribute to GCN conservation action.

224. NRW welcomed the removal of the other proposed development areas, and the commitment to protect important areas for birds in DA 6. It concurred with the recommendations for mitigation and enhancement which should be included within the CEMP and LEMP conditions as appropriate. NRW would welcome discussions during the development of the LEMP and would like to see more details in relation to the management proposed for DA 6 where in proximity to the Llynnau y Fali - Valley Lakes SSSI.

225. NRW concurred with the assessment which judged that there would be no significant visual effects upon the AONB.

226. The proposed development is shown to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN15. The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and being partially in Flood Zone 2/3 Rivers/Sea. NRW had reviewed the Flood Consequence Assessment (FCA) and advised that multiple revisions had been issued due to previous consultation on the document with NRW and IACC. The revisions were made to ensure that the risks could be managed and included removal of various plots where the risk could not be managed along with addressing the impact of climate change on flood risk. NRW was therefore

satisfied that the risks associated with the development could be managed in accordance with TAN15.

227. It is noted that the IACC have confirmed that 40 years of climate change should be applied. As such NRW would welcome confirmation that the development lifetime was 40 years rather than 75 years as recommended by WG. NRW advised the flood mitigation of raising the leading edge of each panel by approximately 0.90m above ground level would be sufficient. It was thus satisfied with the mitigation measures outlined within the FCA, and had no concerns, subject to the FCA being secured through condition. The report should be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

228. NRW noted the proposal is to allow for a buffer/easement strip of 4.0m along the top of the banks for each small watercourse. The applicant should be aware that the river Crigyll (DA 4) is designated as a main river and as such any activity within 8m of a main river may require a Flood Risk Activity Permit under the Environmental Permitting Regulations 2016; agricultural style fencing is an exempted activity.

SP Energy Manweb

229. In general, SP Energy Networks has no objection to the proposed development subject to required measures to protect SP Manweb network assets and ensure safe working around the affected network. In relation to protecting SP Manweb assets, the proposals do not appear to take into account the SPM network that crosses the site. This network includes a 33kV tower line which is a significant part of the network in the wider area. The avoidance of any adverse impact on this network is critical.

230. SP Energy Networks also requires unfettered long term access to these assets which would be made difficult by the proposed development.

Health and Safety Executive (HSE)

231. The proposed project/development does not currently fall within the consultation distances of any Major Hazard Installation(s) or Major Accident Hazard Pipeline(s).

Shell (NOP) Pipelines

232. Having reviewed the information provided, the Shell (NOP) pipelines are not affected by these works which are free to continue as planned.

Dwr Cymru

233. Dwr Cymru Welsh Water has no objection to the proposed development.

RSPB Cymru

234. The ES includes a programme of ornithological survey work and assessment information; RSPB did not raise any concerns with the conclusion of the ornithological assessment. It acknowledged that the scheme had been amended

to exclude ecologically sensitive areas including DAs 1, 8 & 9 to avoid impacts to chough foraging areas, and lapwing breeding and foraging areas.

235. RSPB noted that the application site overlaps Llyn Dinam SAC and Llynnau y Fali - Valley Lakes SSSI within DA 6. The ES implies that this area will not be developed and will be managed for biodiversity gains. The RSPB welcomes the commitment to establish mitigation and enhancement measures on the development site including land adjacent to Llyn Dinam within the SSSI and SAC that borders the RSPB Reserve.

236. RSPB would like to see more detail in respect of the ways in which the developer intends to manage the development site and its vicinity with regard to biodiversity resources of acknowledged importance. In the event that the application is consented, the RSPB wish to be involved in discussions on the design, delivery and monitoring of necessary mitigation and enhancement measures. It noted that the detailed prescriptions for the various measures would be captured in a LEMP which is yet to be written. RSPB Cymru asked to be consulted on the development of the LEMP as it was progressed. Furthermore, it is essential that the developer legally secures the contents of the LEMP including agreements for securing the land, management and monitoring and has sufficient funds in place to maintain mitigation and enhancement measures for the lifetime of the development.

237. The ES states that construction works will be 50m from the boundary of Llyn Dinam SAC & Llynnau y Fali - Valley Lakes SSSI. Owing to this close proximity, there remains potential for changes in run-off of water into the SAC and SSSI wetlands around the development and potential for hydrological changes and water quality impacts on designated features during the construction phase. The RSPB defers to the technical expertise of NRW in respect of the issues that may arise as a result of the proposed development.

238. The application area is adjacent/in proximity to the Valley Wetlands Nature Reserve which is owned and managed by the RSPB. The developer was reminded that the RSPB has a legal interest and holds further legal rights within the development area. It drew the developer's attention to an existing access agreement held within DA 4. It is essential that the access route is not compromised by the development, and access is maintained for reserve management purposes.

Ministry of Defence - Defence Infrastructure Organisation

239. The application sites occupy the statutory aerodrome height, birdstrike and technical safeguarding zones surrounding RAF Valley. They also occupy the statutory aerodrome height and bird safeguarding zones encompassing RAF Mona. The proposed development will not affect safeguarding requirements for RAF Mona.

240. The proposed development does not infringe beyond the surrounding safeguarding height criteria protecting operations at RAF Valley and therefore will not cause a physical obstruction to the movement of aircraft to and from the aerodrome. However, the development at DA6 falls within the technical

safeguarding zone drawn to preserve the operation and capability of the Precision Approach Radar (PAR) that surveys the approach to runway 19, providing navigational guidance to aircraft using this runway. Technical assessments indicated there is the potential for thermal/electrical noise interference from components of the PV array installation to cause significant interference to the PAR, degrading the effective performance of this navigational aid, and thereby affecting the safe management of air traffic completing landing procedures on to runway 19.

241. In order to prevent this harm, it will be necessary for a condition to be added as part of any consent issued, requiring the submission, approval and implementation of an Electrical Noise Interference Management Plan (ENIMP).

Soil Policy and Agricultural Land Use Planning Unit of WG (SPALUPU)

242. Following an objection made by the SPALUPU during pre-application consultation and representations made on the final submission, a SoCG was produced. This was agreed between SPALUPU and the applicant and covers matters including the relevant national policies; the CPO letter; amounts and usability of BMV on the site; the effects on BMV of construction and operation; and the feasibility of grazing the land with solar panels in place. Salient points agreed in the SoCG, several of which were also made in SPALUPU's original consultation response, included that:

a) the agricultural land classification by Land Research Associates (LRA) could be accepted as an accurate reflection of land quality on site;

b) 23.3 ha of BMV land was identified within the red-line application boundary;

c) it would not appear practicable to farm some BMV areas to their full potential;

d) the reasons for c) included: (i) the dispersed nature of BMV land; (ii) the extent to which BMV grades are intermixed with non-BMV grades; (iii) the shape of BMV areas limiting the scope for mechanical and agricultural operations; (iv) topography and drainage;

e) exceptionally in this case, PPW11 paragraphs 3.58 and 3.59 should apply only to part of DA4 extending to 6.3 ha of ALC Grades 2 and 3a, for the reasons set out in d);

f) accordingly the application was not considered by SPALUPU to be a matter of national agricultural interest;

g) the distribution of panels would cover only part of the area identified in e) amounting to 0.8 ha of Grade 2 and 2.3 ha of Subgrade 3a;

h) the area of BMV outside the panels would be managed as traditional agricultural meadows for the objective of ecological mitigation - these biodiversity proposals would adversely affect the versatility of farming the land;

i) the areas of track and the inverter within the parcel identified in e) are considered as irreversibly developed - whilst their restoration to agricultural use

at the decommissioning stage is possible, both parties agree to treat these areas as “lost” to agricultural use;

j) the biodiversity proposals described in h) would affect the versatility of farming the land and to that extent PPW paras 3.58 and 3.59 are relevant, as are Future Wales Policies 9 & 17.

243. The only matter that the parties disagreed on was whether Future Wales Policy 9 is directly relevant to BMV and agricultural land; SPALUPU considered it was.

Objections to the Proposal

244. The proposal has attracted public opposition. At least 40 objections from individuals were received together with a petition containing approximately 500 signatures and many more online. The points made in these objections are included below.

Objections from Residents and the Public

245. The main points raised in the objections are:

- There would be an unacceptable loss of agricultural land, including BMV. This is particularly concerning at time when the country should be producing a lot more home-grown food to counter shortages resulting from recent international events. It would be difficult to return to productive farmland
- The proposal would be unsightly and have an industrial appearance which would cause harm to the natural beauty of the countryside. The scale would be inappropriate in this location. It would take several years for the trees and hedgerows to grow sufficiently to screen it. It would be clearly visible from an historic footpath.
- There would be harm to history, wildlife and the tranquillity of the rural community. The area is already affected by A55
- The proposal would not be an area identified in the JLDP as suitable for solar development.
- The narrow lanes are used by cyclists and walkers and are unsuitable for construction traffic. There would be danger to all road users from heavy traffic delivering to site.
- There would not be any benefit to the community; jobs created would be short term and specialised only. There would be no employment for local people and a negative impact on employment in the area through loss of farmland and agriculture related jobs.
- Glare from the solar panels would affect the planes at Valley.
- There would be a detrimental impact on Llyn Dinham nature reserve

- There would not be any element of local ownership. It would have a negative impact on the value of neighbouring properties but no compensation would be paid by the developer.
- There would be harm to amenity of neighbouring occupiers. Views from houses and gardens will be disrupted;
- There would be disruption on the road and noise and fumes during construction.
- Sufficient renewable energy is planned and not needed, alternative sites have not been exhausted and better sites are available.
- Risk of fire.
- It would harm residents' identity, history, culture and language. It would drive young people and families away
- It would not meet the exceptional circumstances criteria of LDP and not have an economic legacy.
- It should not be built on greenfield land.
- The scheme would have an unacceptable impact on a local campsite business.
- It is a profiteering exercise with little regard for long term loss of environment.
- There would be noise from the transformers and substation.
- There would be damage to drainage pipes and potential flooding.
- The solar farm would be sold on for profit.
- The proposal would be contrary to the Well-being of Future Generations Act (Wales) 2015.

Rhun Ap Iowerth MS AS

246. This representation was in regard to the proposal and also to the cumulative impact of solar farm applications on Ynys Môn. It expressed concern about the large number of planning applications for solar farms which have already been submitted or are proposed.

247. It stated that, although in the planning process there is a requirement to consider the cumulative impact of developments, each application is considered individually in sequence. The first one to submit an application (which may not be the first to go public) could therefore be more likely to get approval than the last, if cumulative impacts are too great, even if the later ones are considered a better development for the local area.

248. Given there are currently so many solar farms proposed in a relatively small area, PEDW was asked to look at the issue of cumulative effect now, rather than wait until it was too late. The objector was concerned about the nature of many of the plans that are being developed at the moment, and their effects on communities in his constituency.

Sam Rowlands MS AS

249. The objector highlighted concerns raised with him by constituents in relation to planning application DNS/3217391 - Parc Solar Traffwll, and trusted that they would be taken into account when determining the application.

250. Loss of good quality farmland: The development would result in the loss of a significant amount of good quality farmland, which could be used for other agricultural purposes. The agricultural sector is an important part of Anglesey's local economy, supporting many jobs. The loss of this land is contrary to the aims of the Wellbeing and Future Generations Act.

251. Impact on existing dwellings: The planned development is in close proximity to a number of existing residential dwellings. Some individuals living in close proximity to the development are concerned about sun glare from the solar panels, as well as the arrays overcrowding their properties. The objector had contacted the developer to ask what steps they were taking to mitigate this, but had not received a reply.

252. Community ownership: WG expect all new, large scale renewable energy projects in Wales to include an element of "community ownership" to retain wealth in local communities and deliver a some local benefit. At this stage it isn't clear that some sort of "community ownership" mechanism is in place. This should be clarified at an early stage.

Say No to Traffwll Solar

253. A group of residents have formed the Say No to Traffwll Solar group. Several members appeared at the hearing and spoke eloquently and knowledgeably about the proposed development and what they considered it would mean for them and their community.

254. Their representation provided detailed views on the matters of site choice, cultural wellbeing and the Welsh language, the need for renewable energy, visual impact, transport, and ecology.

255. Helpfully, it was prefaced with an Executive Summary as follows:

'As a group we are not opposed to renewable energy, particularly solar but we are opposed to this particular development for the following reasons:

- There is strong local opposition to the proposal in Bryngwran due to it being within the community and in a residential area.

- It will have a detrimental impact on the residents' identity of their 'cynefin' with a strong potential of having a negative impact upon both physical and mental wellbeing.
- Being within a community it is visible from many viewpoints and will have a significant impact on the resonance of the 'traffwll' name as established by history and culture.
- It will take just over 20 hectares of best and most versatile land out of food production at a time which we can ill afford to do so.
- There will be a significant transport impact when the proposed journeys involved with construction are considered in the light of existing traffic using the roads around the 3 development areas.
- It will have a negative impact on the Welsh language.
- There is no certainty at all that there will be community ownership of this solar farm if it is granted planning permission.
- The community benefit proposed is insulting bearing in mind the long lasting blight this will have on the area.
- The 'exceptional circumstances' criteria for allowing a solar development to be permitted outside the areas designated as suitable within the Anglesey and Gwynedd Local Development Plan have not been met
- It will not provide an economic legacy for the area.
- We question the appropriateness of a County Councillor acting as a landowner introducer for the developer and not declaring his interest (subsequently found to have breached the Code of Conduct).

Llanfair yn Neubwll Community Council

256. The development is contrary to the areas designated for solar developments in the JLDP and also Future Wales. The development at Plot 6 would to be very visible to many residents and particularly those living in the village of Llanfihangel yn Nhowyn. Residents are not convinced that there is sufficient screening to minimise this. This development would have a negative impact on those properties.

257. The site is mainly wet land that is rich in wildlife including birds, newts, plants and insects. It was considered that a development of this kind would have a major impact on the site, spoil this diverse habitat and make the public footpaths totally inaccessible throughout the construction period.

258. The development would not create jobs for local people; any contract work offered locally would be minimal. There would be little or no financial benefit to the community arising from the development and all profits are likely to be made outside Wales.

259. The development would lead to heavy traffic along a busy school route. Ysgol Caergeiliog Foundation School attracts pupils from the village itself, from the RAF base at Valley and from as far afield as Bangor and Llandudno. Some pupils will arrive on foot along the narrow unpaved lane. The extremely wide catchment area of the school already causes huge problems with heavy traffic congestion in the vicinity. Large construction traffic travelling this same route would most certainly increase the risks of injury and cause significant damage to the roads.

260. Residents continue to be concerned about the likely route for cabling. It was considered unlikely that the developer would be able to secure the agreement of each landowner to allow the several miles of cabling required between the three sites to the station on Cymyran Road, Caergeiliog to be buried on private land. In that case several miles of public highway would have to be dug up for the cabling to be put in the ground. This would include the channelling of the only route to Caergeiliog School. Residents felt that the many months of disruption this would cause was totally unacceptable.

Responses on Elwy Solar Farm Decision

261. The Welsh Minister's decision for Elwy Solar Farm (DNS/3247619) was issued on 14th September. Under Regulation 15(2) of the DNS Regulations, I invited the Applicant and the Local Planning Authority to comment on this, although the latter did not do so. Say No to Traffwll Solar also asked that it be able to make comments and I agreed to this request. I have not reported any comments that were not strictly related to the Elwy decision.

The Applicant's Comments

262. The Minister refused to grant planning permission for Elwy Solar Farm on BMV land the Inspector's recommendation. The Minister's reason for refusal was centred on the following (our emphasis):

Nationally Significant Amount of BMVAL

263. Parc Solar Traffwll falls below the threshold of 20ha over which the development of BMVAL for alternative uses would be classified as nationally significant for the purposes of Paragraph (p) of Schedule 5 to the Developments of National Significance (Procedure) (Wales) Order 2016. The Inspector concluded that the Elwy proposal would not result in a significant adverse impact even though the area of BMVAL affected by the development would be in excess of 20 ha. The SoCG agreed that paras 3.58 and 3.59 of PPW only apply to 6.3 ha of land DA4. The loss of BMVAL at Parc Solar Traffwll is considerably below the 20ha threshold considered to be nationally significant.

264. The Minister's decision on Elwy Solar Farm gives weight to the significant amount of BMV land there but the amount of BMVAL that can be farmed to its full potential at Parc Solar Traffwll is, at 6.3ha, not of national significance. SPALUPU stated in their written representation that Parc Solar Traffwll is not considered a matter of national agricultural interest - SPALUPU did not attend the Hearing session on BMVAL for this reason.

265. Circumstances at Parc Solar Traffwll meant that PPW only applied to 6.3ha of the site. These were: • the dispersed nature of BMVAL throughout the site; • the extent to which BMVAL grades are intermixed with non-BMVAL grades; • the shape of BMVAL areas limiting the scope for mechanical and agricultural operations; and • topography and drainage. This was in direct contrast with Elwy which included BMVAL in distinct, contiguous parcels.

266. Only 3.1 ha of BMVAL would be utilised for solar panels. The remaining area would be used for 'ecological mitigation managed as traditional agricultural meadows. The applicant therefore considers that PPW therefore only applies to 3.1ha of the application site which is significantly below the threshold of national significance.

Impact on ensuring Future Food Security

267. The Minister had concerns over the impact of the Elwy proposal on food security. There would be no impact on food security from the Parc Solar Traffwll proposal as it is not practicable to farm the land as BMV. It has not been farmed successfully for arable crops at any point. As set out in the AILA for Parc Solar Traffwll the historic and current uses are as grazing and / or silage. These uses will continue if the proposal is refused. There is no prospect of the land being farmed for food crops and there would be no impact on food security from the proposal.

Overriding need to justify the loss of a significant amount of BMVAL

268. In the Elwy decision the Minister acknowledges the benefits of and the need for increased renewable energy. These are covered in the Parc Solar Traffwll application and not repeated here. The relevant development plan policies for both Parc Solar Traffwll and Elwy Solar are Policies 17 and 18 of Future Wales. Policy 17 states that 'decision-makers must give significant weight to the need to meet Wales' international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.' A letter issued by the Cabinet Secretary for Environment and Rural Affairs states that 'the over-riding imperatives to produce more renewable energy to reduce the impact of climate change and meet our decarbonisation targets are crucial'. It is therefore clear that the need for renewable energy to combat climate change is overriding.

269. The characteristics of the land at Parc Solar Traffwll make it unpracticable to farm as BMVAL and therefore lessen its special importance. Furthermore, the amount of BMVAL contained within the development area is not significant. The temporary (and reversible) loss of BMVAL at Parc Solar Traffwll should be overridden by the need for the development.

Soil Management

270. The Minister was not convinced that the measures proposed at Elwy during construction, operation and decommissioning would be sufficient to protect soils leading to a significant risk of permanent loss of BMVAL. The mixing of soil profiles at the application site would not downgrade agricultural land classification

and the risk of severe compaction of the soil is low if completed in appropriate conditions. During operation soils would not be adversely affected and the length of the operational period would help to conserve BMVAL. There are currently no examples of large-scale solar farms having been decommissioned and removed. However, conditions have been agreed with the LPA relating to soil management plans. These would require the submission and approval of a Construction Soil Management Plan, an Operational Soil Management and Decommissioning Framework Plan and a Decommissioning Soil Management Plan. The Parc Solar Traffwll application was accompanied by outline Soil Management Plans which demonstrated through examples from other projects that the development of a solar farm would not have an adverse impact on BMVAL. It is notable that no draft soil management plans were provided as part of the Elwy Solar Farm application.

Conclusion

271. Parc Solar Traffwll does not require the development of a nationally significant amount of BMVAL whereas Elwy Solar did; there would be no impact on food security from Parc Solar Traffwll; and Outline Soil Management Plans have been submitted with the Parc Solar Traffwll application to demonstrate that the BMVAL resource can be preserved whereas no draft soil management plans were provided as part of the Elwy Solar Farm application.

Say No to Traffwll Solar Comments

272. The submission quoted some of the points raised by the Inspector and the Minister in the Elwy decision (in italics below; in the interest of brevity I have shortened these where it does not detract from the overall gist). It drew comparisons with the application in this case as set out below the quoted sections.

273. Para 9.[of the Elwy decision] '*… the affected fields would be densely packed with solar arrays for the most part. The Inspector considers the vast and continuous rows of solar panels would result in the loss of open fields and would represent an uncharacteristic element in the predominantly rural, agricultural landscape for a period of 37 years*.'

    [Say No to Traffwll Solar's comment] This applies to Traffwll as well but for a period of 40 years.

274. Para 10…'*the Inspector notes the development would remain visible in part, particularly from close quarters*'.

    This is very relevant to the Traffwll Development especially when taking the close proximity to residences into account.

275. Para 38. The CPO letter is noted by the Inspector. "…*where BMV land is identified within a proposed solar PV array development, considerable weight should be given to protecting such land from development, because of its special importance, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission*".

There is no limit on the amount of BMV land. 45% of the land is BMV at Traffwll compared with 38% of the land at Elwy.

276. Para. 39. The Inspector has based the assessment of impact on 30,000 piles. We at Traffwll don't know how many piles will be inserted or how many panels will be used but the effect cannot be different.

277. Para 41. *The Inspector notes that SPALUPU has raised an objection to the scheme as: (i) the proposal has failed to give considerable weight to protecting BMVAL; (ii) there remains a significant risk that, once developed, its return to agriculture as BMVAL would not be possible; and (iii) the department views the arguments of overriding need and possible alternative sites as insufficient to justify the scheme on BMVAL.*

    We have already raised concerns about the allocation of land based on a few soil samples. A different allocation based on the same soil samples could have been made as we did resulting in a contiguous block of BMV land. We were disappointed that WGCC accepted the land surveys as is. The premise that because one part of a field is of a low quality the whole field must be used as though it is all of a low quality is absurd.

278. Para 42. *SPALUPU considers the proposal would not only prevent 43.1ha of BMVAL (despite not all of this land being under panel) being available for food production and non-food uses both now and for future generations but would risk the permanent loss of a nationally significant amount of BMVAL.*

279. Lots of 20Ha parcels of BMV land adds up. My mother used to say "look after the pennies and the pounds look after themselves". This is a significant amount of land in our community.

280. Para. 43. *The Inspector is aware BMVAL is a finite resource which cannot be recreated once it is lost and considers the need to protect the resource during the construction, operation and decommissioning of the solar farm is of principal importance.*

    If constructed this would never go back to agricultural land.

281. Para. 46. *SPALUPU considers the siting of the development on BMVAL would significantly affect the agricultural status of the site so that it would not be available for food production both now and for future generations thereby undermining the objective in section 3(2)(a) of the Environment (Wales) Act 2016.*

    This would be the case at Traffwll as well.

282. Para. 47. *The Inspector does not dispute the development of a solar farm would mean the land would be taken out of production … for the cultivation of food crops... The Inspector states the use of parts of the site for other agricultural uses, such as the grazing of livestock, cannot compensate for the failure to use the BMVAL efficiently, even for a temporary period.*

    This would be the case at Traffwll as well.

283. Para. 52. *The Inspector notes "overriding need" is not defined in planning policy and guidance and considers, in terms of establishing whether this test would be met, need can be local or national and is not restricted to identifying a single site which is deemed to be the best and/or only option. The Inspector considers the proposal's large-scale contribution to renewable energy in the context of strong national policy support is capable of constituting need.*

    But as shown above there are many more sites possible of meeting national need without using BMV land thereby meeting the need within the constraints.

284. Para. 69. *The affected BMVAL land would be unavailable for food production for the 37 year duration of the project, a considerable period of time for the loss of full productive capacity of BMVAL, which could impact on the objective of ensuring future food security. I note the land could be used for grazing during this period, however, I do not consider this compensates in any way for the loss of BMVAL. … Irrespective of whether the land could be restored to BMV quality or whether the loss of BMVAL would be permanent, it is not disputed that the proposed development would involve development on BMVAL land. In such circumstances PPW is clear, the BMVAL should only be developed if there is an overriding need for the development.*

    Please apply this constraint to the Traffwll application.

285. Para. 70. *I [the Minister] acknowledge and accept the benefits of the scheme… These benefits include the generation of a substantial amount of renewable energy. However, I am not satisfied the benefits of the scheme and the acknowledged need for increased renewable energy override the need to protect the significant amount of BMVAL on the application site from development, which would have a 37-year lifespan.*

    Please apply this constraint to the Traffwll application

    Para. 74. *I [the Minister] accept the proposed development aligns with and supports the requirements of FW and PPW, regarding the need to achieve decarbonisation of energy, build resilience to the impacts of climate change and support the delivery of renewable energy. …However, I conclude the amount of renewable energy that would be generated, and the other identified benefits of the proposal do not override the need to protect the significant amount of BMVAL on the application site from development.*

    Please apply this constraint to the Traffwll application. There will only be 35MW produced here!

286. Para. 77. *The decision takes account of the long-term benefits of protecting BMVAL, supporting the Welsh Government's objective to continue to value and protect our agricultural land and ensure it can feed and support us. Refusing planning permission for the proposed development ensures the BMVAL is protected and maintained for the long term*.

    Please refuse Traffwll Solar on the same reasoning

Matters not in dispute between the main parties

287. There is no dispute that, in the interests of reducing the effects of climate change, WG has a commitment to facilitating the development of renewable energy sources and such schemes should thus be considered favourably.

Inspector's Considerations

Appraisal

288. I consider that the main considerations in this case are:

- whether the proposed development would conserve BMV, consistent with national policy;
- the effect of the proposed development on the character and appearance of the surrounding area;
- the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to outlook and noise; and
- whether the proposed development would provide sufficient benefit to the community.

289. Other matters to be taken into account in reaching a decision are the effect of the proposed development on:

- highway safety in the surrounding area, particularly during the construction phase;
- whether the proposed development would be consistent with national and local policy on flooding;
- biodiversity and ecological interests on the site and in the surrounding area; and
- Welsh language and culture.

Best and most versatile agricultural land (BMV)

290. Several objections referred to the loss of good quality agricultural land. People were concerned that, particularly at a time when the effects of Brexit and the invasion of Ukraine were being felt in terms of the pricing and availability of foodstuffs, it was important to retain land in agricultural use.

291. Future Wales tends to support this view. A map entitled 'Agriculture' (page 27) shows the nationwide location of the three grades of BMV and is accompanied by the comment:

'*Our productive land is a vital resource. Agriculture has shaped our landscapes and supported our rural and market towns for generations. We must continue to value and protect our agricultural land and ensure it can feed and support us'*.

292. In addition, the chapter describing Future Wales' spatial strategy notes that:

'By focusing large scale growth on the urban areas, development pressures can be channelled away from the countryside and productive agricultural land can be protected. Rural areas have an important function as providers of food, energy and mineral resources.'

293. BMV is also identified in Future Wales on the map of National Natural Resources (page 79). Whilst not referred to in the accompanying policy, Policy 9, the implication is that BMV is green infrastructure, can be part of ecological networks, and should be protected as such. The only outstanding disagreement noted in the SoCG was whether Policy 9 applies to BMV land. SPALUPU considers that it does and, as the Policy 9 map shows BMV land and the CPO letter states clearly that BMV land is a national natural resource, I agree with that position.

294. PPW is more prescriptive stating (para. 3.58) that BMV should be conserved as a finite resource for the future and adding that considerable weight should be given to protecting such land from development because of its special importance. BMV should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value which outweighs the agricultural considerations (para. 3.59).

295. The purpose of the CPO letter was to clarify that in accordance with WG policy, where BMV land is identified within a proposed solar PV array development, considerable weight should be given to protecting such land from development because of its special importance. The CPO letter pointed out that, unless other significant material considerations indicated otherwise it would be necessary to refuse permission.

296. TAN 6 Planning for Sustainable Rural Communities dates from 2010 and is therefore the oldest of these national policy documents. Its main thrust is that, in deciding planning applications, the quality of agricultural land and other agricultural factors should be considered. It points out that BMV is the most flexible, productive and efficient land in response to inputs.

297. In my view, the crux of the BMV land consideration in this case is the PPW policy requirement to conserve such land as a finite resource; it should only be developed if there is an overriding need for the proposed development and other previously developed land or land of a lower agricultural quality is not available.

298. There are additional considerations, however, which have a bearing on that central judgement. The most significant of these is the amount and current useability of the BMV land. A second important matter is whether BMV would be conserved by retaining or restoring its high quality during the construction, operational and decommissioning periods. A final contribution to the BMV land decision is the question of whether the loss of the land's agricultural potential during the scheme's lifetime would amount to a failure to conserve BMV land. These five factors are addressed below.

Overriding need

299. The hearings were held in July 2022, a month during which temperatures reached record highs all over the country. The exceptionally hot, dry weather served as a reminder that climate change is a real and dangerous phenomenon which must be addressed urgently. Future Wales explains that climate change will have a significant impact on well-being and puts pressure on ecosystems, infrastructure, built environment and Wales' unique landscape and cultural heritage. These elements all contribute to social, economic and ecological resilience. Climate change is also an equality issue as it disproportionately affects the most vulnerable communities (page 45).

300. Future Wales points out that generating renewable energy is a key part of WG's commitment to decarbonisation and tackling the climate emergency. To that end, ambitious targets for the generation of renewable energy have been set; foremost is for 70% of electricity consumption to be generated from renewable energy by 2030. In March 2021, new legislation came into force in Wales, amending the 2050 emissions target to net zero, and increasing the 2030 and 2040 targets. Locally, IACC declared a climate emergency in September 2020 and backed WG's plans to achieve a carbon neutral public sector by 2030.

301. WG's figures on greenhouse gas emissions show a gradual decline in emissions from the 1990 baseline but the 2020 target of a 40% reduction from 1990 levels is unlikely to be met. Wales is also substantially behind its target of net zero by 2050.

302. The proposed solar farm would have an export capacity of circa 35MW of electricity which would be sufficient to power approximately 11,630 homes and offset over 7,161 tonnes of CO2 every year: it would be equivalent to taking around 3,818 cars off the road. Those would be significant amounts of energy generated from a renewable source, making a sizeable contribution towards Wales' targets and playing a valuable part in addressing climate change.

303. In order to combat the climate emergency, Policy 17 of Future Wales instructs decision-makers determining planning applications for renewable energy development to give significant weight to the need to meet Wales' international commitments and the target to generate 70% of consumed electricity by renewable means by 2030. In this light, there is undoubtedly an overriding need for the proposed development.

Availability of other land

304. The applicant's site selection process is set out in the ES (section 5.3). It explains that Anglesey is a favourable area for solar deployment because of its high levels of solar irradiation resulting from its proximity to the coastline. This is illustrated effectively on a map (ES Figure 5.1: UK Irradiance Levels) which shows that the levels seen in the west of Anglesey are found elsewhere in Wales only at its extremes such as the Llŷn Peninsula, Pembrokeshire and a fringe along the south coast. In the UK as a whole such levels are only experienced along the East Anglian coast and in the south.

305. A second, essential factor is access to the local distribution network; in order to export the generated electricity, there must be sufficient capacity in the network to accommodate the additional power from the development. This is also illustrated on a map (ES Figure 5.2 Scottish Power Energy Network Heatmap, May 2021) showing that the area of search was severely restricted by the lack of grid capacity. The ES explains clearly and convincingly why connecting to the substation at Caergeiliog would be the only feasible option for the proposed development.

306. A range of other pertinent factors was considered in assessing sites for their suitability for solar development. As well as agricultural land quality; landscape sensitivity and visual impact; and proximity to the local population, factors which are all central to this case, these included topography; field size and shape; any potential for overshadowing; development plan policy; access to the site for construction/decommissioning traffic; nature conservation issues and potential for enhancement; flood risk; and the availability of the land for the proposed development.

307. The site for the proposed solar farm originally comprised nine DAs. During work on the EIA, six of these were removed from the scheme as it was considered that the potentially significant adverse impacts of their development could not be adequately mitigated. DAs 1, 8 and 9 were removed as they were the location for foraging by chough, a behaviour which could suffer a significant adverse impact from the presence of solar arrays. DA 3 was taken out because of its detrimental impact on the setting of the Castellor Hut Settlement, a Scheduled Ancient Monument (SAM). DA 2 was excluded as, had a 50m buffer around residential properties been introduced here as recommended, the amount of land remaining would not be sufficient to feasibly accommodate solar arrays. Finally, DA7 was removed from the proposals following a landowner's request during the initial consultation exercise.

308. The removal of these six areas from the scheme and the reasons for their exclusion convince me that the site selection criteria were adhered to and implemented appropriately. I note also that whilst the SPALUPU expressed some concerns as to the robustness of the site selection process in its original representation, it did not pursue these.

309. The applicant's AIAL, indicates that about 46% of the total site area is land of Grade 2 and 3a quality. PPW requires such land to be conserved as a finite resource for the future; considerable weight should be given to protecting this land from development because of its special importance. In this case, however, it has been demonstrated firstly, that there is an overriding need for the development, and, secondly, that neither previously developed land nor land in lower agricultural grades is available. In that light, the proposed development would comply with PPW, which provides the substantive policy on safeguarding BMV agricultural land. Consequently, it would also be consistent with the clarification set out in the letter from the Minister for Climate Change.

310. On the matter of site selection, JLDP Policy ADN 2 directs solar farms of 5MW or greater to potential search areas identified on the Proposals Map. These are

limited in extent but one is located in the vicinity of Caergeiliog. The applicant found, however, that a significant proportion of this area was constrained by rocky outcrops which would make deployment difficult and, consequently, the project not viable. Land to the immediate north-east, east and south-east of the substation at Caergeiliog was covered with scrub vegetation and trees. In addition, although approaches were made to landowners within the solar search area, none were interested in having solar development on their land.

311. The applicant therefore considers that the application site is the closest available to an identified solar search area, a view with which I agree. It is, however, somewhat of a moot point. As Future Wales was published more recently than the JDLP, in the case of any conflict the policies of Future Wales are preferred over those of the JLDP. Future Wales does not direct solar development to specific areas but relies on the criteria set out in Policy 18. Thus, the JLDP's requirement to site solar development in potential search areas no longer carries any weight.

Amount and useability

312. Subsequent to submitting a letter in response to consultation on the scheme, SPALUPU confirmed that it had been discussing its concerns, and my initial questions, with the applicant resulting in a SoCG agreed between the two parties. This has been very helpful.

313. The AIAL carried out by LRA is confirmed in the SoCG, and thus by SPALUPU, to be an accurate reflection of land quality on site. It states that throughout the site as a whole there are 6.1 ha of Grade 2 agricultural land and 17. 2 ha of Grade 3a land; the total amount of BMV on the site is 23.3 ha. Being more than 20 ha, the need to consult with WG was triggered as required by TAN 6 (Annex B). In its letter responding to consultation SPALUPU stated that, having taken into account PPW, the DNS Order, Future Wales and the Minister's letter, it did not consider that the application in question was a matter of national agricultural interest.

314. SPALUPU also acknowledged that it was not possible to farm all the identified BMV land on the three DAs to its full potential. The reasons for this, as set out in the SoCG, were:

    (i) the dispersed nature of BMV land;

    (ii) the extent to which BMV grades were intermixed with non-BMV grades;

    (iii) the shape of BMV areas limiting the scope for mechanical and agricultural operations;

    (iv) the topography and drainage of the DAs.

315. SPALUPU thus advised in its letter and confirmed in the SoCG that, exceptionally in this case, PPW's policy conserving BMV land (paras. 3.58 & 3.59) should only apply to a contiguous block of about 6.3 ha of BMV land lying within DA4. The proposed panels would cover a part of this area, a total of about 3.1 ha of which 0.8 ha would be Grade 2 and 2.3 ha would be Grade 3a. The parties have agreed

in the SoCG that the areas under tracks and the inverter are to be treated as irreversibly lost to agriculture.

316. The remainder of the 6.3 ha of BMV land would be kept free from development and preserved for ecological mitigation in the form of wildflower meadow which would provide a winter source of seeds for birds. Although this part would be managed as traditional agricultural meadows, it is agreed in the SoCG that these biodiversity proposals would adversely affect the versatility of farming the land.

317. I do not have any reason or evidence to disagree with SPALUPU's comments and position or the agreements reached in the SoCG. My findings on this matter are therefore that, although there is over 23 ha of land classified as BMV within the application site, in practice only 6.3ha could be farmed as such and used for the production of food crops. If it is considered that the BMV quality of the land could not be retained or restored, a point I discuss in the following section, the proposed development would thus result in the loss of only 6.3ha of BMV land. This is agreed by SPALUPU which also states that it does not consider the application to be a matter of national agricultural interest.

318. The 6.3ha of BMV land to which it is agreed that PPW applies is also well below the threshold of 20ha above which the DNS (Procedure) (Wales) Order 2016 (para p of Schedule 5) requires consultation with Welsh Ministers. The corollary of this is that such an amount is not nationally significant.

Retention/restoration of value

319. The amount and quality of the agricultural land on the site, including the BMV, would not be changed by differing management or cultivation practices, or by it not being cultivated, or by it being neglected. It can, however, be harmed by being compressed, particularly during wet conditions, or by being extensively disturbed. The applicant has explained in its evidence the management measures which would be employed to avoid such consequences. These would include: timing the works to avoid vehicles moving repeatedly over wet land; separating top and subsoils when laying cables and returning them to the trenches in the correct order; stripping off topsoil for the platforms of the fixed buildings and keeping it in a low bund nearby to be used for restoration work.

320. If the proposed development gains planning permission, that permission will be subject to a condition requiring a detailed CEMP being submitted by the developer and approved by the local planning authority. The CEMP would provide details on a number of important matters including the construction schedule and implementation timescale.

321. Other conditions would put soil management plans and a decommissioning framework plan in place before any development began on site. These would provide details of measures to be implemented during the construction, operation and decommissioning of the site in order to protect the agricultural quality of the soil. In addition, they would detail the works to be undertaken in order to return the site to its original agricultural condition, including the method for removing the solar panels, structures, enclosures, equipment and, as appropriate, all other apparatus above and below ground level.

322. In the recent decision on a solar farm DNS at Blackberry Lane, Pembrokeshire (DNS/3245065) the Minister concluded that just over 20 ha of Grade 2 and 3a land would be affected. The Minister accepted that Inspector's conclusion that it was likely, in that case, that the ground would be considerably disturbed and that land of BMV quality would be lost. In this case, as a result of the attention given to the matter and the safeguarding conditions which would be imposed, I do not consider that the quality of the BMV land would be significantly reduced.

323. TAN 6 states that once agricultural land is developed, even for 'soft' uses such as golf courses, its return to agriculture as BMV agricultural land is seldom practicable. The applicant pointed out at the hearing that the construction of golf courses involves much excavation and movement of soil to create the typical features such as bunkers and other hazards, greens, and fairways. The installation of a solar farm would not require as much disturbance of the soil, which as explained can be one of the main causes of a degradation in quality. The comparison with golf course construction is not, therefore, compelling or helpful.

Agricultural potential during scheme's lifetime

324. Whilst PPW requires BMV to be conserved it cannot insist that such land be farmed in any particular way or at an intensity commensurate with its high value. Indeed, it need not be farmed at all. Financial incentives can be provided for using land in a specified manner, for example for rewilding, but as far as I am aware there are no other policy regimes which dictate how land must be farmed.

325. It is possible that the position might change, although I have no evidence that this will happen in the near future, and greater encouragement given to, or pressure placed on, farmers to cultivate high grade land to its full potential. The proposed development would not permit this to take place within the DAs, either where the land was covered with panels, or where the areas of undeveloped land remaining were too small to farm effectively. In my view, therefore, the full potential of the BMV land would be lost and not conserved during the period that the solar farm was in place.

Conclusion on BMV

326. PPW requires that BMV land should be conserved as a finite resource and that considerable weight should be given to protecting it from development. In this case, however, I have found that there is an overriding need for renewable energy and no previously developed land or land in lower grades is available. These two circumstances together permit BMV land to be developed for the solar farm proposed in line with PPW.

327. A substantial additional consideration is that, for a variety of physical and practical reasons, it is not possible to cultivate all of the BMV land commensurate with its value. Only a single contiguous area of 6.3 ha is considered by SPALUPU to be subject to PPW's conservative policy for BMV land. With regard to other considerations, I have found that the BMV value would be retained and/or restored during construction, operation and when the proposal was decommissioned subject to the recommended conditions. These further two

considerations are significant and weigh heavily in support of my decision on BMV.

328. Not farming the land to its full BMV potential, for example during the lifetime of the scheme, would not be contrary to planning policy. Nonetheless, the proposed development would render that option impractical. The full potential of the BMV land would therefore not be conserved during the period that the solar farm was in place. Given the small area of land which could be farmed to its full, BMV value in this case, however, this is a minor failing. It does not undermine my conclusion that the proposed development would not harm the BMV resource and, in any case, would be consistent with PPW.

329. The Elwy proposal for a solar farm was refused by the Minister, contrary to the Inspector's recommendation and on the grounds of a loss in BMV land, in September 2022.

330. A significant difference between the Elwy and the Parc Solar Traffwll applications is the amount of BMV land affected; at Elwy there were 43ha of BMV land within the application site. Although 23ha of land are classified as BMV in this case, as explained elsewhere in this document, only 6.3ha of this could realistically be farmed to produce food crops consistent with its BMV value. This point was made by SPALUPU in its original consultation response in which it also stated that, exceptionally, PPW would only apply to this 6.3ha area. Furthermore, SPALUPU considered, for that reason, the application was not a matter of national agricultural interest. SPALUPU did not, therefore, object to the application scheme, unlike at Elwy. As stated earlier, I do not disagree with SPALUPU's comments, reasoning or findings.

331. Arising from the scale of the BMV land loss, a further reason for the Elwy refusal was the impact on the objective of ensuring future food security. This does not apply to the application here as only a small area is capable of being cultivated for food crops.

332. The amount of BMV land that could realistically be farmed for food crops at Elwy and in this case is thus the fundamental difference between the two proposals. The Elwy decision, therefore, does not provide a helpful comparison or a precedent for the refusal of this scheme.

Character and appearance

Landscape character

333. Landscape and visual effects are assessed separately. Landscape effects are those of change and development on the landscape as a resource and on the elements that make up the landscape and its distinctive character.

334. The topography around the proposal site is undulating with rocky outcrops. There are also patches of semi-natural habitats, such as hedges, trees, and wetland, throughout the area as well as fields of agricultural grassland. The A5 and A55 roads and the main railway are close by. DA6 is slightly different from DA4 and DA5, being more enclosed with many mature hedgerows. The area is also

influenced by RAF Valley and the military and civil flights operating from it which reduce tranquillity. The applicant's LVIA assesses the overall landscape scale and features of the DAs as being of a lower sensitivity.

335. The main change to the landscape would be the installation of the continuous and extensive areas of solar panels on the existing grassland. The inverters and associated equipment and site tracks would have hard bases and surfaces. Although numerous, the fixings for the panels – metal stanchions driven directly into the ground – would be relatively insubstantial and removeable. The cable trenches would be dug out, and the soil from them stored and returned, in such a way as to minimise disruption to the soil structure. Other distinctive landscape features, particularly the field pattern and hedgerows with their scattered trees, would remain in place and unaltered.

336. Another, much valued, feature of this area is its tranquillity although there are significant local detractors, such as the A55 and RAF Valley, which impinge upon this. During construction and decommissioning, the peace and minimum levels of activity in the area would be greatly disrupted. These would be restored, however, during the operational period of the proposed solar farm; the installation would be monitored remotely and there would be very few occasions on which it would be attended by maintenance vehicles and staff.

337. The proposed solar arrays would thus be noticeable, uncharacteristic and widespread new features within the existing fields. They would, however, be contained within the existing, long-established field pattern. In addition, the existing use of the fields, namely grazing, would be continued under and amongst the panels. Mitigation measures, particularly the retention, protection and management of existing hedgerows and the planting of new ones, would help to integrate the panels into the landscape and to screen them from view. The opportunities for those in the vicinity of the proposal to experience the changes to the landscape would thus be limited.

338. The type of landscape here covers a fairly extensive area and, whilst attractive, is not unusual or unique in character. The proposed development would result in obvious alterations in the landscape but, because of its wider form and scale, it is assessed as having some capacity to accept change. I agree, therefore, with the finding of the LVIA that the changes to the DAs would not have notable effects on that wider distinctive, but commonplace, landscape. The change to the existing landscape elements and characteristics would be partial and classified as moderate.

Visual effects

339. Visual effects are defined in the LVIA guidance as the effects of change and development on the views available to people and their visual amenity. These include how the surroundings and views of individuals or groups of people may be affected by the change or loss of existing elements of the landscape and/or the introduction of new elements. Whilst I appreciate that many in the local community would prefer not to see solar panels in their neighbourhood, limited,

distant, filtered, or partial views are not likely to result in significant harm to the appearance of the landscape.

340. I found the applicant's LVIA to be a thorough and robust assessment, which was prepared in accordance with up-to-date, industry standard, guidance. It assessed the predicted visual effect of the proposal on nineteen viewpoints, the locations of which were agreed with IACC. The issues considered in describing and comparing the view from these included:
    - whether views of the development would be full, partial, glimpsed;
    - the proportion of the development that would be visible;
    - distances to the development and whether the viewer would focus on the development due to its scale and proximity or whether it would a minor element in a panoramic view;
    - whether the view would be stationary or transient or one of a sequence; and,
    - the types of changes eg to the skyline profile; a new visual focus; changes in visual simplicity or complexity; alteration of scale.

341. Of the nineteen viewpoints, only four - VP6, VP7, VP8, and VP10 - were found likely to suffer a major and significant visual effect from the proposed development. These are all on local roads and close to the dwellings at Caer Ddol Farm; Plas Llechylched; Tyn Rhos; and, Arfryn.

342. All are at field entrances and would provide clear, close-range views of the solar arrays. These are, however, the most open locations along their respective sections of road; views from most sections of the surrounding lanes would be filtered and screened. VP6 would be representative of fleeting views from passing vehicles and riders on National Cycle Route 8. VP10 overlooks DA6 and would have the most open views over it. The visual effect from here would mostly be experienced by road users travelling west. The four VPs also provide views that are partially representative of those from nearby residential properties.

343. Most views from the surrounding lanes would be screened by hedgerows; extensive views of the solar arrays would only be available from gateways and thus of relatively short duration for those travelling through the area, even when on foot. Nonetheless, all passers by would be left with the knowledge that there was a large solar farm in the area. Those living in the neighbourhood would be reminded of this more frequently, perhaps on a daily basis; for some residents this would be an unpleasant position which would be difficult to accept.

344. The DAs, or parts of them, would be visible from several of the remaining assessed viewpoints. The visual effects from these were assessed to be noticeable but not dominating when the development was viewed within the overall visual environment. They were therefore judged to be not significant. I agree with the LVIA assessment of the outlook from them.

345. Five settlements including Bryngwran, Llanfihangel-yn-Nhywyn, Caergeiliog, and Llanfair-yn-neubwll were considered, the assessment concluding that there would be extremely limited visibility to the DAs from them. The scale of visual effect was considered to be negligible and therefore not significant. Following my site visit, I agree with this assessment. Although the residents of these villages would be

able to see the solar farm from locations within them, the distance, angle of view, intervening vegetation and topography would make such views insignificant and the proposed development would not be obtrusive.

346. The A55 dual carriageway is close to the boundary of the site. This is the main route from North Wales and North West England to the Holyhead ferry. Although not constantly busy it carries a large number of freight and tourist vehicles heading to or from Ireland as well as local and tourist traffic heading to other parts of the island. At the request of IACC, photographs were taken from the passenger side of a moving vehicle and included amongst the LVIA VP photos. They show visibility from the main road corridor where it is not possible to stop and take photographs.

347. I have experienced some of these views myself and agree with the assessment that visibility to the DAs would be limited and fleeting. The road corridor runs through shallow cuttings and is bordered by mature vegetation which restricts extensive views into the DAs. Although several glimpses of different parts of the proposed development might be seen during a single journey along the A55, the scheme would not be so clearly visible as to be harmful or obtrusive in the wider landscape. I do not consider that the presence of the solar farm would be harmful to the character of the island or to people's perception of it.

348. A range of mitigation measures would be provided which, in time, would bolster the existing screening of views by landscape features. These would include:
- the retention of all existing boundary hedgerows, including hedge trees, and where appropriate on boundaries adjoining receptors (residential, roads and footpaths), allowing them to grow up to at least 3m tall to help to screen visibility;
- maintaining a minimum offset distance of at least 50m from all residential receptors to remain clear of all development;
- filling existing gaps in the perimeter hedgerows with native mixed species;
- planting additional feathered sized hedge trees along the hedgerows at random spacings to increase local tree coverage levels, filter visibility and provide green links between existing woodland and scrub areas.

349. In the light of the distance of the proposed development from the boundary of the AONB and the presence of intervening, screening vegetation I do not consider that the proposal would have any affect on the character of the AONB. If parts of the proposed solar farm were seen from within it, it would be a minor element in the wider landscape and not obtrusive or harmful.

Conclusion on character and appearance

350. All in all, the proposed development would not have an unacceptable adverse impact on the character or visual appearance of the surrounding landscape and, in that respect, would comply with Future Wales Policy 18. As it would not cause significant demonstrable harm to landscape character or appearance the scheme would also be in line with JLDP Strategic Policy PS 7. All impacts on the landscape would be adequately mitigated as required by JLDP Policy ADN 2.

Living conditions

351. An LVIA is a tool for assessing the visual impacts of a proposal on a landscape. As the saying goes 'beauty is in the eye of the beholder' and, to a certain extent and by the same token, so is a lack of beauty. In that light, the methodology and language of the LVIA have been developed to assess as objectively as possible the highly personal and subjective experience of seeing a landscape. The LVIA cannot, however, measure the emotional impact of seeing unwanted change in a much-loved and familiar landscape that is inextricably connected to your home.

352. I heard at the hearings how upset and concerned the residents of some of the most affected dwellings were about what they thought would be fundamental, negative changes to their living environment. All described the pleasure and sanctuary they derived from their homes currently, including from the presence of wildlife and the pleasant views, which they expected to be considerably damaged by the proposal. It was apparent that, in this close-knit community, other residents who would not be as affected by the scheme were concerned for their neighbours.

353. The main residential visual receptors within c.200m of the site were assessed by the LVIA. Five properties or groups of properties close to DA4, one adjacent to DA5 and one adjacent to DA6 were considered to experience potentially significant visual effects. The properties are all close to the site boundary and would have near-range views, including from upper storey windows, over large areas of the DAs. I visited the gardens of three of the most affected homes and was able to envisage the potential effects for myself.

354. The landscape mitigation plan has taken full account of the LVIA findings of the major and significant impacts of the proposal on adjacent residential properties. Hedgerows would be enhanced, have gaps in them filled and be planted with new hedgerow trees to screen and filter views of the solar arrays from them. New planting would be of native, locally appropriate species and the site boundary fence would be stock fencing of a type commonly seen in agricultural areas. It would, however, take the best part of a decade before the mitigation was fully effective and, even then, views would not be completely blocked out. Most of the species comprising the hedges are deciduous; whilst the framework of bare branches can be dense and obscuring, the solar arrays would be likely to be more clearly visible in winter when the branches are bare of leaves.

355. At Plas Llechylched the ground slopes down from the garden boundary and thus the further parts of the DA would be likely to remain visible. Pen Bont is to the north of DA4 and separated from it by the lane. Some views are already filtered by existing trees and hedges but others would remain unobscured. At Tyn Rhos the land rises away from the house and its garden which, despite mitigation, would increase the amount of visible area of solar panels.

356. A further mitigation measure would be to leave a minimum 50 m zone clear of development, and managed as grassland for reptiles, invertebrates and birds, between the properties' boundaries and the site boundary fence. This would reduce the scale of the installation for those seeing it from their houses and make

ancillary items, such as security cameras, less obvious. Nonetheless, views of the proposed development would be available from nearby properties until new planting matured and it would always be visible from upstairs windows.

357. The proposed development would result in a considerable change to nearby residents' views. Open fields would be the site of uniform rows of engineered structures. In some lights, the surface sheen, regular shapes, and shadows thrown by the panels would be in sharp contrast to the muted shades and irregular outlines of the surrounding landscape and its features. Nonetheless, in my opinion it would not equate to the creation of an industrial landscape in either appearance or character.

358. In planning law, however, no one has the right to a view. Several appeal decisions are cited by the appellant in the Residential Visual Amenity Assessment (RVAA) which was carried out as part of the LVIA. These clarify that the acceptability or otherwise of changes to the outlook from homes is judged by whether the proposed development would appear so unpleasant, overwhelming and oppressive that a dwelling would become an unattractive place to live.

359. I have taken into account the height of the panels; the 50m buffer distance; the existing hedgerows, where they are present now, and the mitigation planting where they are not; as well as all the other factors mentioned in respect of this matter. It is, therefore, my judgement that the proposed development would not be overwhelmingly unpleasant and oppressive, or that it would make the surrounding dwellings unattractive places in which to live, even before the new planting matures. I appreciate that the occupiers of the most affected dwellings will not agree.

360. We heard from the appellant's noise consultant at the hearing. During the construction period noise would emanate from various operations including deliveries, trenching and other construction activities. This would be mitigated to some extent by restricting the hours of work on site, regularly maintaining plant to keep it at minimal noise levels, and screening those sensitive receptors close to a noise source with temporary hoarding.

361. The only noise from solar farms in operation is that arising from the air-cooling systems of the inverters and substations, and from the general operation of the transformers. The noise emitting equipment is all located as far as possible from the properties neighbouring the DAs. Because of these distances and the relatively quiet nature of the operational equipment, during the operational phase noise levels will be imperceptible in neighbouring dwellings and their gardens. The potential for vibration effects is unlikely. I do not consider, therefore, that the proposed development would result in levels of noise that would be sufficient to harm the living conditions of neighbouring occupiers.

362. I am aware that several residents have said they will move away if the proposal is permitted and that they have had advice that the value of their houses would be reduced. These would both be unfortunate outcomes but they are not sufficient for me to alter my conclusion on the matter, unpopular as I know it will be for many.

Conclusion on living conditions

363. There would be no unacceptable adverse visual impacts on nearby communities and individual dwellings and the scheme would comply with Future Wales Policy 18. The proposed development would not result in significant demonstrable harm to the living conditions of nearby occupiers by reason of either visual amenity and outlook or of noise. The proposed development would thus be in line with JLDP Strategic Policy PS7 and Policy ADN 2.

Community Benefit

364. Several objectors mentioned the lack of benefit from the proposed development to the local community in their representations. The Say No to Traffwll Solar group, for example, considered that there was no certainty that there will be community ownership of the solar farm if it were granted planning permission and that the community benefit proposed was far too little bearing in mind the long-lasting blight the proposal would have on the area.

365. The matter of benefit to the community was therefore discussed at the hearing and at some length. There seemed to be a feeling amongst some that the proposed development would be exploitative and that the community should be compensated for that. For others no amount of contribution to community assets would alleviate the harm that they consider the proposal would cause. Furthermore, several people said that, were the proposed scheme fully or partially owned by the community, they would still not see it in a different, more favourable light.

366. The applicant submitted an updated Collaborative Benefits Report in May 2022. Amongst other benefits, a payment equating to about £7000 per annum for the life of the project would be made to a Community Benefit Fund. This would be approximately £280,000 in total, depending on the amount of electricity generated, and would be administered by Bryngwran and Llanfair yn Neubwll Community Councils.

367. As reported earlier, WG has a target for renewable energy projects to have an element of local ownership. To that end, the applicant has been liaising with national and local organisations, including Mentor Mon, a not-for-profit company based on Anglesey, to explore that potential. The applicant's parent company has previous experience and a track record in this area having developed and obtained planning approval for what is now the largest community owned solar farm in England (Ray Valley Solar Farm). The applicant pointed out that finalising any local ownership scheme was normally impractical unless and until planning permission had been granted for the scheme in question.

368. Policy 17 of Future Wales states that proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities. Future Wales also advises that the developers of DNS energy schemes should explore how infrastructure improvements associated with a development (including transport infrastructure and communications systems) may be utilised by the host communities to bring additional, non-planning related benefits.

369. PPW advises that WG supports projects which are developed by wholly Wales based organisations, including community groups or which provide proportionate benefit to the host community or Wales as a whole. Additionally, in February 2020 WG published a policy statement on local ownership of energy developments. This set out the expectation for all new renewable energy projects in Wales to include at least an element of local ownership. The statement also recommended that local authorities, where practical, should facilitate and encourage such proposals which offered benefits not directly related to the planning process. As reported above, the Council in its role as the host authority for the proposal has argued this position strongly in its LIR.

370. From a planning point of view, however, both Future Wales and PPW recognise that despite WG's objectives for local ownership, shared ownership within a proposed development should not be a consideration in the decision-making process. Future Wales' advice regarding non-planning related benefits is set out in the explanatory text, rather than Policy 18 itself, and goes on to state that it is not a planning consideration.

371. PPW clarifies that, although the principle of securing financial contributions for host communities through voluntary arrangements is supported, such arrangements should not impact on the decision-making process or be treated as a material consideration, unless they meet the tests set out in Circular 13/97: Planning Obligations. The latter proposition is not put forward in this case.

372. As well as the contribution to the community fund and the potential for some local ownership, other benefits provided by the proposed development would be:

- carbon savings of over 7,840 tonnes in CO2 emissions each year;
- energy generation output capacity of circa 35MW, the approximate equivalent to electricity requirements of 11,600 homes;
- creation or safeguarding of approximately 162 and 192 jobs during the installation phase, generating between £2.3m and £2.6m in GVA;
- creation of 2 maintenance jobs during the 40 year operation phase generating a further £3.3m in GVA;
- contribution to local services and infrastructure through the payment of around £115,500 in business rates per annum;
- provision of education packs on climate change and renewables for schools or colleges;
- biodiversity and habitat enhancements (additional to those required to mitigate the effects of the scheme).

Conclusion on community benefit

373. There would be consequential benefits arising from the proposed development, such as income from business rates, construction jobs and the economic knock on effects of these, and biodiversity enhancements. Importantly, the developer would also make annual payments to a community fund which, dependent on the amount of electricity generated, could be over a quarter of a million pounds in

total. This is not an insignificant sum. Moreover, the developer is actively and genuinely investigating the prospect of some local ownership of the scheme with relevant organisations as the application progresses.

374. The applicant's updated Collaborative Benefits Report fully describes the net benefits the scheme would bring in terms of improvements to local communities and therefore complies with Policy 17 of Future Wales and PPW. In exploring local ownership the proposal would be in line with the WG policy statement on local ownership of energy developments. In decision making terms, however, these factors carry little weight as they are not planning considerations.

375. All things considered, the proposed development would provide sufficient benefit to the community.

Other Considerations

Highway Safety

376. The lanes around the site are narrow and winding with forward visibility often restricted by the high hedgerows bordering many of them. They are used by pedestrians, cyclists and horse riders as well as vehicles; during the lockdowns they were a valuable resource for many wanting to exercise and take solace in the countryside. I have noted the survey data collected by Say No to Traffwll Solar on existing traffic using the local road network.

377. During the operational period of the proposed solar farm, traffic to the development site would be negligible. It would be much more of an issue during the construction period. This would probably last 4 to 5 months, during which it is estimated that there would be approximately 330 return delivery journeys in total. At the busiest time there would be an average of 4-5 HGV deliveries per working day. In addition, extra movements, but of lighter vehicles, would arise from the transferral of materials to smaller trucks for delivery to DA4.

378. Whilst obviously a considerable increase on the heavy traffic such as tractors and other farm machinery which currently use these routes, the lanes would not be constantly used by HGVs. Staff movements to and from the site by as many as 190 workers would also be a significant addition. The majority of these, however, would be concentrated into short periods at the beginning and end of the working day. Whilst the lanes would therefore be busy at these times they would be comparatively free of workers' vehicles outside of them.

379. Mitigation measures, as outlined in the CTMS, would include: using a banksman to guide deliveries into sites; signs to ensure deliveries follow agreed routes from the A55; and the provision of sufficient parking areas so there is none on the highway or in the mouths of access tracks. In addition, and importantly, local residents would be contacted prior to the start of construction to let them know how long the works were likely to take and to supply them with a contact number for reporting any concerns. The final CTMS would be imposed through a condition if the application were permitted. I have noted that the Council generally agrees with the conclusions of the applicant's transport assessment.

380. As there would be no unacceptable adverse impacts on the transport network through the transportation of components during its construction and/or ongoing operation the proposal complies with Future Wales Policy 18. Overall, I consider that the proposed development would not have an unacceptable impact on road safety and is consistent with JLDP Policy ADN 2.

Flooding

381. Parts of DA4 and DA5 would be within flood zones C2 and 3 as shown on the DAM in TAN15. Whilst TAN15 remains extant, the DAM has been replaced by the FMfP. This shows that the application site would be partially within Flood Zone 2/3 Rivers/Sea and thus at risk of flooding. In accordance with PPW and TAN15 the applicant undertook a Flood Consequence Assessment (FCA). The FCA was revised following consultation with NRW and IACC, revisions being made to ensure that the risks could be managed. Some plots were removed from the scheme because of the flood risk. The applicant also agreed with IACC that the proposed development would constitute less vulnerable development as defined by TAN15.

382. The Hydrology and Flood Risk paragraphs of the Case for the Applicant, summarised above, explain the TAN 15 Justification Test and process in some detail. The FCA demonstrates that the risks of flooding can be effectively managed in the areas at risk within DA4 and DA5 and overall, the Justification Test is met. NRW advised that the flood mitigation of raising the leading edge of each panel by approximately 0.90m above ground level would be sufficient and was satisfied that the risks associated with the development could be managed in accordance with TAN15.

383. The proposed development would manage flood risk and maximise the use of sustainable drainage schemes in line with JLDP Strategic Policy PS 5: Sustainable Development.

Biodiversity and ecology

384. The ecology of this area is rich and diverse. The applicant has rightly, therefore, carried out a considerable amount of survey work and assessment, including considering the impact on designated sites which have ecological or hydrological links to the application site.

385. NRW had previously raised concerns with regard to the potential impact on chough and Llyn Dinam SAC but was satisfied those concerns had been addressed in the final scheme. NRW also recorded concerns in respect of the GCN survey considering its conclusions to be inconclusive. As a result, prior commencement surveys for GCN should be undertaken and the need for these included in the LEMP condition. That condition requires the LEMP to provide details of all landscape and ecological objectives and management, maintenance and monitoring proposals. As it would be produced in consultation with NRW I am satisfied that the shortcomings in the GCN survey would be adequately addressed.

386. The applicant's ecological survey work was carried out in consultation with NRW and IACC and, with the exception of the single case outlined above, I have no reason to believe that it was not thorough, robust and fit for purpose.

387. A range of mitigation measures are set out in response to the findings of the ecological assessments. These include: keeping the part of DA6 where it overlaps the SAC/SSSI areas free from development and managing the adjacent area for wildlife; enhancing the SAC/SSSI by ensuring no agricultural inputs to the DAs; and managing the principal drain through DA6 in order to improve water quality. In addition, the DAs will be re-sown with a species-rich wild flower and fine grass mix suitable for grazing, bat boxes will be installed in taller trees, many metres of new, species-rich hedgerow will be planted.

388. The appellant considers that the impact on biodiversity of the proposed development would be positive and moderate with no unacceptable adverse impact on internationally or nationally designated sites, habitats or species. Taking into account the consultation responses from NRW and the RSPB, and IACC's LIR, I have no reason to disagree with that conclusion.

389. A Biodiversity Net Gain Assessment is provided in the ES, noting the loss of low biodiversity value habitat and the smaller proportion of medium value habitat which would be retained. Overall, however, the enhancement proposals are predicted to lead to a net gain of 63 biodiversity units.

390. In conclusion on this matter, there would be no unacceptable adverse impacts on national statutory designated sites for nature conservation (and the features for which they have been designated), protected habitats or species; the proposal would also include biodiversity enhancement measures to provide a net benefit for biodiversity. In these respects, the proposed development would comply with Future Wales Policy 18. All impacts on natural resources have been adequately mitigated, ensuring that the special qualities of all locally, nationally and internationally important biodiversity designations are conserved or enhanced, in line with JLDP Policy ADN 2.

Welsh language and culture

391. The applicant's Welsh Language Statement (WLS) has been prepared in response to JLDP Strategic Policy PS1: Welsh Language and Culture. This states that the use of the Welsh language in the Plan area will be promoted and supported by measures including requiring a WLS, to protect, promote and enhance the Welsh language, where the proposed development would employ more than 50 employees. The proposal must meet this requirement as over 50 people would work on it during the construction period.

392. The submitted WLS follows the methodology set out in the Council's Supplementary Planning Guidance – Maintaining and Creating Distinctive and Sustainable Communities (adopted July 2019). In line with that methodology it provides a record of the Welsh speaking characteristics of the local area, and of the policy context. At Step 3 this information is analysed to carry out the community and linguistic impact assessment.

393. On the whole, this seems to provide an accurate portrayal of the likely effects. One exception is the answer to the question: 'Is there a likelihood that local people will migrate from the community as a result of the development?' to which the answer is: 'There are not considered to be any negative impacts on surrounding residential development or existing communities…it would not generate impacts resulting in the community migrating away from the surrounding area of the site'.

394. This reply is not completely borne out by the results of consultation on the proposed development, several of the responses to which stated that the proposed development would lead to people leaving the area. Indeed, some people responded that they themselves would move away from their own homes. Deeply regrettable as this would be, I do not consider that the proposed development would lead to considerable numbers of people, Welsh speakers amongst them, migrating from the local communities.

395. The assessment's conclusion is that, mainly through the creation of jobs during the construction period, the proposal would have a positive impact on the community characteristics of existing Welsh speakers. A number of mitigation measures are put forward to enable and increase the speaking of Welsh in the local area. These would include the provision of bi-lingual signage; the ability to speak Welsh being listed as desirable in all job advertisements; the local advertisement/marketing of the proposed development.

396. I have no reason to dispute these conclusions and note that the Council also agrees with them, subject to the mitigation being implemented. The impact on the Welsh Language would thus be positive and the proposal would comply with JLDP Strategic Policy PS 1.

397. I am aware of the rich history of the area and its strong presence in literature. The proposed development would largely be constructed on top of or within the existing landscape. The intrinsic character of the land would remain clearly identifiable in such elements as the field pattern, the routes through it, the buildings and archaeological features, the landscape features and topography, and placenames. To my mind, therefore, the proposed development would not undermine or sever the historic, literary or cultural associations with the landscape.

Other matters

398. Several other matters were raised by representors including those I cover now.

399. A glint and glare assessment was carried out following pre-application discussions with the MOD. The assessment indicated that there would be no adverse effect upon the air traffic control tower or the approach paths for runways 01, 19 and 31. A solar reflection would be possible on the approach to runway 13. At some distances the predicted glare intensity would be unacceptable but only for 14 minutes per year. The weather would have to be clear and sunny at these times and a pilot would also have to be on the approach path. In addition, the maximum duration of the glare would be for less than five minutes. Its intensity would be only marginally greater than the threshold for acceptability on the intensity chart.

400. In the light of these mitigating factors, any glint or glare arising from the proposed development would not have unacceptable impacts on the operations of defence facilities and operations (including aviation and radar) at RAF Valley, consistent with criterion 8 of Future Wales Policy 18.

401. Several objectors mentioned the potential for cumulative effects to occur in combination with other schemes in proximity to the proposed development. The potential for cumulative effects, including visual, on ecology, and on traffic, is assessed fully throughout the ES and application, as is required by Future Wales Policy 18 and JLDP Policy ADN 2. In order to do this, the Council provided the applicant with information on planning applications made since November 2018 within 5km of the DAs as well as on nine Energy Island Projects.

402. Eight planning application schemes were selected as having the greatest potential to create cumulative effects. Along with all Energy Island Projects these were assessed, and a summary of each analysis was set out in Appendix 12.1 of the ES. It concluded that there would be limited potential for the proposed development to create cumulative effects with schemes that had permission, whether they were yet in operation or not. The analyses appear to be accurate and reasonable, such that I have no reason to disagree with the overall conclusion.

403. In this document I can only deal with the potential cumulative effects arising from the proposal in front of me. I understand the point about the sequence of planning applications, and the contention that preferable local proposals could be penalised by the accumulation of impacts from schemes permitted earlier. This is not, however, a matter that I am able to address here.

404. The proposed development would be monitored remotely with staff available to react promptly to any emergency situations such as fire or intrusion. The security cameras on the fence around the panels would point into the site and would not compromise the privacy of surrounding occupiers. I do not consider that the presence of cameras would attract wrong-doers or make properties adjacent to DAs more vulnerable to intrusion or any other unacceptable attention. Neither do I consider that the sound of wind blowing through the fencing and around the panels would amount to a noticeable nuisance.

405. I note the figures advanced by Say No to Traffwll Solar questioning the need for renewable energy. It remains the case, however, that WG has ambitious targets for the generation of such and that meeting them will be a challenge. The behaviour of the County Councillor who is also a landowner is not a matter for me.

Conditions

406. I have considered the conditions that should be imposed in the event of a decision to grant planning permission. In so doing I have had regard to the tests for conditions and guidance in Circular WGC 016/2014. The applicant and LPA have worked together to prepare and agree a set of conditions which include the topics required by SP Energy Manweb, NRW, MOD Defence Infrastructure Organisation and Dwr Cymru. Helpfully, representatives from the latter two bodies attended the final hearing to explain their concerns and how the agreed conditions would

address these. They were also happy to respond to questions from the objectors. The objectors were afforded the opportunity to comment on the potential conditions.

407. Several of the conditions included references to details being approved by the local planning authority 'in consultation with' other organisations. As this could be construed as requiring the approval of a third party, whereas in practice the local planning authority must be wholly responsible for discharging the conditions, I have removed that reference. From what was said at the hearings, however, it seemed to me that the Council was happy to take advice from other bodies on specialist matters. This amendment does not mean that it will not continue to do so.

408. The list of conditions discussed at the hearing included one requiring the applicant to enter into a legal agreement to ensure that finance would be available to fund decommissioning. Such conditions are not considered to be enforceable. As Condition 6 requiring the provision of a DEMP, which would cover all the salient matters relating to decommissioning, twelve months prior to that event, I do not consider the legal agreement condition to be necessary. I have not, therefore, included it in the schedule.

Planning Balance

409. The application site consists of three parcels of attractive agricultural land set in between rural villages and, in some places, adjacent to isolated dwellings. The proposal has caused much opposition and disquiet amongst the local community which feels that the scheme would be a blot on its treasured landscape and would undermine its traditional and invaluable community character and culture.

410. We are, however, at a point where climate change is an incontestable reality, the consequences of which are already causing considerable, permanent harm to large swathes of the planet. In the form of exceptionally high temperatures and more frequent, more serious incidences of flooding, they are also being experienced in Wales.

411. The proposed development would have an export capacity of circa 35MW of electricity which would be sufficient to power approximately 11,630 homes per year and offset over 7,161 tonnes of CO2 every year. The applicant states that this is the equivalent of taking around 3,818 cars off the road. It would be a considerable and valuable contribution.

412. The site has been chosen in line with a lengthy list of appropriate criteria. During a process of evaluation, including the assessment of potential impacts, the original nine DAs were whittled down to three. Recognising the effects that it could have on neighbouring properties and settlements, the scheme has been designed to minimise negative impacts. The mitigation measures proposed would take advantage of existing, characteristic landscape features such as the high hedges, managing and supplementing these to minimise the visual effects of the proposal. In addition, areas would be left without panels to provide clear areas adjacent to neighbouring properties and for biodiversity enhancement. The proposed

development would also be constructed and decommissioned using methods designed to cause as little disruption as possible to the soil and its structure.

413. As a result, and with regard to the main considerations, the proposal would conserve BMV agricultural land, and would be clearly visible from only a limited number of public vantage points such that the character and appearance of the wider landscape, would not be harmed. Although the scheme would be clearly visible from several homes immediately adjacent to the DAs, the solar panels themselves, fence around them and other ancillary features would not be so close to properties as to have a significantly detrimental effect on the living conditions of neighbouring occupiers. In addition, the proposed development would provide benefits to the community, not only in consequential advantages such as jobs and business rates but also in payments to a community fund and with the potential for some local ownership.

414. Having witnessed myself how perturbed members of the local community are by the proposed development, this has been a difficult recommendation to make. Nonetheless, it is my considered opinion that the proposed development would not result in significant harm to the BMV land resource; to the character or appearance of the landscape and surrounding area; or to living conditions or any other interests on the site or in the surrounding area. It would thus be consistent with Future Wales Policies 17 and 18, and with JLDP Policy ADN 2. Any minor harm is more than justified by the significant renewable energy benefits which would arise from the proposed scheme.

415. I have taken all the matters raised into account but not found any which are sufficient for me to recommend that the scheme be refused. In making my recommendation, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this recommendation is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

Recommendation

416. For the reasons given in this report, I recommend that planning permission for the proposed solar farm (DNS Application 3217391) be allowed subject to the imposition of the conditions set out in Annex A.

Siân Worden

Inspector

Annex A – Schedule of Recommended Conditions

1) The development to which this permission relates shall begin no later than the expiration of five years beginning with the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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

Title	**Drawing reference**
Planning Application Boundary	LOC1001/11/03
Indicative Site Arrangements	LOC1001/11/04 & LOC1001/11/05
Panel and Frame Specification	LOC1001/11/06
Customer Substation Details	LOC1001/11/07
DNO Substation Details	LOC1001/11/08
Inverter, Transformers and Control Equipment Details	LOC1001/11/09
Inverter, Transformers and Control Equipment Acoustic Fencing Details	LOC1001/11/10
Perimeter Fence and CCTV Details	LOC1001/11/11
Fencing and Security Layout	LOC1001/11/12 & LOC1001/11/13
Landscape Masterplan	LOC1001/11/14, LOC1001/11/15 & LOC1001/11/16
Temporary Set Down Areas	LOC1001/11/17, LOC1001/11/18 & LOC1001/11/19
Access Details	LOC1001/11/20 & LOC1001/11/21
Access Construction Details	LOC1001/11/22
Cable Route	LOC1001/11/23 & LOC1001/11/24
Flood Consequences Assessment	KRS Environmental Final report Feb 2022

Reason: To ensure development is carried out in accordance with the permitted application details and with the policies of the JLDP and for the avoidance of doubt.

3) Notwithstanding the requirements of condition (02), no development shall take place until a detailed final layout plan of the site has been submitted to and

approved in writing by the local planning authority. This shall include the precise location and appearance (materials and colour) of the arrays, inverter buildings, transformer buildings, sub-station, and lighting and any other ancillary/associated infrastructure within the project sites.

Reason: To comply with Paragraph 4.16 of Welsh Government Circular 016/2014.

4) The date when electricity from the development is first exported to the local electricity grid network (excluding any testing or commissioning), hereafter known as the "Operational Date", shall be notified in writing to the local planning authority within 28 days after its occurrence. The authorised development shall cease operating 40 years after the operational date. This planning permission authorises the decommissioning of the development and shall expire on the date that the site has been decommissioned in accordance with an agreed Decommissioning Environmental Management Plan ("DEMP").

Reason: To define the scope of the permission and establish the commencement date for the 40 year operational life of the solar farm and to define the time scale of the permission in the interests of visual amenity and to comply with Future Wales Policy 18 and JLDP Policy ADN 2.

5) No development or site clearance shall take place until a final Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall provide the following details;

i) Measures to ensure environmental protection at the site to cover all construction operations

ii) Details of any temporary fencing required for construction, including the precise location and appearance

iii) Detailed construction schedule and implementation timescales for all elements of the CEMP

iv) Reporting and monitoring responsibilities and delivery mechanisms for all elements of the CEMP

v) Noise mitigation measures during the construction phase

vi) Details of site working hours;

vii) Reasonable Avoidance Measures in relation to relevant protected species;

viii) A method statement and risk assessment for the protection of the structural condition of DCWW assets crossing the site and the proposed cable route (as required under Condition 13); and

ix) A method statement for liaising and engaging with the local community during the construction phase.

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

Reason: In the interests of biodiversity, visual amenity, and public health and safety, and in compliance with Future Wales Policy 18 and JLDP Policy ADN 2.

6) 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 if earlier) a Decommissioning Environmental Management Plan (DEMP) shall be submitted for the written approval of the local planning authority.

The plan shall include details of the following:

i) Surveys and assessments to identify the existing ecology and habitat status at the time of decommissioning;

ii) Method Statement detailing the process and extent of removal of surface elements of the photovoltaic solar farm and associated development and any foundations, anchor systems, trackways and subsurface cabling and associated works;

iii) Proposals for effective recycling and disposal of decommissioned elements;

iv) Traffic management plan to address likely traffic impacts arising from decommissioning operations;

v) Measures to ensure environmental protection at the site to cover all decommissioning operations;

vi) Measures to ensure ecological protection at the site to cover all decommissioning operations informed by the surveys and assessments under i) above;

vii) Implementation timescales for all elements of the DEMP;

viii) Reporting and monitoring responsibilities and delivery mechanisms for all elements of the DEMP;

ix) Site restoration measures following all decommissioning operations; and

x) A final Decommissioning Soil Management Plan based on the Decommissioning Framework Plan approved under Condition 19.

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

Reason: To ensure that upon the expiry of the lifespan of the development, the development is decommissioned, and the land restored appropriately, in the interests of visual amenity and ecology and to comply with Future Wales Policy 18 and JLDP Policy ADN 2.

7) Site `rating' noise levels at the nearest non-financially involved residential property (in free field conditions) lawfully existing at the time of this planning permission

shall not exceed 4dB above the representative background sound level (background measured in terms of LA90). The applicant shall submit to the Council confirmation that the above noise limit is being achieved within 2 months following normal site operating conditions. In the event that the information confirms that the noise limit is being exceeded the operator shall propose measures to mitigate the noise to ensure compliance with the above noise level limit.

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 site rating level shall be expressed as a LAeq 1hr during the daytime period (i.e. between 0700 to 2300 hours) and as a LAeq 15mins during the night-time period (i.e. 2300 to 0700 hours).

Reason: In the interests of amenity protection, consistent with Future Wales Policy 18, JLDP Policy PS 7, and Policy ADN 2.

8) No development shall take place until a Written Scheme of Investigation for a programme of archaeological work has been submitted to and approved in writing by the local planning authority. The development shall be carried out and all archaeological work completed in strict accordance with the approved details.

A detailed report on the archaeological work set out in the Written Scheme of Investigation shall be submitted to and approved in writing by the local planning authority within 12 months of the completion of the archaeological fieldwork.

Reason: In the interests of archaeological protection and to comply with JLDP Policy PS 20.

9) 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 provide details of:

i) All landscape and ecological objectives and management, maintenance and monitoring proposals to deliver these objectives;

ii) Schedules and timescales for delivery of the LEMP; and

iii) Reporting and monitoring responsibilities and delivery mechanisms for all elements of the LEMP.

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

Reason: In the interests of landscape character and ecology, and to comply with Future Wales Policy 18 and JLDP Policy ADN 2.

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

Reason: In the interests of highways safety and to comply with Future Wales Policy 18 and JLDP Policy ADN 2.

11) Prior to the operation of the site, no CCTV and supporting structures shall be installed until details of any such CCTV installations for the site have been submitted to and approved in writing by the local planning authority. All CCTV installations within the site shall be retained in accordance with the approved details.

Reason: In the interests of amenity and to comply with JLDP Policy ADN 2.

12) Prior to the operation of the site, no fencing for the site required during its operation shall be erected until details of any such fencing have been submitted to and approved in writing by the local planning authority. All CCTV installations within the site shall be retained in accordance with the approved details.

Reason: In the interests of amenity and to comply with JLDP Policy ADN 2.

13) No development shall take place until details of a scheme to either protect the structural condition or divert the water mains crossing the site have been submitted to and approved in writing by the local planning authority. The scheme shall include the precise location of the water mains in relation to the development, a detailed design, construction method statement and risk assessment outlining the measures taken to secure and protect the structural condition and ongoing access of the water mains. No other development pursuant to this permission shall be carried out until the approved protection measures or diversion scheme have been implemented and completed. All temporary physical protection measures shall be retained thereafter for the duration of the construction works and any permanent physical protection measures or diversion scheme shall be retained for the lifetime of the development.

Reason: To protect the integrity of the public watermain(s) and avoid damage thereto.

14) No development shall take place other than as shown in relation to the existing overhead lines shown on the following submitted plans which have been prepared and approved in writing by the local planning authority:

i) The Final Site Arrangement DA6 Drawing No. PLE-03 Rev 0X with an agreed minimum clearance distance width measured from the outer edge of the existing overhead line to the nearest solar panel throughout the length of the overhead lines crossing the site; and

ii) The Final Site Arrangement DA4 and DA5 Drawing No. PLE-02 Rev 0X with an agreed minimum clearance distance width measured from the outer edge of the existing overhead line to the nearest solar panel throughout the length of the overhead lines crossing the site

No development permitted by this decision shall infringe the statutory clearance distances of the existing 11kV and 33kV overhead electricity lines crossing the site and prevent the implementation of SP Manweb's statutory rights to maintain and operate these overhead lines.

Reason: To protect overhead electricity lines.

15) No development shall take place unless or until such time as an Electrical Noise Interference Management Plan (ENIMP) has been submitted to, and approved in writing by the local planning authority. The submitted ENIMP shall contain, but not be limited to:

i) manufacturer's specifications for generating, and associated, infrastructure to be installed at the site, to include any inverter(s), substation(s), PV panels, and any associated cables (including all interconnecting cables as well as the export cable(s) to the national grid) and connectors;

ii) details of measures designed to prevent electrical noise interference being caused to transmitter/receiver technical installations at RAF Valley;

iii) a schedule setting out how the development will be operated, maintained, and tested throughout its life to ensure that any electrical noise interference on transmitter/receiver technical installations at RAF Valley is prevented; and

iv) a protocol through which the site operator can be notified of electrical noise interference issues or observations, the measures that would be taken to investigate, and a description of the approach to resolving/rectifying/mitigated those impacts.

The provisions set out in the ENIMP and any modifications or mitigation, as agreed in writing with the local planning authority, shall be maintained for the life of the development. No electrical component or electrical equipment that is not specified within the approved ENIMP shall be installed or operated within the site without the express written consent of the local planning authority.

Reason: In the interests of maintaining the effective operation of national defence infrastructure and to maintain aviation safety. To comply with Future Wales Policy 18.

16) No development or site clearance shall take place until a final Construction Soil Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. All development and site clearance shall be carried out in accordance with the approved CEMP.

Reason: In the interests of protecting agricultural land quality, consistent with Future Wales Policy 9, PPW and TAN6.

17) No development or site clearance shall take place until final Landscape Masterplans have been submitted to and approved in writing by the local planning authority. The Landscape Masterplans shall deliver the principles and content of the proposals set out in drawing series Landscape Masterplans Plots DA 4, DA 5 and DA6 (Ref. LOC10001/11/14 Revision 1, LOC10001/11/15 Revision 1 and LOC10001/11/16 revision 1) including planting to mitigate effects on residential visual amenity.

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

i) Plant specification

ii) Plant species, varieties and cultivars

iii) Planting stock specification (stock size, form, root condition etc.)

iv) Planting specification

v) Depths of topsoil and subsoil; ground preparation and cultivation

vi) Dimensions of planting pits or trenches and proposed backfill material

vii) Planting densities/spacing or numbers

viii) Methods of weed control, plant protection and support

ix) Seed mix specifications and sowing rates; and/or turf specification

Reason: In the interests of residential and visual amenity, landscape character and biodiversity. To comply with Future Wales Policy 18 and JLDP Policy ADN 2.

18) The approved Landscape Masterplans, as submitted to discharge condition 17, shall be fully implemented in the first planting season following the commencement of development and retained for the lifetime of the development hereby approved unless agreed through landscape plan updates. If within a period of 5 years from the date of the planting of any tree or hedge proposed as part of the Landscape Masterplans, or any tree or hedge planted in replacement of it, is removed, uprooted or destroyed or dies or becomes, in the opinion of the local planning authority, 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.
The landscape masterplans must be reviewed by the undertaker and a plan with any updates required as a result of the review must be submitted to the local planning authority for written approval every five years for the operational life of the authorised development to ensure that the objectives set out are being met. The updated landscaping masterplan must be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity, landscape character and biodiversity. To comply with Future Wales Policy 18 and JLDP Policy ADN 2.

19) Prior to the commencement of development, an Operational Soil Management and Decommissioning Framework Plan (the Framework Plan) shall be submitted to, and approved in writing by, the local planning authority. The Framework Plan shall include details of:-

i) the measures to be implemented during the operation of the development to safeguard the agricultural quality of the soil within the development site, and

ii) the works necessary to revert the site to its original agricultural condition, including (as appropriate); the method for the removal of all the solar panels,

structures, enclosures, equipment and all other apparatus above and below ground level from the site.

All development and site clearance shall be carried out in accordance with the approved Framework Plan.

Reason: To ensure best and most versatile agricultural land is protected during operation and that upon permanent cessation of electricity production the land is restored appropriately, consistent with Future Wales Policy 9, PPW and TAN6.

Annex B - Appearances

Applicant

Ben Lewis BSc MSC MRTPI	Stantec (formerly Barton Willmore)
Ifan Gwilym	Stantec (formerly Barton Willmore)
Tony Kernon	Kernon Countryside Consultants Ltd
James Hartley-Bond	Low Carbon
Dean Kettlewell MSc MIOA MAE I.Eng	Noise & Vibration Consultants Ltd

Local Planning Authority

Craig Whelton	Burges Salmon, legal representative for IACC
Angharad Crump (officer)	IACC
Iwan Jones (officer)	IACC
Ed Henderson	IACC

Defence Infrastructure Organisation

James Houghton	
Debbie Baker	

Dŵr Cymru

Siôn Jones	

Interested Parties

Graham Loader	Say No to Traffyll Solar
Geraint Thomas	
Hefin Jones	
Marian Jones	
Margaret Jones	
Sue Williams	
Emlyn Williams	
Hywel Hughes	
Cllr Celfyn Furlong	Llanfair yn Neubwll Community Council
Cllr Iorwerth Roberts	Bryngwran Community Council
Cllr Neville Evans	Bryngwran Community Council

APPENDIX 5: PENPERGWM SOLAR FARM DECISION

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

Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref DNS/3252305

Ed Perrin
Head of Development
Renewable Connections Development Limited
3rd Floor
141 – 145 Curtain Road
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e.perrin@renewableconnections.co.uk

16 January 2023

Dear Mr Perrin,

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 62D
THE DEVELOPMENT OF NATIONAL SIGNIFICANCE (TECHNOLOGY) REGULATIONS 2016
THE CONSTRUCTION, OPERATIONS, MAINTENANCE AND DECOMMISSIONING OF A RENEWABLE ENERGY SCHEME. THE MAIN ELEMENT OF THE DEVELOPMENT WILL BE THE INSTALLATION OF A GROUND MOUNTED SOLAR PARK WITH MAXIMUM EXPORT CAPACITY OF 32MW

1. Consideration has been given to the report of the Inspector who held hearings to examine the planning application.

2. In accordance with section 62D of the Town and Country Planning Act 1990 and Regulation 3 of The Development of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016, the application was made to the Welsh Ministers for determination.

3. A copy if the Inspector's report ("IR") is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.

4. The proposed development was subject to a negative Screening Direction under the terms of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations on 12 November 2020. The proposal as screened comprised a 45MW ground mounted solar park including containerised batteries. However, the proposal as submitted on the 25 January 2022 comprised a 37MW ground mounted solar park without storage batteries with consequent modification of the application boundaries. The Inspector has considered this to be a minor variation which would not affect the Screening Direction and I am in agreement.

5. The Inspector noticed that pre-application consultation has been affected by the pandemic restrictions in place at the time. However, the relevant statutory

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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.

requirements were met. It is not apparent to me from the review of the consultations conducted by the Applicant and Planning and Environment Decisions Wales ("PEDW") that they are lacking in any way which would have prejudiced the examination.

6. The Inspector held a hearing on 10 August 2022 which was divided into three sessions concerning:

   i. Effects on Landscape, Character and Appearance;
   ii. Other Matters, and
   iii. Planning Conditions

7. An unaccompanied site visit was conducted on 12 August 2022.

8. An additional hearing was originally proposed by the Inspector in relation to the effects of the proposal on Best and Most Versatile Agricultural Land ("BMVAL"). Following an initial objection to the proposed development by the Welsh Government's Soil & Agricultural Land Use Planning Unit ("SPALPU"), the scheme was varied, with a reduction in the area affected by solar panels and maximum generated output from 37MW to 32MW, among other things. Consequently, SPALPU withdrew the objection and the Inspector decided that the issue of BMVAL could be addressed via written representations.

9. The applicant provided additional information to support the request for variation of the scheme, which was accepted by the Inspector and subject to a formal request for further information and additional consultations. The Inspector considered the variation of the scheme did not constitute a substantial change in the nature of the development [IR 13] and I am in agreement with the Inspector's conclusions. The proposed development has been considered in its amended form.

Main Considerations

10. I agree the main considerations are those listed at IR 187:

- The effect on the landscape character and visual amenity of the area;
- The effect on BMVAL
- The effect on heritage assets
- The effect on ecology, particularly the special features on designated sites and protected species;
- The effect on highway safety;
- Flood risk and drainage
- The impact on residential amenity, and
- The benefit of the proposal.

Landscape and Visual Amenity

Landscape character

11. The application is accompanied by a Landscape and Visual Appraisal ("LVA") which is informed by a Zone of Theoretical Visibility ("ZTV") and 15 representative viewpoints, together with several photomontages. The LVA found that, during the operational period, the development would initially have a moderate adverse landscape effect on the characteristics of the application site [IR 41] which will reduce over time as a result of mitigation planting. [IR 196].

12. According to the documentation submitted by the Applicant, the proposal will have a direct impact on two Landscape Character Areas ("LCA") and would result in a localised direct moderate adverse landscape effect within a 2km radius from the site, which will reduce in the medium to long term to a moderate/minor adverse effect [IR 42 & IR 196].

13. The proposed development will also have a minor localised adverse effect on the eastern part of the Brecon Beacons National Park ("BBNP") and Blaenavon Industrial Landscape World Heritage Site ("BILWHS"). However, the Special Qualities of the two designed landscapes will not be compromised [IR 43 & IR 201].

14. The Inspector concluded that in the medium to long term (between years 5 to 40) the proposed development would result in, at most, a moderate adverse effect on the landscape character within 2km of the site, which will reduce over time due to the mitigation planting becoming more established [IR 203]. I see no reason to disagree with the Inspector's conclusions.

Cumulative Effects on Landscape Character

15. The LVA anticipated minor adverse cumulative landscape effects on LCA 53 and LCA 39 [IR 47]. The nearest identified development which could have a cumulative effect with the proposal on landscape character is the solar farm at Manor Farm. The Inspector noted that Manor Solar Farm is outside the ZTV and concluded that any cumulative adverse landscape effects would be minor [IR 205]. I concur with the Inspector's conclusions.

Visual impacts

16. The LVA found that the lower elevations of the development would be partly contained by the existing hedgerows and trees within the boundaries of the site and surrounding farmland, along with screening by built elements and local topographical variations. The higher elevations of the development would be visible in longer distance views largely to the south, southeast and southwest, albeit the effects would be minor adverse during the operational years [IR 45].

17. The LVA assessed that the application proposal would have the most influence on visual receptors in publicly accessible locations within 1km of the application site, with operational major/moderate adverse visual effects from viewpoints 1 and 2, as specified in the LVA, along the public rights of way within the application site [IR 46 & IR 208].

18. Mitigation measures are proposed to reduce potential landscape and visual effects. The LVA considers that as the mitigation planting becomes established it would help contain elements of the proposed development at lower elevations [IR 48].

19. Overall, it is contended by the applicant and its LVA that the effects on landscape character and visual impact would not constitute unacceptable adverse impacts on the surrounding landscape, including on the settings of National Parks and AONBs [IR 52].

20. Monmouthshire County Council ("MCC") and other representors considered the proposal will have an acceptable adverse impact on landscape and will constitute a significant visual intrusion. The local resident group prepared a Landscape Character and Visual Impact Assessment ("LCVIA") [REP 059] which considered the

scheme before its variation and found it would have a substantial adverse visual impact and a major adverse effect on landscape character [IR 192].

21. The Inspector noted that, while the Applicant's LVA and an objectors' LCVIA reach different conclusions about the degree of landscape change and its effects, such reports inherently involve a professional subjective judgement [IR 193]. The Inspector has carefully considered the content of both assessments and reached his own conclusions based on the written submissions, oral evidence given at the hearing session and observations made during his site visit.

Cumulative visual effects

22. The only identified development which could have a cumulative visual effect with the proposed development is Manor Solar Farm located at Manor Farm near the village of Llanvapley, about 4.5km away from the application site and a single micro-wind turbine (17.7m to the tip) at Main Farm House [IR 226].

23. The Inspector concluded that, given the distances between those existing developments and the proposed development and intervening landforms and vegetation, it is unlikely that they would be experienced in any cumulative visual interactions. Therefore, the Inspector considered that the cumulative visual change would be low and the effects, at most, minor adverse [IR 226].

Overall Conclusions on Landscape Character and Visual Effects

24. I have reviewed the Inspector's assessment of the effects of the proposal on the landscape and visual impact, and I do not find reasons to disagree with his findings. I agree the proposed development would have localised adverse effects on landscape character and visual appearance, reducing over time as proposed planting becomes established [IR 194 -227]. I agree the degree of harm would not amount to the 'unacceptable' adverse impacts or 'significant visual intrusion' referred to LDP policies SD1 - Renewable Energy, LC1 - New Built Development in the Open Countryside and LC5 – Protection and Enhancement of Landscape Character [IR 228].

25. I also agree with the Inspector that, in relation to this specific matter, the proposal will not be contrary to Policies 17 and 18 of Future Wales ("FW"), the national development plan for Wales, as it would not amount to unacceptable visual or other adverse impacts on the environment or the surrounding landscape, including the setting of the BBNP.

<u>BMVAL</u>

26. According to the applicant's submission, about 32.1ha of the site comprises BMVAL. The Welsh Government's Soil & Agricultural Land Use Planning Unit ("SPALPU"), questioned the practicality of farming some of the BMVAL in fields 1, 4, 5 and 6 to its full potential and, therefore, considered that about c.25ha of the total BMVAL was subject to the protection offered by Planning Policy Wales ("PPW") paragraphs 3.58 and 3.59 [IR 235].

27. SPALPU's initial objection required the removal from the proposal of fields 8,9,10 and 11, which contained the main area of contiguous BMVAL. In response, the applicant varied the proposed development and removed solar arrays from fields 8 and 11, which reduced the total amount of BMVAL affected by the proposal to approximately 16.8ha. [IR 237]

28. The Inspector consulted SPALPU following the scheme variation and the submission of additional information by the applicant. In response to the additional consultation, SPALPU withdrew its objection. In its consultation response letter [2022-07-15 REPS2 014 DCC], SPALPU explained the primary reasons for withdrawing the objection were the specific characteristics of the application, including the volume of BMVAL adjacent to the length of the connection assessment area and other nationally recognised designations such as BBNP.

29. Paragraphs 3.58 and 3.59 of PPW apply to all BMVAL irrespective of the area or amount of BMVAL included within the application site. In this case, approximately 32ha of BMVLA within the application site and all this BMVAL is subject to the protection afforded by national policy expressed in paragraphs 3.58 and 3.59 of PPW.

30. PPW is clear, BMVAL should only be developed if there is an overriding need for the development and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value which outweighs the agricultural considerations.

31. The Inspector contended that if suitable working practices were adopted and properly followed, it should be possible for significant damage to soils and BMVAL to be avoided [IR 266]. This argument follows the conclusions of the applicant's Response to Inspector's Request for Further Information: BMVAL (DOC 30). .

32. By contrast, SPALPU's concerns are detailed in REP2 014 DCC, which challenged various aspects of the applicant's BMVAL report. For example, the DCC Report rejected the view that damage to soils caused by poor installation practices can always be simply rectified by standard agricultural practices, especially if deep soil compaction has occurred. It also challenged the notion that solar farm construction and decommissioning activities would be equivalent to, or less impactful than, agricultural uses, which can themselves cause soil damage [IR 264].

33. I am not convinced that the construction and decommissioning details and practices necessary to minimise the risk of significant damage to soils, and possible permanent loss of BMVAL, could be delivered and secured by means of suitable conditions [IR 271]. There is no evidence that mitigation measures, even if followed, would be able to completely mitigate the impact of the proposed development on BMVAL.

34. The Inspector's consideration of overriding need is set out in IR 279- 286. The Inspector noted the Welsh Government's commitment to decarbonisation and tackling the climate emergency and highlights the contribution the proposal would make to these objectives by generating a significant amount of energy from a renewable source. I agree with the Inspector that there is a need to increase the generation of renewable energy in Wales. However, this in itself does not comprise "overriding need" for the purpose of paragraph 3.59 of PPW. I consider "overriding need" in this context requires the need for the proposed development to be balanced against the need to protect BMVAL.

35. I note SPALPU questioned the practicality of farming all the identified BMVAL to its full BMV potential.

36. In this context, for this particular development proposal, I consider the scheme's capacity to generate a significant amount of renewable energy outweighs the need to protect the BMVAL within the application site boundary. In coming to this view I have taken into account the comments of SPALPU that fields 1, 4, 5 and 6 could not be

practically farmed to their full potential thus reducing the amount of BMVAL which would be affected by the proposal. I also note the removal of solar arrays from fields 8 and 11, which further reduces the amount of BMVAL directly affected. I am also mindful that SPALPU has withdrawn its objection to the proposal.

37. Therefore, having considered the need for renewable energy, the need to protect BMVAL in the context of the application proposal, and SPALPU's assessment of the BMVAL, I have established, in the specific circumstances relevant to this case, the need for the development overrides the need to protect the BMVAL for the purposes of paragraph 3.59 of PPW.

38. Having determined that there is an overriding need for the development proposal, paragraph 3.59 requires the decision maker to consider the site selection process, whether either previously developed land or land in lower agricultural grades is available, or available lower grade land has an environmental value which outweighs the agricultural considerations.

39. The Inspector considered the site selection process [IR 242- 255] noting the applicant's search approach. I have no reason to disagree with the Inspector that the site has been chosen in line with the site search criteria and that it has been demonstrated, for the search area considered by the applicant, that neither previously developed land nor land in lower agricultural grades is available.

40. FW Policy 18 requires acceptable provisions to be made for the effective restoration of sites which have been developed to facilitate renewable energy projects. Whilst I am not convinced, based on the lack of evidence in front of me, that the full potential of the BMVAL will be preserved, the Inspector was satisfied with the decommissioning and soil protection measures secured by the recommended planning conditions [IR 287]. In this context, on this particular matter and for this specific site, I have no reason to disagree that the proposal broadly accords with Policy 18 of FW.

Heritage

41. There are no designated or non-designated archaeological or heritage assets within the application site itself, with the nearest heritage asset being 'Great House' (Grade II* listed), located about 100m to the east of the site boundary. [IR 290]

42. A total of 27 Listed Buildings were identified within the 2km study zone and the ZTV of the proposed development, including six Grade II* and 21 Grade II. The applicant submitted a Heritage Impact Assessment ("HIA") to support the application. Moderate to low indirect effects are anticipated in relation to the Grade II* listed 'Great House' and, overall, range between low to negligible indirect effects for all other listed buildings [IR 291].

43. The Inspector agreed with the HIA there would be a moderate to low indirect adverse effect on the setting of the Great House [IR 294].

44. The BILWHS lies partially within the 5km study area and the calculated ZTV supporting the LVA. Similarly, the Historic Landscape Area associated with this asset also lies partially within the study area and ZTV. Indirect effects anticipated upon these designated areas were anticipated to be low [IR 295].

45. Eight Scheduled Monuments were identified within the 5km study zone which were within the ZTV of the proposed development. Low indirect effects to low/negligible indirect effects are anticipated to these assets [IR 296].

46. Cadw had no objections to the proposal and, along with the Inspector, concurred with the conclusions of the HIA that there would not be a significant impact on any of the designated heritage assets in the area and has no objections to the proposal [IR 297].

47. With regard to archaeological remains, in its most recent consultation response [2022-07-04 – REPS2 003] Glamorgan-Gwent Archaeological Trust ("GGAT") noted that archaeological investigation and assessment undertaken to inform the application included a geophysical survey carried out by AOC Archaeology (November 2021), a HIA (January 2022) and that most recently a field evaluation was carried out on the development site by Headland Archaeology (April 2022). GGAT considered it unlikely that further archaeological work would encounter significant archaeological remains. GGAT did not consider there to be a need for further archaeological work in relation to the development and the Inspector agreed with this assessment [IR 300].

48. The Inspector concluded the proposal would not cause unacceptable harm the significance of historic assets and, therefore, accords with FW policy 18 and LDP policies S13, LC1 and S10 and I concur with the Inspector's assessment [IR 301].

Ecology

49. The applicant's ecological report identified that the site has hydrological connectivity with the River Usk Special Area of Conservation ("SAC") and the River Usk (Lower Usk) Site of Special Scientific Interest ("SSSI"), with potential ecological connectivity restricted to otter. There is potential ecological connectivity with the Usk Bat Sites SAC in relation to the lesser horseshoe bat [IR 304].

50. Natural Resources Wales ("NRW") expressed various initial concerns about the application, including concerns regarding Great Crested Newts ("GCN"), Dormice, Bats and Otter and the River Usk SAC in relation to pollution and its otter feature and the Usk Bat Sites SAC with regard to the lesser horseshoe bat [IR 305].

51. A GCN Survey Report submitted with the application and since updated (May 2022), indicated that GCN are likely to be absent from the application site. However, partly because access could not be obtained to survey some pounds within 250m of the site boundary, the application was progressed on precautionary basis assuming the presence of GCN in several ponds. [IR 306]

52. Although the Ecological Impact Assessment ("EcIA") submitted to support the application reported that no records or signs of dormice were noted during the desk study and species scoping survey, NRW advised that mitigation measures should be secured via conditions requiring a Dormouse Conservation Plan, a revised Construction Environmental Management Plan ("CEMP") and a Lighting Plan to ensure that the proposed development would not be detrimental to dormice. [IR 307]

53. The Inspector noted that NRW agrees with the applicant's EcIA that there is unlikely to be a significant effect on the Lesser Horseshoe bat feature of the Usk Bat Sites SAC, taking account of the Bat Conservation Plan and the application of the Lighting Plan condition [IR 308].

54. NRW acknowledged that no evidence of otters was recorded onsite during the field survey but that otters may occasionally use the drain/ditch along the northern boundary of the site, which would not be beyond the range of otters comprising the otter notified feature of the River Usk SAC. Although NRW considered that the proposed development would be unlikely to have a significant effect on the otter feature of the River Usk SAC, it advised that appropriate mitigation measures should be implemented during the construction and operational phases to ensure that otters could continue to move safely along the ditch and not be otherwise affected by the works by, for example, becoming trapped in excavations or adversely affected by artificial light [IR 309].

55. NRW agreed with the conclusion of the Shadow Habitat Regulations Assessment ("SHRA") that the proposed development would be unlikely to have an adverse effect on the integrity of the Usk Bat Sites SAC or the River Usk SAC, subject to a set of mitigation measures listed at IR 311. The Inspector carried out an Appropriate Assessment ("AA") (Annex B of the IR) and found that the proposal, subject to mitigation measures secured by conditions, will not affect the integrity of the Usk Bat Sites SAC or the River Usk SAC. I reviewed the AA and I concur with the Inspector conclusions.

56. The applicant proposed biodiversity enhancements including the creation and maintenance of a diverse species right grassland with a varied sward structure, native tree planting, new hedgerow, bird, mammal and invertebrate houses/boxes. The Inspector noted that MCC's Local Impact Report ("LIR") considered that the proposal would have a positive impact on ecology, subject to a condition requiring a CEMP [IR 317]. I agree with the Inspector and consider the scheme accords with Policy 9 of FW and the section 6 duty in the Environment (Wales) Act 2016.

57. Overall, the Inspector concluded, based on the proposed design and mitigation measures secured by condition, there would be no significant harmful effects on ecological features thus the proposed development will comply with the requirements of criteria 3, 4 and 5 of FW Policy 18, along with relevant parts of FW Policy 9 and PPW [IR 318]. I am in agreement with the Inspector's conclusions, however, I have made some amendments to the planning conditions.

Highway Safety

58. The application was accompanied by a Construction Traffic Management Plan ("CTMP") which advise that most of the traffic effects would be during the anticipated 6-month construction phase, with a total of 671 Heavy Goods Vehicle ("HGV") deliveries to the application site. During the peak construction period there would be an approximate maximum of 15 daily HGV deliveries. [IR 319]

59. The Inspector found that the development would inevitably result in additional traffic movements and may cause some disruption or inconvenience during the construction phase and potentially at decommissioning, but he is satisfied that any adverse effects would be limited and could be sufficiently mitigated through the implementation of the CTMP [IR 325] and I have no reason to disagree.

60. The Inspector concluded that the proposed development would meet the requirement of FW Policy 18 that there should be no unacceptable impacts on the transport network through the transportation of components or source fuels during construction and/or ongoing operation. The scheme also comply with policy MV1 of the LDP. I am in agreement with the Inspector's conclusions.

Residential Amenity

61. The local area is predominantly agricultural with scattered individual dwellings and farmsteads. The application was accompanied by a Residential Visual Amenity Assessment ("RVAA"), informed by the LVA and ZTV, which considered potential effects on residential visual amenity. [IR 327]

62. Given the low-lying nature and scale of the proposed solar arrays (c. 2.8m in height) and the proposed location upon lower elevations of fields surrounded by existing and proposed hedgerows, the RVAA concluded that significant effects would be unlikely on residential properties beyond 250m of the site boundary. [IR 329]

63. There are 4 residential properties within 250m of the site. The RVAA concluded that there would be a moderate adverse to minor adverse effect. The proposed development would be visible to varying degrees from each of those residential receptors, although it would not be to a degree significant enough to warrant further assessment. Consequently, the RVAA found that the visual effects would not be overbearing or visually dominant for any of the surrounding properties. [IR 330]

64. The Inspector noted that MCC's LIR also agreed with the conclusions of the RVAA [IR 331]. The Inspector found no reason to disagree with the assessment in the RVAA.

65. In term of noise, reflected light, air quality and electromagnetic disturbance, based on the evidence submitted during examination, the Inspector concluded that there would be no significant adverse impacts on individual dwellings or nearby communities or result in unacceptable adverse impacts by way of shadow flicker, noise, reflected light or electromagnetic disturbance. Consequently, the proposal would comply with criteria 2 and 7 of FW Policy 18 and LDP policy EP1 [IR 333]. I concur with the Inspector's findings.

Flood Risk

66. The application was accompanied by a Flood Consequence Assessment and Drainage Strategy ("FCADS") (May 2022). It advised that, according to the Development Advice Map, the application site is wholly situated within Flood Zone A, except for a small area within Field 4, which is Flood Zone B. This area has been intentionally left clear of development and therefore the proposed development is wholly within Flood Zone A. [IR 334]

67. The Inspector concluded that there is no compelling evidence to suggest the proposal would increase flood risk away from the application site during the construction, operation and decommissioning phases [IR 339] and I see no reason to disagree with the Inspector's findings.

Benefits of the Proposal

68. The applicant presented a series of benefits resulting from the proposed development which are discussed by the Inspector in his report [IR 340]. The applicant also referred to a one-off payment of £74,000 towards a Community Benefit Fund upon commissioning of the solar farm. However, there was no legally binding mechanism before the Inspector to secure that contribution, and the Inspector did not give weight to it [IR 341] and I agree with his approach.

69. In addition, the Inspector found that while WG supports the principle of securing financial contributions for host communities through voluntary arrangements, PPW makes clear that such arrangements must not impact on the decision-making process and should not be treated as a material consideration, unless it meets the tests set out in Circular 13/97: Planning Obligations i.e. that it is necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development; and, reasonable in all other respects. The Inspector did not find this to be applicable in the present circumstances [IR 342] and I am in agreement.

Other Matters

70. The Inspector has considered a series of other matters in his report. These are discussed below.

71. The Inspector did not find that the proposed development will have a significant adverse effect on tourism [IR 345].

72. While interested parties raise the issue of impact on property values, the Inspector has rejected this issue [IR 346].

73. Concern has been expressed about possible effects of glint and glare on aircraft pilots, particularly those participating in low-flying military training in the area. However, the Applicant's Glint and Glare Assessment indicated there would be no effect on the runways at Abergavenny Airfield, there are no identified defence facilities within the vicinity of the site, and that the scheme would not result in any unacceptable impacts on the Mid Wales Low Flying Tactical Training Area (TTA 7T). In addition, the Ministry of Defence/Defence Infrastructure Organisation ("MoD/DIO") has confirmed that it has no safeguarding concerns in relation to the proposal [IR 347].

74. Interested parties suggested that the proposed development could set a precedent that would justify further solar developments in the area. However, the Inspector has given this concern limited weight [IR 348] as each application must be determined on its own merits.

75. A number of representations suggested that proposal should have been found to require an Environmental Impact Assessment ("EIA") under the Town and Country Planning (EIA) (Wales) Regulations 2017. The Inspector has not seen substantive reason to question the finding of the EIA screening process [IR 349].

76. Concerns about the long-term financial stability of the developer and ability to subsequently decommission the development have been raised. Having reviewed the information submitted by the Applicant, the Inspector was satisfied that decommissioning obligations can be satisfactorily dealt with by condition [IR 350].

Planning Conditions and Obligations

77. The Inspector provided a set of conditions at Appendix *A* of the Inspector Report. I reviewed the proposed conditions in light of the requirements set out in Circular 016/2014: *The Use if the Planning Conditions in Development Management* ("The Circular") and I have the following considerations.

78. I looked at the relationship between conditions 5 and 6. Condition 6 required a post-construction survey of the local road between the site access and its junction with the

B4598 to be carried out and submitted to the Local Planning Authority ("LPA") for approval in writing.

79. I believe that it will be difficult for the LPA to demonstrate that any deterioration of the highway has been directly caused by construction traffic. However, condition 5 allows the LPA to secure a programme of measures to "ensure the highway remains free from damage" which appear more enforceable and make condition 6 unnecessary. I requested the Inspector's opinion on this point and it was agreed to dispense with condition 6 while condition 5 should be amended to make explicit reference to potential remedial/mitigation works.

80. Therefore, for clarity and enforceability, I have amended condition 5 and removed condition 6. A new set on conditions is provided at Annex 1 attached to this decision letter.

81. Additionally, for clarity, I have amended condition 15 to include a specific requirement to provide a written report confirming the results of monitoring.

82. NRW advised in its further consultation response dated 13 July 2022 [2022-07-14 REPS2 007] that its previous advice (given in its consultation response dated 31 March 2022) is not altered regarding pre-constructions surveys, which indicated that pre construction surveys in relation to protected species would be required. The Inspector noted NRW's position evolved in its post-hearing response to the applicant dated 25 August 2022 [IR 355].

83. The applicant's response to that in its email of the same date ('2022-08-25 – from APP Post Hearing Request for information covering email') suggested to make the contents of the originally required conditions NRW1 and NRW2 (i.e. GCN and Dormouse Conservation Plans) contingent upon the outcome of preconstruction surveys [IR 357].

84. The Inspector wrote that NRW re-iterates that the project has been progressed assuming the presence of GCN in those ponds for which survey access was denied. Consequently, it still considered that a detailed GCN Conservation plan, building upon the mitigation and enhancement principles set out in the GCN Survey Report [DOC 14] and EDS [DOC 10]. Similarly, NRW pointed out that the site is in the geographical range of dormice, there are dormouse records in the wider area, the site offers a suitable habitat and the applicant had not carried out further specific surveys. Therefore, in the circumstances and based on the available information a standalone dormouse conservation plan condition remains a necessary and reasonable requirement [IR 358].

85. I note that the examination of the proposed development has been conducted based on the evidence submitted to the Inspector, which include DOC 14 and DOC 10. GCN and Dormouse has been assumed present by the parties involved in the examination, including the relevant Statutory Nature Conservation Body, and the level of mitigation measures agreed upon reflects this. Therefore, I agree with the Inspector at IR 358. Thus, I am satisfied that pre-commencement surveys are not required in this instance and I agree with NRW that a condition is not necessary. I amended the list of conditions accordingly.

Planning Balance and Overall Conclusion

86. The Inspector noted that FW indicates that all regions, including the South East region where the application site is located, have a vital role to play in decarbonisation and the realisation of renewable energy, including solar energy generation across Wales [IR 363].

87. The Inspector found that there would be some negative visual impacts in closer range views and moderate harm in some medium range views, which would lessen over time. However, the Inspector concluded the proposed development would not result in unacceptable adverse effects on landscape character or the appearance of the area [IR 364]. Similarly, the Inspector found that there would not be unacceptable adverse visual impacts on nearby communities and individual dwellings. The Inspector therefore afforded minor weight to these limited harms [IR 364].

88. The development would cause a moderate to low degree of harm to the setting of the Great House, a Grade II* listed building. Nevertheless, the Inspector did not consider that the harm would be significant in the context of the time limited nature and reversibility of the development [IR 365].

89. Additionally, the Inspector has not found that there would be significant harm in terms of ecology, highways, flood risk, residential amenity or other matters raised by interested parties. Therefore, the Inspector considered these matters to be neutral in the planning balance [IR 367].

90. The main benefit of the scheme would be that it would generate renewable energy of approximately 32GWh of electricity per annum, which would be enough to power some 8,093 homes and potentially offset around 14,080 tonnes of carbon emissions each year. That would be a significant contribution towards Wales's target of 70% of electricity consumption to be from renewable energy by 2030. I give that benefit considerable weight given the clear support in FW Policies 17 and 18 for renewable energy schemes. [IR 368]

91. The Inspector accepted that there would be some loss of ability to farm approximately 16.8ha of BMVAL under panel to its full potential over the lifetime of the development. I do not concur with the Inspector's consideration that, providing construction and decommissioning are properly carried out, the risk of significant damage to soils and potential degradation of BMVAL would be relatively limited [IR 372]. However, I have reached my own conclusion that, in this particular case and circumstances, the need for the development overrides the need to protect the BMVAL present on site and the relevant BMVAL policy requirements in PPW are satisfied. This is supported by the withdrawal of the original objection by SPALPU.

92. On balance, the Inspector concluded that the benefits of the proposed development, particularly in the production of energy from a renewable source, outweigh the identified adverse effects [IR 374].

93. The Inspector found that the proposal complies with the development plan and relevant national planning policy when considered as a whole, including FW Policies 9, 17 and 18.

94. The Inspector's recommendation is to grant planning permission, subject to conditions [IR 376]

Conclusion and Decision

95. Subject to my comments above I agree with the Inspector's appraisal of the main considerations, the conclusions of the IR and the reasoning behind them, and I accept the recommendation. Therefore, I hereby grant planning permission for DNS/3252305, subject to the conditions in the Annex to this decision letter.

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

96. 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

97. 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

98. 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

99. 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

100. The decision takes account of the need to increase renewable energy production and combat the climate emergency, as well as increasing energy security.

101. 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.

102. A copy of this letter has been sent to Monmouthshire 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 3252305 Planning Conditions

1. The development hereby permitted shall begin no later than five years from the date of this permission.

   Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following submitted plans and documents unless indicated as otherwise by any other condition pursuant to this permission:–

   - Drawing no. NEO00668/071I/C, Site Location Map Figure 1, dated 24/01/2022;
   - Drawing no. NEO00667/010I/B, Site Location Map Figure 2, dated 22/06/2021;
   - Drawing no. NEO00667/006I/B, Field Numbers Figure 3, dated 12/11/2021;
   - Drawing no. NEO00668_074I_F Figure 4, Revision F, Site Proposals, dated 12/05/2022;
   - Drawing no: NEO00668_056I_E Figure 5, Revision E, Development Proposal, dated 12/05/2022;
   - Drawing no. NEO00668_057I_E Figure 6, Revision E, Proposal (Overall), dated 12/05/2022;
   - Drawing no. NEO00668_058I_D Figure 6.1, Revision D, Development Proposal (Sheet 2), dated 24/01/2022;
   - Drawing no. NEO00668_059I_D Figure 6.2, Revision D, Development Proposal (Sheet 3), dated 24/01/2022;
   - Drawing no. NEO00668_060I_D Figure 6.3, Revision D, Development Proposal (Sheet 4), dated 24/01/2022;
   - Drawing no. NEO00668_061I_D Figure 6.4, Revision D, Development Proposal (Sheet 5), dated 24/01/2022;
   - Drawing no. NEO00668_062I_D Figure 6.5, Revision D, Development Proposal (Sheet 6), dated 24/01/2022;
   - Drawing no. NEO00668_063I_D Figure 6.6, Revision D, Development Proposal (Sheet 7), dated 24/01/2022;
   - Drawing no. NEO00668_064I_D Figure 6.7, Revision D, Development Proposal (Sheet 8), dated 24/01/2022;
   - Drawing no. NEO00668_065I_E Figure 6.8, Revision E, Development Proposal (Sheet 9), dated 12/05/2022;
   - Drawing no. NEO00668_066I_E Figure 6.9, Revision E, Development Proposal (Sheet 10), dated 12/05/2022;
   - Drawing no. NEO00668_067I_E Figure 6.10, Revision E, Development Proposal (Sheet 11), dated 12/05/2022;
   - Drawing no. NEO00668_068I_E Figure 6.11, Revision E, Development Proposal (Sheet 12), dated 12/05/2022;
   - Drawing no. NEO00668_069I_E Figure 6.12, Revision E, Development Proposal (Sheet 13), dated 12/05/2022;
   - Drawing no. NEO00668_070I_E Figure 6.13, Revision E, Development Proposal (Sheet 14), dated 12/05/2022;
   - Drawing no. NEO00668_104I_D Figure 6.14, Revision D, Development Proposal (Sheet 15), dated 24/01/22;
   - Drawing no. NEO00668_050I_A Figure 7, Revision A, Access Track Detail, dated 21/04/2021;
   - Drawing no. NEO00668_051I_A Figure 8, Revision A, Construction Compound Detail, dated 21/04/2021;
   - Drawing no. NEO00668_052I_A Figure 9, Revision A, PV Module & Rack Detail, dated 21/04/2021;

- Drawing no. NEO00668_105I_A Figure 10, Revision A, Deer Fencing Detail, dated 29/04/2021;
- Drawing no. NEO00668_054I_A Figure 11, Revision A, CCTV Detail, dated 24/01/2022;
- Drawing no. NEO00668_055I_A Figure 12, Revision A, Transformer Station Detail, dated 22/04/2021;
- Drawing no. NEO00668_099I_B Figure 13, Revision A, 132kV Compound Layout & Section, dated 25/01/2022;
- Drawing no. NEO00668_101I_C Figure 13.1, Revision C, Section AA & BB, dated 04/12/2021;
- Drawing no. NEO00668_102I_D Figure 13.2, Revision D, Section CC & DD, dated 12/05/2022;
- Drawing no. NEO00668_103I_D Figure 13.3, Revision D, Section EE & FF, dated 12/05/2022;
- Drawing no. NEO00668_109I_C Figure 16, Revision C, Culvert Design, dated 12/05/2022;
- Drawing no. NEO00668_00110I_B Figure 17, Revision B, Typical Track and Fence Sections at Hedge Crossings, dated 24/1/22;
- Flood Consequences Assessment and Drainage Strategy - DOC 12 (May 2022);
- Green Infrastructure and Landscape Strategy – DOC 15 (January 2022);
- Landscape and Visual Assessment – DOC 18 (May 2022);
- Arboricultural Impact Assessment – DOC 07 (January 2022);
- Ecological Impact Assessment – DOC 11 (May 2022) (incorporating Appendix E – Bat Conservation Plan);
- Great Crested Newt Survey Report – DOC 14 (May 2022);
- Tree Constraints Report - DOC 27 (January 2022).

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

3. The development hereby approved shall cease operating 40 years after the date on which electricity is first exported to the National Grid (excluding any testing or commissioning). Written confirmation of the first export date to the National Grid shall be sent to the local planning authority within 28 days of the export date.

Reason: To establish the duration of the permission and ensure that the effects on the character and appearance of the area exist only for the lifetime of the development, in accordance with Policy 18 of Future Wales (2021) and policies LC5, DES1, and SD1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

4. No later than 12 months before the end of the 40-year operating period (or within 6 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 details of the following:

   i. Surveys and assessments to identify the existing ecology and habitat status at the time of decommissioning;
   ii. Method Statement detailing the process and extent of removal of surface elements of the photovoltaic solar farm and associated development and any foundations, anchor systems, trackways and subsurface cabling and associated works;

iii. Proposals for effective recycling and disposal of decommissioned elements; iv. Traffic management plan to address likely traffic impacts arising from decommissioning operations;
v. Measures to ensure environmental protection at the site to cover all decommissioning operations;
vi. Measures to ensure ecological protection at the site to cover all decommissioning operations informed by the surveys and assessments under i) above;
vii. Implementation timescales and schedules for all elements of the DEMP; viii. Reporting and monitoring responsibilities and delivery mechanisms for all elements of the DEMP; and,
viii. Site restoration measures following all decommissioning operations.

The DEMP, as approved, shall be carried out in accordance with the approved details.

Reason: To ensure that, at the end of the lifespan of the development, the infrastructure is appropriately removed, the environmental effects of the decommissioning process are controlled and the site is effectively restored, in accordance with Policy 18 of Future Wales (2021).

5. Prior to the commencement of development, a road condition survey shall be carried out of the local road between the site access and its junction with the B4598 and submitted to and approved in writing by the local planning authority. The condition survey shall detail a programme of measures, including potential remedial works within specified timescales, to be employed to ensure the highway remains free from damage as a result of the construction of the development. The survey should be carried out by an independent highway maintenance consultant and extents agreed in advance with the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy 18 of Future Wales (2021) and Policy MV1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

6. The development shall be constructed in accordance with the Construction Traffic Management Plan (May 2022).

Reason: In the interests of highway safety and residential amenity and in accordance with Policy 18 of Future Wales (2021) and Policies MV1 and EP1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

7. 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: 0700 to 1900 on Monday to Friday and 0800 to 1600 on Saturdays unless otherwise first agreed in writing by the local planning authority.

Any piling associated with the development shall be limited to Monday to Friday between 0900 and 1700.

Reason: In the interests of highway safety and residential amenity, and in accordance with Policy 18 of Future Wales (2021) and Policies EP1 and MV1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended or any Order revoking and re-enacting that Order with or without modification), no fencing or means of enclosure other than those hereby approved, shall be erected within and along the boundaries of the site.

Reason: To safeguard the character and appearance, ecology and biodiversity, and historical interests of the area in accordance with Policy 18 of Future Wales (2021) and Policies LC5, NE1 and DES1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

9. Any proposed fence/hedge lines enclosing public rights of way shall be a minimum of 3m apart. No barriers, structures or any other obstructions shall be placed across the legal alignment of the public right of way, and any damage to its surface as a result of works or private vehicular use shall be made good.

   Reason: In the interests of local amenity and in compliance with Policy MV3 of the Monmouthshire County Council Adopted Local Development Plan (2014).

10. No development shall commence until a final and detailed Great Crested Newt ("GCN") Conservation Plan shall be submitted to and approved in writing by the local planning authority. The GCN Conservation Plan shall build upon the mitigation and enhancement principles set out in the GCN Survey Report dated 23/5/2022 (particularly Appendix D) and the Ecological Design Strategy, dated May 2022. The GCN Conservation Plan shall be carried out in accordance with the approved details, with a written report of the effectiveness of the plan provided to the local planning authority every 5 years and any arising revisions of the plan to be agreed in writing with the local planning authority prior to implementation. Additionally, a written report confirming the results of GCN population and habitat monitoring shall be provided to the local planning authority by 30 December in each year that monitoring is due.

    Reason: To ensure that an approved GCN Conservation Plan is implemented, which protects GCN and their habitat affected by the development, in accordance with Policies 9, 17 and 18 of Future Wales (2021) and Policy NE1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

11. No development or phase of development, including site clearance, shall commence until a site wide Dormouse Conservation Plan has been submitted to and approved in writing by the local planning authority. The Dormouse Conservation Plan shall:

    - Build upon the principles outlined in the Ecological Impact Assessment and the Ecological Design Strategy;
    - Cover the lifetime of the development;
    - Include a plan showing habitat to be lost, retained and created which should identify the extent and location at an appropriate scale;
    - Provide details of protective measures to be taken to minimise the impacts of the works on dormice, including that buffers to hedgerows shall be measured 5m from the outer edge of the hedge;
    - Provide details of timing, phasing and duration of construction activities and conservation measures;
    - Include a timetable for implementation demonstrating that works are aligned with any proposed phasing of the development;
    - Provide details of proposals to enhance retained habitats for dormice including planting mixes and specifications (e.g. for gapping up any hedgerows);
    - Provide details of initial aftercare and long-term management and maintenance;
    - Set out actions to be taken in the event previously unidentified species or habitat features are found;
    - Include an Ecological Compliance Audit, including key performance indicators;
    - State persons responsible for implementing the works;
    - Provide details of measures to prevent or reduce incidental capture or killing;

- Propose a scheme for monitoring the condition of retained and any new habitat, to inform habitat management, and dormouse population monitoring.

The Dormouse Conservation Plan shall be carried out in accordance with the approved details, with a written report of the effectiveness of the plan provided to the local planning authority every 5 years and any arising revisions of the plan to be agreed in writing with the local planning authority prior to implementation.

Reason: To ensure that an approved Dormouse Conservation Plan is implemented, which protects dormice and their habitat affected by the development, in accordance with Policies 9, 17 and 18 of Future Wales (2021) and Policy NE1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

12. Prior to its installation, full details of lighting in the form of a Lighting Plan shall be submitted to and agreed in writing by the local planning authority. The Lighting Plan shall include:

    - Details of lighting to be used during construction and/or operation;
    - Details of the siting and type of external lighting to be used;
    - Drawings setting out light spillage in key sensitive areas (e.g. hedgerows, woodlands, ditch along the northern boundary of the site etc.); and
    - An assessment of proposed lighting against conservation requirements for nocturnal protected species.

    The lighting shall be installed and retained as approved during construction and operation of the proposed development.

    Reason: To safeguard foraging, commuting, resting and breeding habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and Policies EP3 and NE1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

13. No development or phase of development, including site clearance, shall commence until a final version of a site wide Construction Environmental Management Plan ("CEMP") has been submitted to and approved in writing by the local planning authority. The CEMP shall include:

    - Construction methods: details of materials, how waste generated will be managed;
    - General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain;
    - Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures, protected species toolbox talks, copies of protected species licences required for the works;
    - Biosecurity Risk Assessment and arising precautions needing to be undertaken;
    - Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works and measures to control light spill;

- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details, including Ecological Clerk of Works, Site Manager, Natural Resources Wales contacts for emergency situations;
- Ecological Clerk of Works to ensure construction compliance with approved plans and environmental regulations;
- Resource Management: details of fuel and chemical storage and containment, waste generation and its management, water consumption, and wastewater and energy use; and
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure necessary management measures are agreed prior to commencement of development or phase of development and implemented for the protection of protected species and protected sites during construction, in accordance with Policy 18 of Future Wales (2021) Policy NE1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

14. No development or phase of development, including site clearance, shall commence until a Landscape and Ecology Management Plan ("LEMP") (which combines the Ecological Design Strategy, May 2022; the Green Infrastructure and Landscape Strategy, January 2022; the Shadow Habitats Regulations Assessment, May 2022; and includes Great Crested Newt and Dormouse Conservation Plans) has been submitted to and approved in writing by the local planning authority. The LEMP shall include:

    - The proposals and commitments in all protected species conservation plans including provision for written reports confirming the results of monitoring and identify protected species licences required for the development work;
    - Provision for the periodic monitoring of the condition of habitats on site, with the results of monitoring used to inform habitat management going forward;
    - Measurable attributes and targets, to be used by site monitoring to define when habitats on site will be considered in favourable condition;
    - A timetable of works to include specified years;
    - A commitment to replace bat boxes promptly and within a specified timeframe once found to be missing or damaged;
    - A commitment to fence livestock off from new and existing hedgerows through the use of appropriate, robust, stock fencing;
    - A commitment that vegetation removal at any time of year should be supervised by the Ecological Clerk of Works; and,
    - Confirmation of who is responsible for overseeing the implementation of the LEMP, and who will be undertaking the relevant management and monitoring works.

    All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out in accordance with the timetable agreed with the local planning authority.

    Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and

number as originally approved, unless the local planning authority gives its written consent to any variation.

Evidence of compliance with the LEMP in the form of georeferenced photographs must be provided to the local planning authority no later than twelve months from the completion of the construction works. Thereafter, a written report of the effectiveness of the LEMP shall be provided to the local planning authority every 5 years and any arising revisions of the LEMP shall be agreed in writing with the local planning authority prior to implementation.

Reason: To ensure necessary landscape and environmental management measures are agreed prior to commencement and implemented and to ensure the site's landscape and environmental features, including protected species, are adequately managed long term, in accordance with Policies 9, 17 and 18 of Future Wales (2021) and Policy NE1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

15. Prior to the commencement of development, a Soil Management Plan ("SMP") shall be submitted to the local planning authority for approval. The SMP should include the following:

    - A Soil Resources Report containing soil survey maps at a scale appropriate for site management, including:
        - extent and depth of topsoil units;
        - the distribution of different soil types;
        - the distribution of Agricultural Land Classification grades; and
        - any features of interest identified in the related archaeological and ecological surveys, with clear cross references to the requirements of the relevant plans.
    - A map of proposed areas and thickness of each soil type and soil layer to be stripped and stored separately, as informed by the Soil Resources Report, and all areas where soils will be left in-situ and the ground protected from tracking over;
    - A map showing temporary access routes and details of how access will be managed across the site to minimizes soil compaction;
    - A map showing the location of soil stockpiles labelled with their content, anticipated size, height and volume; including expected timeframe for the material to be in stockpile;
    - Details of how stockpiles will be protected and managed;
    - A map showing where each soil type and soil layer will be reused;
    - Details of appropriate equipment and methods for stripping, stockpiling, re-spreading soil and ameliorating soil compaction in accordance with good practice techniques to minimise the risk of soil compaction;
    - Details of how construction activities will be managed across the site to minimise impact on soils;
    - Identification of roles and responsibilities in relation to the implementation of the SMP and the supervision of all associated activities by a suitably qualified and experienced soil scientist who will have the necessary training, qualifications and experience, having achieved the soil professional competence standards 1 (Foundation skills in field soil investigation, description and interpretation) and 6 (Soil science in soil handling and restoration) as set out by the British Society of Soil Science;
    - A monitoring schedule for all activities within the SMP and criteria against which compliance will be assessed.

All soil handling and trafficking will be undertaken in accordance with the SMP unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the protection of soils as a resource and in compliance with Policy 9 of Future Wales (2021).

16. Within 3 months of completion of all soil handling works in any given year a Soil Monitoring and Aftercare Plan ("SMAP") shall be submitted for the written approval of the local planning authority. The SMAP shall include:

    - A detailed annual programme of soil and site monitoring over the full lifetime of the development, including monitoring of in situ soils;
    - Details of the physical characteristics of the land to be restored to what they were when the land was last used for agriculture, including drainage where relevant, as far as it is practical to do so ;
    - A five-year period of aftercare, specifying the steps to be taken, the period during which they are to be taken, and who will be responsible for taking those steps; and,
    - Measures to be taken should the monitoring identify aspects of the site that require rectification or remediation in order to conform with the local planning authority's agreed standards.

    Reason: To ensure the protection of soils as a resource and in compliance with Policy 9 of Future Wales (2021).

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.

APPENDIX 6: INSPECTORS REPORT PENPERGWM SOLAR FARM

Penderfyniadau Cynllunio ac Amgylchedd Cymru

Planning & Environment Decisions Wales

Adroddiad	Report
gan J P Tudor BA (Hons), Cyfreithiwr (ddim yn ymarfer)	**by J P Tudor BA (Hons), Solicitor (non-practising)**
Arolygydd a benodir gan Weinidogion Cymru	**an Inspector appointed by the Welsh Ministers**
Dyddiad: 27/10/2022	**Date: 27/10/2022**

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 62D

THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (WALES) REGULATIONS 2016

APPLICATION BY: GREAT HOUSE ENERGY CENTRE LIMITED

FOR: THE CONSTRUCTION, OPERATION, MAINTENANCE AND DECOMMISSIONING OF A RENEWABLE ENERGY SCHEME. THE MAIN ELEMENT OF THE DEVELOPMENT WILL BE THE INSTALLATION OF A GROUND MOUNTED SOLAR PARK WITH A MAXIMUM EXPORT CAPACITY OF 32MW (MEGAWATTS)

AT: LAND AT GREAT HOUSE FARM, PENPERGWM, APPROXIMATELY 3.9KM SOUTHEAST OF ABERGAVENNY, MONMOUTHSHIRE NP7 9UY

(COORDINATES: E332954; N211435)

REFERENCE: DNS/3252305

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List of Main Abbreviations used in this Report:

ALC	Agricultural Land Classification
AONB	Area of Outstanding Natural Beauty
BBNP	Brecon Beacons National Park
BBNPA	Brecon Beacons National Park Authority
BILWHS	Blaenavon Industrial Landscape World Heritage Site
BMVAL	Best and Most Versatile Agricultural Land
CPRW	Campaign for the Protection of Rural Wales
DCWW	Dwr Cymru/Welsh Water
DNS	Development of National Significance
EcIA	Ecological Impact Assessment
FW	Future Wales: The National Plan 2040
GCN	Great Crested Newt
GFCC	Gobion Fawr Community Council
GGAT	Glamorgan-Gwent Archaeological Trust
GVA	Gross Value Added
LCA	Landscape Character Area(s)
LDP	Local Development Plan
LIR	Local Impact Report
MCC	Monmouthshire County Council
NRW	Natural Resources Wales
ORPA	Other Route(s) with Public Access
PROW	Public Right(s) of Way
PPW	Planning Policy Wales
SAC	Special Area of Conservation
SMP	Soil Management Plan
SPA	Special Protection Area
SSSI	Site(s) of Special Scientific Interest
SPG	Supplementary Planning Guidance
TAN	Technical Advice Note
WG	Welsh Government
WGDCC	Welsh Government Department for Climate Change
ZTV	Zone of Theoretical Visibility

Ref: DNS/3252305

Site address: Land at Great House Farm, Penpergwm, located approximately 3.9km southeast of Abergavenny, Monmouthshire NP7 9UY (Coordinates: E332954; N211435)

- The application, dated 25 January 2022, was made under section 62D of the Town and Country Planning Act 1990 (as amended).
- The application is made by Great House Energy Centre Limited.
- The application was confirmed as valid on 17 February 2022.
- Hearing sessions were held on 10 August 2022.
- An unaccompanied site visit took place on 12 August 2022.
- The development proposed is the construction, operation, maintenance and decommissioning of a ground mounted solar park with a maximum export capacity of 32MW (megawatts).
- The development would be for a temporary period with an operational lifespan of 40 years.

Secondary Consent Applications:

- No secondary consent applications are being made.

Summary of Recommendation: That planning permission be granted.

Procedural and Preliminary Matters

1. In accordance with Article 5 of The Developments of National Significance (Procedure) (Wales) Order 2016 ('the Order'), the applicant originally notified the Planning Inspectorate Wales (PINS Wales) on behalf of the Welsh Ministers of the proposed development on 18 December 2020, with a notice of acceptance issued by PINS Wales on 26 January 2021.
2. Prior to that and following the applicant's request, pursuant to regulation 31(1) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (the Regulations), PINS Wales, as authorised by Welsh Ministers, provided a Screening Direction on 12 November 2020 confirming that the proposed development is not 'EIA Development'. Therefore, an Environmental Statement (ES) was not required.
3. The original proposal was revised after the notification from a 45MW ground mounted scheme with containerised batteries to a 37MW scheme without battery storage along with alterations to the development boundary. However, the changes were relatively minor and not considered to affect the Screening Direction. Although the scheme has undergone revisions since originally conceived, relevant parties have had the opportunity to comment at appropriate stages. Therefore, I do not consider that any party has been prejudiced.
4. On 1 October 2021 the functions of PINS Wales were transferred to Planning and Environment Decisions Wales (PEDW), a division of the Welsh Government (WG). The application was submitted to PEDW on 25 January 2022 and was supported by a range of documentation including a Consultation Report which summarises the pre-application publicity and consultation conducted from 30 June to 25 August 2021.
5. The pre-application consultation was affected by Covid-19 restrictions in place at the time. However, the applicant advises that a number of virtual meetings and consultations

events were arranged, while the relevant statutory requirements were also met. Moreover, any interested parties have had the opportunity to make representations in response to the post-acceptance consultation conducted by PEDW referred to below.

6. A Notice of Acceptance of the application was issued under Article 15(2) of the Order by PEDW on 17 February 2022. The required consultation and publicity measures were then undertaken by PEDW ending on 31 March 2022.

7. Monmouthshire County Council (MCC) submitted its Local Impact Report (LIR) on 7 April 2022. Based on all submission documents, including the consultation responses and the LIR, I determined that certain matters would be examined via written representations, and others would require further oral evidence to be provided at public hearings. Hearings concerning: (i) Effects on Landscape/Character and Appearance and (ii) Other Matters and Planning Conditions were held over two sessions, which both took place on 10 August 2022. An unaccompanied site visit was conducted on 12 August 2022 which was a clear, sunny day with good visibility.

8. A Hearing session was originally proposed in relation to effects on Best and Most Versatile Agricultural Land (BMVAL), in part because Welsh Government's Department for Climate Change (WGDCC) had conditionally objected to the proposed development because of alleged 'loss' of BMVAL. However, following the variation to the scheme, as detailed below, WGDCC withdrew its objection and advised that it considered that the revised proposal, along with the additional information provided, meant that the proposed development was policy compliant with paragraphs 3.58 and 3.59 of Planning Policy Wales (PPW) [2022-07-15 REPS2 014 DCC]. On that basis, it stated that it would not be attending the proposed hearing.

9. Subsequently, I decided that the issue of BMVAL could be addressed via written representations, as detailed written submissions had been received from relevant parties, and that a hearing was no longer necessary. Nonetheless, I have carefully considered the effect on BMVAL in my assessment of the proposal.

10. The applicant had also notified PEDW of its intention to vary the proposed development, which was accepted with full details to be received by 23 May 2022. At the same time, I requested 'Further Information' from the applicant and other parties, in relation to the original application submissions and representations received during the consultation period. Consequently, the determination period was suspended for 12 weeks, ending on 18 July 2022, to allow time: for the applicant to provide full details of the variation; for relevant parties to respond to the further information request; and, subsequently, for a consultation on the submitted variation and the further information received.

11. According to the detailed variation submission, the scheme had been amended in response to comments made during the consultation. The revisions involved the removal of solar panels from Fields 8 and 11 to reduce direct impact upon Best and Most Versatile Agricultural Land (BMVAL) and increase the set back of the panels from Public Rights of Way (PROW) and sensitive ecological receptors. The revised layout indicated that those two fields would be retained for agricultural use. The proposed variation would also reduce generating capacity from a maximum of 37MW to 32MW.

12. The applicant also referred within the notice of variation to providing additional information with regard to the maintenance of soil sustainability during the construction, operation and decommissioning phases of the development and providing further clarification regarding the site selection process and in respect of archaeological trial trenching. Although I consider this to be tantamount to the submission of additional information regarding the development rather than representing a change to the development itself, a number of these matters were, in any event, raised in the formal Request for Further Information referred to above.

13. The proposed variation does not constitute a substantial change in the nature of the development. I have, therefore, considered the proposal in its amended form.

14. Since the application was made, WG's 'Dear CPO' letter from the Minister for Climate Change dated 1 March 2022 has been issued, intended to clarify planning policy regarding Best and Most Versatile Agricultural Land (BMVAL) and Solar PV arrays. Given its relevance to the proposal, the applicant was invited to comment upon it when replying to the Request for Further Information.

15. At Hearing Session 3, which included discussion of proposed planning conditions, it was agreed that the applicant would liaise further with Natural Resources Wales (NRW) (who did not attend the hearing) and MCC to agree a final set of suggested planning conditions to be submitted after the hearing. A revised set of conditions was subsequently submitted by the applicant, although NRW did not agree with all of the suggested changes. I deal with this in the 'conditions' section of my appraisal below.

16. After the Hearings, a decision was issued by Welsh Ministers, dated 14 September 2022, refusing planning permission for a solar development on Land at Gwernigron Farm, The Roe, St Asaph, Denbighshire (DNS/3247619), also referred to as 'Elwy Solar Energy Farm'. Given similarities with this proposal at Land at Great House Farm, the applicant and MCC were given the opportunity to comment upon that decision. The applicant has provided comments [2022-10-05 – Applicant's Response to the Elwy Solar Energy Farm Decision] which I have considered in reaching my recommendation. MCC did not comment.

17. The document references used in this Report are taken from applicant's Application Index, Issue 03, Hearing Submission, July 2022 [APP 03]. Other references are those taken from PEDW's Planning Casework web site.

Site and Surroundings

18. The application site is located about 0.5km north of Penpergwm and circa 3.9km south-east of Abergavenny. It comprises 14 agricultural fields covering some 70.17 hectares (ha) in total. The site forms part of a wider holding of about 100ha at Great House Farm. The land within the site is undulating, ranging between 61m-140m Above Ordnance Datum (AOD). The fields are typically of medium scale and bound by a mixture of grassy field margins, semi-mature hedgerows and intermittent trees. The main habitat present is improved grasslands. There is existing electricity infrastructure in the area with two lines of pylons, including a line running roughly north-south across the site. The site is within Flood Zone A, as defined in Technical Advice Note (TAN 15): Development and Flood Risk (2004), which is described as at little or no risk of fluvial or tidal/coastal flooding.

19. The local area is predominantly agricultural in nature, featuring scattered residential properties and farmsteads with the small villages of Penpergwm and The Bryn located 0.5km and 0.9km to the south, respectively. Two PROW and an 'Other Route with Public Access' (ORPA), pass through the site, while another PROW runs just beyond the northern site boundary. Pockets of mixed woodland lie to the south and east.

20. A Grade II* listed building, the Great House, is situated about a 100m to the east of the site boundary, with other listed buildings, an Historic Landscape Area, an Historic Park and Garden and Scheduled Monuments within the wider surrounding area. The Usk River, which is south of the application site, largely divides the rolling lowland to the north and west and the uplands to the west and southwest which lie within the Brecon Beacons National Park (BBNP) and the Blaenavon Industrial Landscape World Heritage Site (BILWHS). The hills of the uplands are predominantly open moorland on higher ground with pasture and woodland on lower slopes.

21. The application site is not within or adjacent to any statutory designated environmental sites. However, there are six Special Areas of Conservation (SAC) within 15km, with the closest to the site being the River Usk SAC located about 1.3km to the west-southwest. There are also eight Sites of Special Scientific Interest (SSSI) within 5km of the application site and three Site of Importance for Nature Conservation (SINC) within 2km of the boundary, the closet being Tyler's Wood SINC located 0.33km to the south.

Proposed Development

22. The proposal is for the construction, operation and subsequent decommissioning of a ground mounted solar park with a maximum design capacity of 32MW. Its operational lifespan would be 40 years, following which it would be decommissioned, with all plant and machinery removed.

23. As set out in the applicant's Planning Statement, the development can be split into four key components:

    - Ground Mounted Solar PV Arrays
    - Substation Compound
    - Green Infrastructure and Biodiversity Management Areas
    - Temporary Construction Compound during Construction and Decommissioning

24. The proposed layout and arrangement of the solar arrays are shown and can be understood by referring to the following drawings: Site Proposals, Drawing No. NEO00668_0741_F Figure 4, Revision F; Development Proposal, Drawing No. NEO00668_056I_E Figure 5, Revision E; and, Field Numbers, Drawing No. NEO00667/006I/B Figure 3.

25. Although the site comprises 14 agricultural fields of some 70.17ha, the solar arrays and associated infrastructure themselves would occupy about 31.83ha of the total development area. Fields 1, 3, 4, 7, 9 and 10 would be wholly occupied by solar arrays, while fields 2, 5 and 6 would be partially covered in solar arrays, while the remaining fields would be without solar arrays. Consequently, approximately 33.04ha of the site has the potential to remain in sole agricultural use while 5.3ha would be used for landscape and biodiversity mitigation and enhancement measures.

26. The ground mounted solar PV (photovoltaic) panels, with a maximum height of 3m and typically at an angle of c.25 degrees, would be fixed on metal frames and face south. There would be associated inverter and transformer units, green infrastructure, landscaping, biodiversity measures, new access tracks, underground cabling in trenches typically 0.5-1.1m in depth, 2m high deer fencing and CCTV cameras on 3m high poles, along with access gates and ancillary grid infrastructure and associated works. The solar arrays would be grouped into three separate parcels of land.

27. The construction of the solar farm would be expected to take up to 6 months and to be carried out in a single phase. During this period, there would be a combination of HGVs for the component deliveries and cars/vans for construction staff. HGV movements are expected to be most intense throughout the early stages of construction, tailing off towards the final weeks. The haulage route is likely to be via the A40, B4598 and a local access road before entering the site via an improved farm access situated on the southern boundary.

28. The solar farm would connect to the local electricity grid via an existing overhead pylon located immediately next to the proposed substation compound. A line of pylons runs roughly north to south across the site.

29. Following the 40-year generation period, the development would then enter a decommissioning stage, with an appropriate decommissioning strategy submitted to the Local Planning Authority (LPA) for approval prior to that, as secured by condition.

Planning Policy

30. On its publication in February 2021, Future Wales: The National Plan 2040 (FW) became part of the development plan. It 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. The policies of relevance are:

    - Policy 17, which expresses the Welsh Government's strong support for the principle of developing renewable and low carbon energy from all technologies and at all scales to meet Wales' future energy needs. It requires that, in determining planning applications, decision-makers give significant weight to the need to meet Wales' international commitments and the national target to generate 70% of consumed electricity by renewable means by 2030. However, it also makes clear that proposals should ensure there are no significant unacceptable detrimental impacts on the surrounding natural environment and local communities and that the development delivers positive social, environmental, cultural and economic benefits.
    - Policy 18, which provides detailed criteria for the assessment of proposals for renewable and low carbon energy development. The policy allows for the assessment of the impact of proposals on matters such as: the surrounding landscape, particularly in relation to the setting of National Parks and Areas of Outstanding Natural Beauty; the amenity of nearby communities and individual dwellings; internationally and / or nationally designated sites of ecological importance; statutorily protected built heritage assets; the transport network; noise and reflected light levels; effective decommissioning of the development at the end of its lifetime; and the cumulative effects of existing and consented renewable energy schemes.
    - FW also recognises the urgent need to reverse biodiversity decline and provide an opportunity to promote green growth and innovation to create sustainable jobs, sustain a more resource efficient economy and maintain healthy, active, sustainable and connected communities. Specifically, it identifies BMVAL as a national natural resource under Policy 9.

31. PPW (February 2021) has been updated to align with the requirements of FW. It describes the benefits of renewable and low carbon developments, as part of the overall commitment to tackle the climate emergency and increase energy security. In this context, it explains that the planning system should integrate development with the provision of additional electricity grid network infrastructure, optimise energy storage and maximise renewable and low carbon energy generation. Paragraphs 5.7.4, 5.7.7, 5.7.14, 5.7.15 and 5.9.17 are of most relevance.

32. Additionally, the Environment (Wales) Act 2016 includes a requirement on Welsh Ministers to reduce emissions in Wales by at least 80% by 2050 whereas the Well-being of Future Generations (Wales) Act 2015 (WFGA) is concerned with improving the economic, social, environment and cultural well-being of Wales.

33. At a national level, WG's planning policies and guidance of relevance are also set out in the following:

    - TAN 5: Nature Conservation and Planning (2009)
    - TAN 6: Planning for Sustainable Rural Communities (2010), paragraph 6.2.2.

- TAN 15: Development and Flood Risk (2004)
- TAN 24: The Historic Environment (2017)
- Practice Guidance: Planning Implications of Renewable and Low Carbon Energy (2011)
- Natural Resources Policy (2017)
- WG Minister for Climate Change: Letter to Chief Planning Officers - 'Best and Most Versatile Agricultural Land and Solar PV Arrays' (1 March 2022)

34. Alongside FW, the development plan comprises the Monmouthshire County Council Adopted Local Development Plan 2011-2021 (LDP), which was adopted in February 2014. The most directly relevant policies are:

Strategic Policies

- S10 - Rural Enterprise
- S12 - Efficient Resource Use and Flood Risk
- S13 - Landscape, Green Infrastructure and the Natural Environment
- S16 - Transport
- S17 - Place Making and Design

Development Management Policies

- LC1 - New Built Development in the Open Countryside
- LC2 - Blaenavon Industrial Landscape World Heritage Site
- LC3 - Brecon Beacons National Park
- LC5 - Protection and Enhancement of Landscape Character
- GI1 - Green Infrastructure
- NE1 - Nature Conservation and Development
- EP1 - Amenity and Environmental Protection
- MV1 - Proposed Developments and Highway Considerations
- MV3 - Public Rights of Way
- DES1 - General Design Considerations
- RE3 - Agricultural Diversification
- SD1 - Renewable Energy
- SD3 - Flood Risk
- SD4 - Sustainable Drainage

35. The following Supplementary Planning Guidance (SPG) is also relevant:

- Monmouthshire Renewable Energy and Energy Efficiency: Supplementary Planning Guidance (March 2016)
- Green Infrastructure: Supplementary Planning Guidance (April 2015)

The Applicant's Case

36. The case for the applicant is largely set out in its Planning Statement (PS) (January 22) [DOC 04], as updated by the Cover Letter to Variation & Regulation 15 Submission (May 22) [DOC 28], the Applicant's Response to Regulation 15(2) Request for Further Information (May 22) [DOC 29], Response to Inspector's Request for Further Information: Best and Most Versatile Agricultural Land (May 22) (DOC 30), Collaborative Benefits Report (May 22) [DOC 32] and Applicant's Response to Representations (May 22) [DOC 33] which summarise and refer to other reports and assessments. Although the development was not considered to be EIA Development, the application was accompanied by a number of assessments which consider environmental impacts. The summary below represents an overview of the applicant's case. Further detail may be found in the relevant reports and, where material/relevant, in the 'Appraisal / Main Issues' section of this report.

Principle of Development and Planning Policy

37. The applicant cites FW Policies 17 and 18 as providing the Framework for determining renewable energy DNS schemes in Wales. They demonstrate WG's strong support, in principle, for renewable energy projects to meet Wales' international commitments and its target of generating 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency. The applicant emphasises that Policy 17 indicates that decision-makers must give *'significant weight'* to the urgent need to meet that target, while recognising that all proposals should demonstrate that they would not have an unacceptable adverse impact on the environment.

38. According to the applicant, the proposed 32MW solar farm would generate approximately 32GWh of electricity per annum, enough to power approximately 8,093 homes and offset around 14,080 tonnes of carbon emissions each year. The revised scheme would also provide a biodiversity net gain of 11.28% (habitat units) and 19.30% (hedgerow units).

39. The PS and associated submissions explain how, in the applicant's view, the proposal complies with Policy 17 and satisfies the assessment criteria contained within Policy 18. On that basis, the applicant considers that the proposal is supported by national policy and would contribute toward achieving decarbonisation and climate-resilience, one of the key national priorities for Wales. The applicant also considers that it would comply with paragraph 1.2 of PPW, which identifies PPW's primary objective as being to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the WFGA. The applicant further maintains that, in reducing reliance on energy generated from fossil fuels, the proposal would actively facilitate the transition to a low carbon economy, thereby contributing towards the WFGA goals of building a globally responsible, prosperous and resilient Wales.

40. In the applicant's view the up-to-date national policies set out in FW and PPW are more directly relevant and carry greater weight in assessing this DNS application than the 2014 LDP. Nonetheless, the applicant considers that the LDP policies also broadly support the principle of renewable energy development. The most relevant LDP policies have been set out above and the applicant explains, within its PS, why it considers the proposal complies with those policies and the LDP, when considered as a whole.

Landscape Character and Visual Impact

41. The application is supported by a Landscape and Visual Appraisal (LVA) (May 2022) [DOC 18]. It finds that the introduction of the proposed development would locally alter the existing agricultural landscape of the application site during the project's 40-year lifespan to a landscape comprising a solar farm with associated infrastructure, mixed

agricultural land use and new hedgerow and tree planting, after which the temporary solar arrays would be removed and the agricultural land reinstated. During the operational period, the development would initially have a moderate adverse landscape effect on the characteristics of the application site. However, mitigation planting would help screen the lower elevations of the proposed development and, from the medium term (5 years onwards), the landscape effect would reduce to moderate/minor adverse as the hedgerow and trees mature.

42. According to the LVA, the solar farm located over the 70.17ha sited would directly affect Landscape Character Areas (LCA) 39: Raglan Hinterland and LCA 53: Northern Hills that there would be only c.31.83ha of the landscape under the solar arrays or associated development. It finds that the development would result in a localised direct moderate adverse landscape effect within c.2km of the site, that would reduce in the medium to long term to a moderate/minor adverse effect and a minor adverse effect across the wider extents of these landscapes. The LANDMAP aspect areas assessed would experience minimal and temporary changes which would result in a minor adverse to no change/minor beneficial landscape effect.

43. In terms of designated landscapes, the introduction of the proposed development would indirectly affect a small eastern part of the Brecon Beacons National Park (BBNP) and the Blaenavon Industrial Landscape World Heritage Site (BILWHS). During operation, effects on a localised to moderate geographical area of the eastern parts of these designated landscapes would range from minor adverse to no change. It is unlikely that the Special Qualities of the BBNP and the Outstanding Value of the BILWHS would be compromised. The applicant advises that Brecon Beacons National Park Authority (BBNPA) takes a similar view and consider that the proposed development would not compromise the setting or qualities of the National Park [2022-05-18 EXINFOLPA].

44. The applicant submits that throughout the iterative design process, the intent has been to propose a solar array layout that would respond to the nature of the landform and the context of the area. This has resulted in the solar arrays being grouped into three parcels so that the entirety of the development would not be experienced by any visual receptors. The solar arrays are proposed on lower slopes and within the existing field pattern so that they are more visually contained and fit more congruously within the local environment.

45. The LVA finds that the lower elevations of the solar farm and associated structures would be partly contained by the existing mix of hedgerows and trees within the boundaries of the site and surrounding farmland, along with screening by built elements and local topographical variations. The higher elevations of the development would be visible in longer distance views largely to the south, southeast and southwest albeit the effects would be minor adverse during the operational years.

46. The LVA assesses that the application proposal would have the most influence on visual receptors in publicly accessible locations within 1km of the application site, with operational major/moderate adverse visual effects from Viewpoints 1 and 2 along the PROW within the application site. Moderate adverse visual effects are identified from the recreational routes and residential receptors represented by Viewpoints 3, 5, and 6 within 2km. Beyond a distance of c.2km, where the proposed development would be evident in views, visual effects would largely reduce to minor adverse and include effects experienced from The Blorenge (Viewpoints 14 and 15). With reference to the scheme, as varied, the updated LVA advises that the removal of solar panels from two fields (8 and 11) has further reduced landscape and visual impacts and would result in lesser impacts on the PROW.

47. Cumulative effects would be largely limited to localised interactions with the baseline of existing pylon lines and the presence of Manor Farm Solar Park which is c.4.5km to the

north, some within LCA 53: Northern Hills which result in minor adverse cumulative landscape effects on LCA 39: Raglan Hinterland and LCA 53: Northern Hills. Minor adverse to no change cumulative visual effects are anticipated for the majority of visual receptors considered in the appraisal.

48. Mitigation measures are proposed to reduce potential landscape and visual effects. The existing trees and hedgerows around the site would be retained, as far as is practicable. Trees would be introduced along sections of the north-western and southern western boundaries. Hedgerows and infill planting would also be introduced along open sections of the boundaries to help screen inward views and provide additional biodiversity opportunities. The LVA considers that as the mitigation planting becomes established it would help contain elements of the proposed development at lower elevations.

49. Furthermore, at the end of lifespan of the development, the predicted effects would be reversible, following decommissioning and restoration.

50. In support of its case, the applicant cites an Appeal Decision dating from 2014, which relates to a solar farm at Manor Farm, Llanvapley, Monmouthshire (the Manor Farm Appeal) [APP/E6840/A/14/2212987 ref: 2022-05-27 APP EXINFO Appeal_Decision – 373862.pdf]. In that case, the appeal site was also located within LCA53, and the development was allowed on appeal. The applicant advises that the Inspector concluded that the proposed solar development would not have an unacceptable adverse effect on the character of the wider landscape or the visual amenity of the area. By retaining the existing field boundary hedges, it would incorporate the traditional landscape patterns, and screening by topographical features, hedges and trees meant that it would be sympathetically sited within the landscape, such that it would maintain the character and quality of the landscape and would be satisfactorily assimilated into it.

51. With regard to concerns raised by MCC about effects on the landscape, the applicant submits, in its Hearing Statement [2022-07-27 HEARSTAT APP Hearing 2] that it would not be possible to site a large-scale solar installation in the UK countryside without some adverse changes to landscape character. Further that this was acknowledged in an Appeal Decision, dated 18 February 2022, allowing a solar farm on Land north of Halloughton, Southwell, Nottinghamshire (APP/B3030/W/21/3279533) [2022-07-27 – HEARSTAT APP Appendix 2] where the Inspector stated that *'Given their nature and scale, it is inevitable that large scale solar farms may result in landscape harm'* (paragraph 11).

52. Overall, it is contended by the applicant and its LVA that the effects on landscape character and visual impact would not constitute unacceptable adverse impacts on the surrounding landscape, including on the settings of National Parks and AONBs, and that it would, therefore, comply with FW Policies 17 and 18, relevant parts of PPW and LDP policies SD1, GI1 and LC5.

Best and Most Versatile Agricultural Land (BMVAL)

53. According to the applicant's Agricultural Use and Land Quality Survey (AULQS) [DOC 06], subsequently validated by WGDCC, about 32.1ha comprises BMVAL, in this case a mix of Agricultural Land Classification grades 2 and 3a.

54. The main points of the applicant's case regarding the use of BMVAL for the development include:

- Solar Panels have, via the variation to the scheme, been removed from two fields (8 and 11) which form part of a contiguous area of BMVAL, in response to an objection from WGDCC. That objection expressed concerns about the use of BMVAL, a valuable and finite resource, and in relation to potential adverse impacts on soil

quality, particularly during the construction and decommissioning stages of the development.

- The applicant maintains that, given that WGDCC considered c25ha of BMVAL was at issue, as other areas were not practically farmable, the variation to the scheme reduced the amount of BMVAL under panel to approximately 16.8ha. In the applicant's view, reducing the overall area considered by WGDCC to be subject to the protection offered by PPW paragraphs 3.58 and 3.59 to 16.8ha, takes it below the threshold of development of BMVAL for alternative uses which is considered to be nationally significant. [The applicant is referring to the 20ha threshold referred to in part (p) of Schedule 5 to the Developments of National Significance (Procedure) (Wales) Order 2016 and Annex B to Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010), which triggers a duty to consult the Welsh Ministers on a proposal].
- With reference to WGDCC's request in its consultation response for fields 8, 9, 10 and 11 to be removed from the development boundary, in order for it remove its conditional objection, the applicant advises that this would have reduced the scheme to from 32MW to 22MW, with the loss of potential power for about 2,500 homes. Given the fixed costs of connecting to the 132kV network in this part of southeast Wales, the applicant maintains that removing arrays from a further 2 fields would have made the scheme unviable.
- Full weight has been given to protecting BMVAL from development throughout the process, from site selection to proposals for site development and its design. The current proposal reflects multiple iterations, as explained in the updated Alternative Site Search Report (ASSR) (May 2022) [DOC 05].
- The ASSR demonstrates that:

  - The only line where a solar energy project could feasibly connect in this region is the 132kV line which runs north to south between Abergavenny and Pontypool North. A proportion this line is located within the National Park. Future Wales effectively places an embargo on DNS energy schemes within the National Park.

  - There are no appropriate alternative sites that are sequentially preferable to accommodate the development proposal. The only line where a solar energy project could feasibly connect to the grid in this region is the 132 kV line which runs north to south between Abergavenny and Pontypool North. A proportion of this line is located within Brecon Beacons National Park. FW effectively places an embargo on DNS energy schemes within the National Parks.

  - There are no appropriate brownfield sites available within Monmouthshire or Torfaen that can accommodate the proposal and none have been put forward by any consultees or third parties.

  - There are no non-agricultural sites (in their entirety) available that can accommodate the proposal and none have been put forward by any consultees and third parties.

  - The applicant considers that there are no sites comprising lower grade agricultural land (grade 4 or 3b} in their entirety, suitable to accommodate the scheme within the defined search area.

  - 14 potential alternative sites were identified but none represented an improvement when compared to the Application Site, given similar or better agricultural land quality and higher quality environmental habitats that would be potentially harmed by the proposals.

- An assessment of environmental, heritage and physical constraints within the search area to review alternatives for a 32 MW solar farm proposal has found this site to be most suitable. It is noted that the requirements of national policy in respect of BMVAL do not, in themselves, prevent the development of such land.

- The site design has been carefully developed to minimise any potential impacts on BMVAL and these would be further mitigated through best practice soil management plans and ongoing monitoring during construction, operational and decommissioning.

- The development would provide sufficient green energy for 8,093 homes, a significant contribution towards Wales' target of 70% of electricity consumption to be from renewable energy by 2030. This significance is heightened at a local level whereby no new large-scale ground mounted solar schemes have been consented within Monmouthshire in over 5 years. Accordingly, this project represents a very important contribution to decarbonising and tackling the climate emergency at the local level.
- While the presence of BMVAL is acknowledged, the farm is currently predominantly used for livestock grazing with only small areas of the farm dedicated to roots for feeding the livestock. The solar farm would not lead to a reduction in stocking densities in the farm and therefore food production would not be impacted. The grass beneath the panels has been specifically identified to maximise sheep grazing within the site and the solar farm revenue would provide a much-needed shot in the arm through diversification, supported by national policy and the National Farmers Union for Wales
- The development is fully reversible, the underlying land quality would not be affected and the land could continue to be used for grazing for the life of the solar farm. The applicant confirms that the land would be used for sheep grazing should the solar farm be constructed and it would therefore continue in agricultural use.
- A further report commissioned by the applicant at the variation stage, entitled Response to Inspector's request for Further Information: Best and Most Versatile Agricultural Land (May 2022) [DOC 30], submits that, provided construction and subsequent decommissioning were carried out properly as controlled by appropriate conditions, the finite BMVAL resource would be protected and preserved.
- In terms of the utilisation of natural resources, production of energy from solar panels is far more efficient than other forms of energy production from cropping the land. Ground mounted solar schemes represent a prudent and efficient use of agricultural land in comparison to the energy output from biofuels.
- The applicant again refers to the Manor Farm appeal decision (cited above), which allowed the construction of a 10MW solar farm at Manor Farm, Llanvapley, Monmouthshire. According to the applicant, the decision notes how the majority of the land at Manor Solar Farm falls within the definition of best and most versatile land [paragraph 30], with the Inspector finding that the '*temporary nature and reversibility of the scheme would conserve the land quality resource for the future'.* [Paragraph 37]. It then goes on to conclude that, insofar as there is conflict between the development and BMVAL, it warrants little weight in the balance of arguments in comparison with other developments more harmful to the land.
- Attention is also drawn by the applicant to the recently completed A487 Caernarfon and Bontnewydd Bypass scheme in North Wales. The applicant advises that the Examination Report identified that the new road would result in the loss of c.33 ha of BMVAL and an additional 48.7ha would be temporarily lost due to construction. The Inspector notes how mitigation measures put in place by the applicant (WG) would ensure that agriculture land that would be temporarily lost due to construction would

not be compromised in the long term. The Applicant asserts that the principle of the WGDCC's objection over the construction impacts of solar cannot be sustained. The construction impacts of a solar farm are significantly less in comparison to the construction of a new road. The applicant therefore submits that WGDCC's criticism of the solar park construction and restoration process are clearly without merit, as WG has previously accepted that heavy engineering projects would not compromise the BMVAL resource in the long term [paragraph 2.30 Applicant's Response to Regulation 15(2) Request for Further Information (May 2022) DOC 29].

- The applicant notes that, following the variation to the proposed development, WGDCC withdrew its objection and confirmed that "*the Application is policy compliant with PPW 3.58 and 3.59."* [2022-07-15 REPS2 014 DCC]. WGDCC's withdrawal letter included an appended report (the report) from its soil expert. Quoting the report, the applicant advises that it agrees that any development can lead to damage to soils '*where there are already poor practices in place and the rights skills and experience are not available to identify both the issues and the required remedial actions'.* However, the applicant maintains that a planning condition securing a soil management plan, as per a suggested condition within the report, would enable the risk of soil damage from the proposed development to be properly managed [2022-07-27 – HEARSTAT APP Hearing 3].

Residential Visual Amenity

55. The applicant refers to criterion 2 of FW Policy 18 which indicates that there should be no unacceptable adverse visual impacts on nearby communities and individual dwellings. As already established the local area is largely agricultural in nature with scattered individual dwellings and farmsteads. The LVA assesses that the proposal would have the most effect on visual amenity within about 1km of the site. The applicant advises that the design, which responds to the nature of the landform and context of the area, has resulted in the solar arrays being grouped into three parcels so that the entirety of the development is not experienced by any visual receptors. The applicant advises that, owing to the low-lying nature and scale of the proposed solar arrays (c. 2.8m in height) and their proposed location upon lower elevations of fields with mature hedgerows, some reaching 4-6m in height, beyond 250m views would not be significant or overwhelming or visually intrusive from residential properties.

56. An accompanying Residential Visual Amenity Assessment (RVAA) considers the potential impacts on private residences within close proximity of the site. Although within 250m of the site, two residential properties Fedw-Isaf and Little Tresaison Cottage were scoped out of the RVAA as intervening trees, vegetation or landform would result in there being either no or very limited views of the development.

57. The RVAA goes on to assess effects on the four remaining properties within 250m of the site, Great House Farm and Ty Carew, whose owners are financially involved in the development proposal, along with Great House (a Grade II* listed property) and a cluster of properties at Upper Court Farm. The RVAA found that the visual effects were moderate/minor adverse in relation to Great House Farm and Ty Carew, moderate adverse, in relation to Great House, and minor adverse in relation to the Upper Court Farm cluster. However, the RVAA concluded that the visual effects were not significant enough to meet the 'Residential Visual Amenity Threshold'. In other words, those properties would not be impacted to such an extent that the scheme would be considered overbearing, dominant or overwhelming and result in unacceptable effects on living conditions. There is no individual 'right to a view' in planning law and beyond 250m, views are not considered to be significant or overwhelming, overbearing or overly intrusive from residential properties.

58. Consequently, the applicant's RVAA considered that the proposed development would not conflict with criterion 2 of FW Policy 18 which requires there to be no unacceptable adverse impacts on individual dwellings or nearby communities.

Ecology

59. The application was supported by several environmental reports including an Ecological Impact Assessment (EcIA) [DOC 11]: an Ecological Design Strategy (EDS) [DOC 10]; a Shadow Habitats Regulations Assessment (SHRA) [DOC 25]; and a Net Gain Assessment (NGA) [DOC 19], all of which were updated in May 2022 to reflect the variation to the scheme. The EcIA and SHRA refer to six internationally designated sites, all Special Areas of Conservation (SAC), within 15km of the application site. The closest is the River Usk SAC, located 0.86km to the south-southwest. There are also eight Sites of Special Scientific Interest (SSSI) within 5km of the site. In relation to these sites, the documentation indicates, that the application site has hydrological connectivity (via field drains that join the Ffrwd Brook which, in turn, enters the River Usk) with the River Usk SAC and the River Usk (Lower Usk) SSSI, with potential ecological connectivity restricted to otter, as a drain on the northern boundary of the application site is assessed as offering suitable habitat for otter. Although it is further away, there would also be potential ecological connectivity with the River Usk (Upper Usk) SSSI, again because of the movement of otter.

60. Potential ecological connectivity with the Usk Bat Sites SAC is also found, as it is possible that lesser horseshoe bats associated with the SAC could forage within the application site. However, the EcIA advises that lesser horseshoe bats have a 'core sustenance zone' of 2km and that, as there would be no development within 2km of known lesser horseshoe bat roosts and there are not routs recorded in accessible buildings within 250m of the application site, it is not therefore considered an important foraging ground for the species.

61. Consequently, allied with the implementation of recommended measures, the EcIA has determined that there would be no significant adverse effects on any designated nature conservation sites as a result of the development.

62. The EcIA advises that there are no non-statutory sites present within or adjacent to the application site. There are three Sites of Importance for Nature Conservation (SINC) within 2km of the boundary. However, the applicant advises that no hydrological connectivity exists, as all three are located upstream of or away from the site drains, Ffrwd Brook and the River Usk. None of the SINCs are designated for mobile protected species. As a result, the applicant's EcIA considered that there are no pathways for potential impacts on these sites from the proposed development.

63. A total of 14 habitat types were noted within the ecological study area during the Extended Phase 1 Habitat Survey undertaken in 2020. During the survey visits, these habitats were assessed for their potential to support protected and notable species. Overall, the site was considered to be of relatively low ecological interest in habitat terms.

64. The EcIA advises that construction of the proposed development would occur primarily over improved grassland and that from the survey findings and impact assessment conducted, it is considered that the proposed development would be likely to have no significant adverse effects on local wildlife. However, precautionary and mitigation measures have been outlined to reduce any potential for effects upon local ecology.

65. In response to concerns expressed by NRW regarding Great Crested Newts (GCN), the proposal was varied to provide a 50m buffer between all development works and Pond 4.

An updated GCN Conservation Plan was also submitted [Appendix D to GCN Survey Report (May 2022) DOC 14].

66. Similarly, the SHRA concludes that the proposed development would not adversely affect the integrity of the Usk Bat Sites SAC or the River Usk SAC, having regard to conservation objectives of these two international sites. It advises that this finding can be taken together with the conclusions of the EcIA, regarding other international designated sites. In this context, the results of the SHRA indicate that the proposed development alone would lead to no significant effects upon any international site, having regard to their qualifying interests and conservation objectives. It also finds that the proposed development would not adversely affect designated sites alone or in combination with other developments.

67. The applicant advises that the EDS encompasses enhancement and compensatory measures to ensure the proposed solar farm would lead to a net gain for local wildlife and ecosystem services, as detailed in the Net Gain Assessment (May 2022) [DOC 19].

68. NRW has since confirmed that it is satisfied that its previous concerns can by overcome by attaching its suggested conditions to any planning permission granted [REPS2 007] . The applicant has accepted the conditions relating to ecology suggested by NRW and MCC, albeit with suggested amendments subsequently broadly agreed.

69. Therefore, the applicant considers that the short-term disturbance resulting from the application proposal would not be significant if the recommended mitigation is undertaken. With the implementation of pre-commencement surveys and the proposed mitigation measures, the applicant holds that there would be no significant negative effects upon protected or notable species during the construction phase or the operational phase of the proposed development.

70. An Aboricultural Impact Assessment (AIA) [DOC 07] indicates that the proposed development would not require the removal of any individual trees. Some hedgerow would be removed to improve visibility at the existing access and to accommodate the installation of access tracks and associated infrastructure. However, the AIA considers that the level of loss would be relatively insignificant when compared with the amount of hedgerow to be planted as part of the proposed development.

71. The submitted EDS and Green Infrastructure and Landscape Strategy [DOC 15] proposes a number of habitat creation and enhancement measures centred around new hedgerows, species-rich grassland, tree and scrub planting, log piles and bird, mammal and invertebrate houses/boxes. With the implementation of these, the applicant maintains that potential of the site to support local wildlife would increase substantially from the baseline and the application proposal would lead to a significant positive effect on a number of protected or priority species during the operational phase.

72. Overall therefore, the applicant contends that the proposal duly accords with the requirements of criteria 3 and 4 of FW Policy 18, which require, respectively, that there are no adverse effects on the integrity of Internationally designated sites and the features for which they have been designated and that there are no unacceptable adverse impacts on national statutory designated sites for nature conservation (and the features for which they have been designated), protected habitats and species. Furthermore, that the biodiversity net gain which would be secured by the scheme represents a significant public benefit in favour of the proposal, thereby complying with criterion 5 of FW Policy 18.

Heritage

73. The application is supported by a Heritage Impact Assessment (HIA) [DOC 17] which considers the potential direct and indirect effects of the proposed development upon

cultural heritage assets and archaeological remains. There are no designated or non-designated archaeological or heritage assets within the application site itself, with the nearest heritage asset being ‘Great House’ (Grade II* listed), located about 100m to the east of the site boundary.

74. There are 27 Listed Buildings identified within the 2km study zone and the Zone of Theoretical Visibility (ZTV) of the proposed development, including six Grade II* and 21 Grade II. In relation to those assets, indirect effects have been assessed as moderate to low on the Grade II* listed ‘Great House’ and, overall, range between low and negligible for all other listed buildings. Consequently, the HIA considers that no specific mitigation is required for the reduction of any visual impacts, but that vegetative planting proposed as part of the green infrastructure plans would help ensure that any visual impacts upon the listed buildings and other heritage assets would be minimal throughout the operational phase of the development.

75. The HIA considers that due to the number of recorded archaeological sites in the surrounding area from the Neolithic period onwards, the application site has a moderate potential for remains from the prehistoric, Romano-British, medieval and post-medieval periods. However, it concludes that residual direct effects upon hitherto-unknown archaeology as a result of the proposed development are anticipated to be low on the assumption that appropriate mitigation measures are implemented, specifically the archaeological programme of works outlining a plan of post-determination test trenching, the usage of ‘no-dig’ methods in any areas identified to be of archaeological significance or sensitivity, and the implementation of a construction stage watching brief.

76. The Blaenavon Industrial Landscape World Heritage Site was identified to lie partially within the 5km study area and the calculated ZTV supporting the LVA. Similarly, the Historic Landscape Area associated with this asset also lies partially within the study area and ZTV. Indirect effects anticipated upon these designated areas were anticipated to be low.

77. There are eight Scheduled Monuments identified within the 5km study zone that are within the ZTV of the proposed development. Of these assets, low indirect effects are anticipated for St Bridget’s Churchyard Cross, while low to negligible indirect effects are anticipated for the Coed y Bwnydd Camp and negligible indirect effects anticipated for the remainder.

78. The HIA identified one Historic Park and Garden within the 2km study zone and within the ZTV of the proposed development. This is Pant y Goitre House for which low indirect effects are anticipated.

79. Cumulative indirect effects upon the wider heritage assets overall are anticipated to be aligned with the ‘minor adverse or lower’ visual effects assessed within the LVA. As such, no significant cumulative visual impacts are expected to occur on any of the surrounding heritage assets.

80. Therefore, the applicant submits that the proposed development complies with relevant legislation, including Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 with regard to preserving listed buildings and their settings, and national policy as expressed in PPW and FW and the cultural heritage aspects of LDP policies S13, LC1 and S10.

Noise/Reflected Light/Air Quality and Electromagnetic disturbance

81. In relation to noise, the applicant has submitted a Noise Impact Assessment (NIA) [DOC 20], updated in May 2022. An assessment of the acoustic impact of the proposed development was undertaken in accordance with BS 4142: 2014+A1:2019. with the results indicating that a ‘low’ impact during night-time periods would be anticipated and

that, therefore, no further mitigation is required. In addition, it concludes that the levels at each receptor would be below the Night Noise Guideline value of 40dB set out in the World Health Organisation (WHO) Night-time Guidelines. This is the level recommended for the primary prevention of subclinical adverse health effects related to night noise in the population. The applicant submits that there would, therefore, be no unacceptable impacts by way of noise.

82. In terms of reflected light, the application is supported by a Glint and Glare Assessment (GGA) [DOC 16] which concludes that:

- Solar reflections are possible at 48 of 73 residential receptors within the 1km study area. The initial impacts are 'High' at 22 receptors, 'Medium' at 5 receptors, 'Low' at 7, including one residential area, and 'None' at seven receptors. Upon reviewing the actual visibility of the receptors, glint and glare impacts reduce to 'None' at all receptors (including one residential area) due to natural screening of the site created by existing vegetation and / or landform. Therefore, overall impacts on residential receptors would be none.
- No impact on train drivers or railway infrastructure is predicted.
- There would be no impact on the runways at Abergavenny Airfield. Therefore, overall aviation impacts would be 'none'.

In summary, the GGA finds that there would be no unacceptable impacts by way of reflected light.

83. The applicant also advises that there are no identified defence facilities or operations within the vicinity of the site, and the scheme will not result in any unacceptable impacts on the Mid Wales Low Flying Tactical Training Area (TTA 7T).

84. With regard to air quality, the applicant advises the application site is not located near any Air Quality Management Area (AQMA), as per the Wales Airborne Pollution Map. It is anticipated that the development would introduce some additional road traffic and dust from construction during the limited construction period. However, given their scale and nature, the construction impacts would generate only a small magnitude of dust and (Particulate Matter (where particles are less than 10 micrometres in diameter). Planned measures during construction are also intended to control, prevent and minimise dirt on the access route and dust and other emissions during the construction works. Overall therefore, the applicant maintains that there would be no unacceptable adverse impacts on air quality.

85. Similarly, the applicant advises that the development would accord with relevant Electric and Magnetic Fields exposure guidelines and recommendations, as detailed within paragraph 6.37 of the PS.

86. Therefore, the applicant considers that the development would accord with the relevant requirements of criteria 7 of FW Policy 18.

Transport

87. The application is accompanied by a Construction Traffic Management Plan (CTMP) (May 2022) [DOC 09]. It confirms that the haulage route for deliveries to the site is likely to be via the A40 and B4598 before travel for about 0.7km along a local access road to the site.

88. According to the CTMP, increased volumes of traffic would be generated by the proposed development during the anticipated six-month construction period. However, the overall volumes would be relatively low with a total of 671 Heavy Goods Vehicle (HGV) deliveries to the application site. During the peak construction period there would

be an approximate maximum of 15 daily HGV deliveries. Pre- and post-construction condition surveys of the local road from the access point to its junction with the B4598, would be conducted with the applicant liable to repair any damage to the road that is directly attributable to the construction process.

89. The applicant advises that during the operational phase, the activities on site would amount to servicing and maintenance of plant and equipment and vegetation management. Traffic impacts from the operational phase of the site would consist of only between 10-15 LGVs per year.

90. On that basis, the applicant holds that the proposed development would meet the requirement of criterion 9 of FW Policy 18, that there should be no unacceptable impacts on the transport network through the transportation of components or source fuels during construction and/or ongoing operation.

Flood Risk and Drainage

91. The application is supported by a Flood Consequence Assessment and Drainage Strategy (FCADS) (May 2022) [DOC 12]. It advises that, according to the TAN15 Development Advice Map, the application site is wholly situated within Flood Zone A, except for a small area within Field 4, which is Flood Zone B. However, this area has been avoided of development and the proposed development is wholly within Flood Zone A. Therefore, in accordance with TAN15, the application site is situated in an area that is at little or no risk of fluvial or tidal/coastal flooding. Consequently, a justification test is not required for this proposal. However, a Drainage Strategy is provided to demonstrate that the proposal would not increase flooding elsewhere.

92. In addition to fluvial and coastal flood risk, NRW also provides surface water flood maps. This indicates that the small watercourse to the north of Field 1, 3 and 4, as well as the watercourse which dissects Fields 10 and 11 have some minor flood risk issues, however they are contained within the watercourse's banks.

93. Where the NRW map demonstrates areas of surface water risk, the topographical survey, as well as aerial maps, were studied to determine if there will indeed be surface water flooding within the application site. The watercourses where the surface water issues are located did not appear to have any evidence of out of bank flooding during the site visit. The topographical survey also shows they are well defined and have a gradient which would clearly move water through the watercourses and away from the development. There is no electrical infrastructure within 8m of these two watercourses with potential surface water flood risks, only tracks and fencing.

94. It has been demonstrated that the application proposal's impact on surface water runoff is minimal due to the small amount of impermeable infrastructure (0.44% of the overall application site area) proposed for the application site.

95. For the solar arrays, it is proposed to construct eight soakaway channels/filter drains as well as swales and detention basins within the site. The location of the channels have been chosen to intercept flows before they enter the existing drainage system surrounding the site. Some of these channel's feed into small detention basins which would act as attenuation devices. These would be sized separately during the detailed design stage.

96. The soakaways would provide some storage capacity, however, would mostly be used to convey surface water to the attenuation devices and discharge points. There is one larger soakaway area proposed within Field 3 and various swales which would provide attenuation.

97. Due to the large area of the Grid Substation, and the dispersed nature of the impermeable development of the other components of the proposal, drainage schemes for these have been designed separately. It is proposed that surface run-off will be collected and conveyed by the provision of filter drains to a detention basin. The discharge point would be into the existing site field drainage to the northwest of the detention basin.

98. Additional drainage measures to be implemented on-site include the following:

• Solar Panels: current grass cover would be retained or reinstated adjacent to and under panels in order to maximise bio-retention;

• Access Tracks: access tracks are to be unpaved and constructed from local stone. Temporary swales or similar would be utilised to collect runoff from access tracks with discharge to ground through percolation areas. Where swales are utilised, frequent checks of dams formed from gravels and other excavated material should be undertaken; and,

• Transformer Stations: the scale of these types of structures is unlikely to warrant a formalised drainage system. Runoff from this infrastructure and any associated hard standing should be directed to a percolation area for discharge to ground. Should surface water accumulate around any of these locations then a simple soakaway can be constructed to allow water soak into the underlying subsoils.

99. The applicant submits that the FCADS demonstrates that the application proposal would not increase flood risk away from the application site during the construction, operation and decommissioning phases. It is, therefore, considered to be acceptable in planning policy terms and in compliance with LDP polices S12, SD3 and SD4.

Benefits of the Project

100. The projected benefits that would be associated with the proposed development are detailed in the applicant's Collaborative Benefits Report (May 2022) [DOC 32]. In summary they are:

• Energy generation output capacity of circa 32GWh per annum, which would generate the equivalent to the domestic electricity requirements of 8,093 homes based on annual average household consumption.

• Potentially offset around 14,080 tonnes of carbon emissions each year, the equivalent of taking approximately 10,537 cars off the road each year.

• Opportunity for local Council or communities to invest in the project.

• Community Benefit Fund of £74,000 as a one-off payment upon commissioning of the solar farm.

• Local economic impact of up to 175 jobs created or safeguarded during the installation phase and a further 2 maintenance jobs during the 40-year operational phase, generating up to £5 million in GVA.

• Contribution to local services and infrastructure through the payment of around £110,000 in business rates per annum.

• It is estimated that during the 6-month construction phase, the 80 construction employees could spend almost £570,000 at local businesses supporting the 770 accommodation, food & drink and retail businesses that operate within Monmouthshire.

- Extensive management of grassland, woodland, ponds and sympathetic management of hedgerows and field margins that would provide benefits to an abundance of wildlife, as well as Phase 1 Habitats and protected and key species.
- Overall net gain of 19.30% for hedgerow habitats on the site.
- Overall biodiversity net gain of 11.28% for habitats, with the main gains coming from the conversion of agricultural grassland to higher value habitats such as wildflower meadows, wild bird seed mixes and grassland.

Conclusions

101. The applicant submits that the selected site is appropriate in that it can accommodate the proposed 32MW solar scheme without significantly affecting the special landscape character of the surrounding area or nearby public amenity spaces. Moreover, the applicant holds that the proposal is considered to be acceptable within the open countryside as it represents a diversification of use of a proportion of land within a single wider agricultural holding. The applicant points to the strong support offered in FW and PPW to renewable energy schemes, as energy generation is of national significant and there is a recognised need to optimise renewable energy generation to meet identified targets, including for Wales to generated 70% of its electricity consumption from renewable energy by 2030 (PPW paragraph 5.7.14).
102. The use does not represent 'permanent' development; instead, the land would be restored back into the same quality of Best and Most Versatile Agricultural Land at the end of the lifespan of the development, whilst the existing agricultural use of grazing livestock could continue. The temporary and reversible nature of the development, together with the measures that are to be taken to enhance and encourage the ecological diversity of the site, would ensure that in the long term the site could not only be restored to its current land quality, but would also see improvements in biodiversity.
103. The scheme has been amended in response to comments made following acceptance of the application and has involved the removal of panels to facilitate reduced direct impact upon BMVAL and to increase the set back of the panels from PROW and sensitive ecological receptors.
104. Overall, the applicant submits that the proposals are entirely suitable to the site and its surroundings and consistent with national and local planning policy and all relevant material planning considerations.

Local Impact Report (LIR)

MCC's LIR was prepared and received prior to the subsequent submission of the Variation and Further Information supplied by the applicant. Some of the applicant's reports referred to within it have since been updated.

105. The LIR includes a description of the site and context, its planning history, relevant national and local policies and guidance, and an analysis of the likely impact of the development in relation to: visual and landscape impact; agricultural land classification; highways; ecology; historic environment; residential amenity; social, environmental and economic effects; water and drainage; and PROW. It also suggests planning conditions, in the event that permission should be granted, and planning obligations, if considered necessary. The main points are summarised below.

Visual and Landscape Impact

106. The proposal sits within a sensitive landscape identified by LANDMAP as of high and outstanding value across the visual and sensory, historic, cultural and geological aspects. It also straddles two Landscape Character Areas (LCA 53 Northern Hills and

LCA 18 Ragland Hinterland). The landscape comprises an undulating complex of hills interspersed with broad shallow valleys and drained by wooded streams and tributaries. The area is representative of the Monmouthshire landscape in its character, has a high scenic quality and strong sense of place arising from its traditional rolling patchwork of fields, hedgerow, trees and small copses with treelines typically bordering the numerous streams. Overall, the landscape has an unspoilt character and maintains its integrity with settlements limited to small linear hamlets and scattered farmsteads and houses interconnected by a network of narrow winding roads.

107. The applicant's LVA [DOC 18] analysis has been thorough. MCC notes the LVA's findings that the development would have a moderate adverse landscape effect on the characteristics of the application site but that, as tree planting becomes established, for lower elevations of the site the landscape effect would reduce to moderate / minor adverse. It also refers to the LVA findings with regard to visual effects, concluding that these would be likely to be major / moderate in localised views from PROW within the application site, but that in views from beyond 1km they would reduce to minor adverse. The applicant's Green Infrastructure and Landscape Strategy [DOC 15], landscape planting plan and proposed aftercare are broadly acceptable.

108. Nevertheless, given the sensitivity of the landscape, as described above, the nature and scale of the proposal, over a site of some 70ha with about 31ha to be occupied by solar panels and associated development, would result in a significant visual intrusion and an adverse change in the character of the landscape both during construction and operation. The LIR also contends that the development, sited on rising land, would be highly visible in multiple directions both locally and in more distant views and that it would create an urbanising presence within a rural and unspoilt landscape that would last for a generation. Moreover, proposed visual impact mitigation would not be highly effective in the short to medium term in reducing the moderate adverse impacts.

109. However, the LIR accepts that *'the moderate negative impact upon landscape character'* would need to be balanced against the permanence of the development, its potential reversibility and the policy support for provision for renewable energy.

Agricultural Land Classification/BMVAL

110. The LIR refers to the applicant's ASSR which sets the search sequence and site selection process that has been undertaken. The ASSR assessed 14 alternative sites and reached a number of conclusions including that: there are no appropriate brownfield sites available to accommodate the proposal within Monmouthshire and Torfaen; there are no non-agricultural sites available (in their entirety) that could accommodate the proposal; and, there are no sites comprising lower grade agricultural land (grade 4 and 3b) in their entirety, suitable to accommodate the scheme within the defined search area. It also notes the ASSR's advice that although the proposed site is classified as 46% best and most versatile agricultural land (grade 2 and 3a), there is no delineation between, or boundaries separating, this higher quality land from the grade 3b and 4 land. The ASSR, therefore, concludes that the fields applicable to this application are managed on the basis they are not best and most versatile land. The LIR refers to supporting information noting that the land's existing agricultural function would be maintained through sheep grazing.

111. Paragraphs 3.58 and 3.59 of PPW and the Minister for Climate Change's recent letter of clarification, stressing the considerable that should be given to protecting BMVAL from development are noted. The findings of the ASSR should be considered along with the issue of a solar PV array proposal involving BMVAL and balanced against the weight to be given to the scheme's contribution to renewable energy targets. The LIR also notes

that national policy and guidance advises that both issues should be given significant weight in the determination process.

112. The LIR concludes on this issue that, notwithstanding the above, having regard to the suggested reversibility and limited timescale for the development, the proposal would not result in the permanent loss of this land and, as such, the proposal would have a neutral impact on BMVAL.

Highways

113. The Highway Authority considers that the access and the Construction Traffic Management Plan (CTMP) [DOC 09] provided with the application is acceptable. The major issue is how the developer would mitigate the impact on the immediate local transport network during the construction and decommissioning stages.

114. Subject to an acceptable decommissioning plan and compliance with the CTMP, the LIR considers that the proposal would have a neutral impact upon local and wider road network in terms of highway safety and associated matters.

Ecology

115. The LIR includes detailed summaries of the environmental reports, strategies and survey information submitted by the applicant and comments on their content, approach and proposed mitigation measures. In summary, the LIR advises, as follows:

- It is agreed that the proposals would result in a net gain of priority hedgerow habitat, and the overall connectivity of the site would be enhanced as a result. Furthermore, the proposed species for planting and management schedule are deemed appropriate.
- No lowland mixed deciduous woodland habitat would be lost as a result of the proposal. The woodland located along the northern boundary of the site would be reinforced with native tree planting. No ponds would be lost as a result of the current application. As shown on the 'Site Proposals – Figure 4' drawing, an existing on-site waterbody would be enhanced by providing hibernacula and invertebrate habitats. As a result of the proposals, further priority habitats would be created at the application site, including a traditional orchard and lowland meadows.
- It is agreed that the current proposal would provide net benefit for biodiversity, particularly due to the low quality of the existing grassland currently present across much of the site.
- With regard to protected species, including Crested Newts (GCN), Bats, Otter and Hazel Dormice, it details the applicant's survey findings and proposed mitigation and enhancement measures.
- In order to avoid any breach of the Wildlife & Countryside Act 1981 (as amended), the Outline Construction Environmental Management Plan (OCEMP) should be updated to include provision for pre-works inspections for ground nesting bird species by an experienced ornithologist. Where skylark (or other ground-nesting birds) are observed to be nesting, a suitable buffer between the nest and any construction works should be implemented.
- In relation to the Usk Bat Sites SAC and, specifically lesser horseshoe bats, it refers to the applicant's SHRA's conclusion that the proposed development would *'lead to no significant effects on the SAC, both alone or in combination with other developments.'* The LIR has some reservations about this conclusion, due to the lack of activity survey data from the spring and summer months. However, it notes that, nevertheless, there are no known lesser horseshoe roosts within 2km of the site, and therefore the site is not within the core sustenance zone for lesser horseshoe bats. It also agrees that any

impact would be as a result of the loss of 144.1m of hedgerow, but that this would not have a significant effect on the SAC, as connectivity across the application site would remain intact through networks of retained hedgerow and woodland edge habitat. Furthermore, due to the proposed mitigation and enhancement measures, the site would offer greater value foraging and commuting habitats for a range of bat species, including lesser horseshoe bats.

- In relation to the River Usk SAC and River Usk (Lower Usk) SSSI, it considers that over the longer term, it is accepted that the lower stocking rate and cessation of agricultural activity at the application site would likely have a positive effect on water quality. Ecological connectivity was considered to be restricted to otter only, due to the absence of suitable substrate habitat for the other key features of the SAC. Otter are a notable feature of both the River Usk SAC and River Usk (Lower Usk) SSSI. The only suitable habitat identified for otter is the drain along the northern boundary. No natal holts were recorded but this does not preclude use for foraging or commuting purposes. It notes that measures to mitigate for impacts on otter and water quality during the construction period, measures have been included as part of the OCEMP but that, in line with the recent CJEU ruling (People Over Wind and Sweetman v Coillte Teoranta (C-323/17)), these hazards should be assessed via an Appropriate Assessment.
- With regard to the three SINC located within 2km of the application site, it is agreed that there is no pathway for potential impacts from the proposed development.

116. The LIR concludes on this issue that, subject to a condition requiring a Construction Environmental Management Plan (CEMP) and an Appropriate Assessment (AA), it is considered that the proposed development would have a positive impact on ecology.

Historic Environment

117. There are no designated or non-designated archaeology and heritage assets present within the application site, with the Grade II* listed Great House, located c. 100m to the east of the site boundary, being the nearest such asset. It considers that residual direct effects upon known assets would, therefore, be limited. It also refers to the applicant's HIA assessment that indirect effects upon the surrounding heritage assets would be moderate to low on the Grade II* listed Great House, and would, overall, range between low and negligible for all other heritage assets within the calculated ZTV of the proposed development. It finds no reason to disagree with that conclusion.

118. Therefore, the LIR considers that no specific mitigation is required for the reduction of any visual impacts, but that vegetative planting proposed as part of the green infrastructure plans will help ensure that visual impacts upon the listed building and other heritage assets will be kept minimal throughout the operational phase of the development. Given the scale of the proposal it is considered it will likely have some impact on the setting of historic assets but advises that comments should also be sought from Cadw on these matters.

119. The LIR notes, amongst other things, that the HIA advises that the site visit identified the presence of a hollow way (green way) along the southern extents of Fields 5, 6, 7 and 14 as well as a lynchet feature between Fields 1 and 2 and a former footpath through Field 8. The HIA notes that whilst these features have been almost entirely avoided within the development design, where construction elements such as access tracks or cable trenches cross them, it is recommended that these features be subject to archaeological monitoring (watching brief) in order to mitigate possible impacts.

120. Further advice in the HIA referred to is that residual direct effects upon hitherto-unknown archaeology as a result of the proposed development are anticipated to be

low, on the assumption that appropriate mitigation measures are implemented. They include an archaeological programme of works outlining a plan of test trenching, the usage of 'no-dig' methods in any areas identified to be of archaeological significance or sensitivity, and the implementation of a construction stage watching brief, suggested as a condition on any consent.

121. It also states that advice from the Glamorgan-Gwent Archaeological Trust (GGAT), which advise MCC on planning applications, should inform any decision relating to archaeological matters.

122. The LIR concludes that based on the information submitted and providing it is demonstrated that the proposed development would not result in irreversible damage, appropriate mitigation measures are proposed and a suitable reinstatement plan provided, it is likely the development would have a neutral impact on heritage assets.

Residential Amenity

123. The LIR advises that MCC agrees with the conclusions of the applicant's RVAA that, owing to the low-lying nature and scale of the proposed solar arrays (c. 2.8m in height) and the proposed location upon lower elevations of fields surrounded by mature hedgerows, some reaching 4 – 6m in height, potential significant effects would be limited to those properties within 250m of the site boundary. The development would have moderate adverse to minor adverse effects upon four residential properties. The solar arrays and associated plant and fences would be visible to varying degrees from each residential receptor but not to a significant degree.

124. In terms of noise, a total of 24 dwelling and 20 PROW Noise Sensitive Receptors (NSRs) were included in the Noise Impact Assessment {DOC 20] submitted with the application within a study area of 500m around the application site. Solar farm noise emissions are relatively low when compared to other industrial developments and noise from them will be negligible beyond 500m.

125. The assessment of the acoustic impact of the proposed development was undertaken in accordance with BS 4142: 2014+A1:2019. The results showed that a low impact at all dwelling NSRs during night-time periods is anticipated and therefore no mitigation is required. In addition, a low impact on PROW NSRs during the day-time periods is anticipated and therefore no mitigation is required. In addition to this, the levels at each receptor are below the Night Noise Guideline value of 40dB set out in the WHO Night-time Guidelines. This is the level recommended for the primary prevention of subclinical adverse health effects related to night noise in the population. As such, no adverse impact from noise is anticipated as a result of the development.

126. Effects of glint and glare and their impact on local receptors has been analysed in detail in the Glint and Glare Assessment (GGA) [DOC 16] and there are predicted to be no adverse effects on residential and aviation receptors. Road receptors are also expected to have low and therefore acceptable impacts.

127. The LIR concludes that subject to conditions requiring a CTMP, limitations on construction hours and a requirement to maintain the hedges at 4-6 metres, it is considered that the proposed development would be likely to have a neutral impact upon living conditions of occupiers of neighbouring residential properties during the operational phase of the development, albeit there could be a negative impact during construction.

Social, Environmental and Economic Effects

128. According to the LIR, while job creation at the local level may be negligible, there is the potential for positive social and economic effects at the local level (as detailed within the

submissions) which would accord with the objectives of the LDP, including the aim of delivering sustainable development albeit that much of the benefit of the proposal would be at the macro scale in addressing the effects of pollution and climate change. In this regard the proposals are considered to have a positive impact.

Water & Drainage

129. The site does not lie within a flood risk area. MCC observes that, given its size and extent, the proposed development would require approval from the relevant Sustainable Drainage Approval Body (SAB) and understands that the developer has already engaged with the SAB.

130. The LIR considers that the development would have a neutral impact in this regard.

Public Rights of Way

131. The LIR refers to public footpaths which run within the application site. Concerns are expressed about the enclosed nature of any sections of footpath that would be fenced-in, which may detract from user enjoyment and affect any future surface maintenance requirements, given that enclosed paths are more likely to become overgrown. It recommends, for example, that any fence/hedge lines enclosing paths be a minimum of 3m apart.

132. However, overall, the LIR considers that these details can be sought by way of condition attached to any consent granted and that the development would have a neutral impact in this regard.

Planning Conditions

133. In addition to the standard conditions relating to time limits and approved plans, the LIR includes several suggested planning conditions which MCC considers should be attached to any consent granted. These include conditions relating to a decommissioning plan, pre- and post-construction condition surveys of the haulage and cabling route, a CTMP, construction hours, boundary treatments, a CEMP, lighting, hard and soft landscaping and green infrastructure.

Consultation Responses

134. Responses were received from statutory consultees and interested parties at consultation and other stages of the application. Following the submission of a Variation to the scheme and the supply of Further Information, relevant consultees and interested parties were re-consulted. The main points in relation to the scheme, as varied, are summarised below. Generally, these focus on the final position of the consultees and interested parties on the current proposal.

Monmouthshire County Council (MCC) [2022-07-15 REPS2 012]

135. MCC advises that its further comments on the scheme, as varied, are confined to the landscape and visual impacts, with the position on other aspects as detailed in the LIR. The main relevant points are summarised below.

136. It notes that the revised scheme involves the removal of solar panels from fields 8 and 11 to reduce direct impact on BMVAL and to increase the set back from PROW and ecological receptors. MCC's comments essentially re-iterate but expand upon many of the points made in the LIR with regard to effects on landscape character and the visual appearance of the areas.

137. With regard to the changes, MCC indicates that from a wider landscape character perspective, related to LCA 39 and LCA 53, the amendments to layout would lessen visual impact on character value from certain viewpoints. It advises that although the

reduction in scale, with the removal of solar panels from fields 8 and 11 is welcomed, it remains the case that the change of character from an agricultural and pastural rural landscape to that of a solar farm with its structural elements and uniform colour blocks would have an adverse visual impact on the unspoilt integrity of the existing landscape.

138. MCC refers to westward views from a lane immediately south of Mount Pleasant which it submits provide an east to west 'length' view of fields 1-4 within the context of Ffrwd Brook corridor. It suggests that, as viewed from this location and nearby residential properties, the impact of development and change in character would be more noticeable. In particular, it suggests that Field 2 is more visually apparent within the landscape from this vantage point and VP 5 (referred to in the LVA), as it rises from 110m AOD to 130m AOD.

139. It also refers to another viewpoint, which is not included in the LVA, further to the north at Ffawydden Cottage on elevated ground rising to approximately 160m AOD. From here MCC indicates that fields 2, 3 and 4 are more visible in what it describes as a panoramic view of the unspoilt Usk Valley.

140. MCC considers that despite the changes to the scheme, it would still result in a significant change in localised views from between 0.5km and 1.5km away. It submits that the scale of the proposed development would create a '*less than acceptable adverse change'* in the character of the natural landscape of Monmouthshire during both construction and operation. With regard to proposed visual mitigation, in terms of planting and landscaping, it holds that this would not be very effective in the short to medium term in reducing the adverse impacts to an acceptable level. Moreover, it indicates that it considers that, at this location, the proposed development would introduce an incompatible use at a scale the would be unsympathetic to the underlying unspoilt landscape character.

Welsh Government: Department for Climate Change (WGDCC) [REP109 & 2022-07-15 REPS2 014]

141. WGDCC initially, in its letter dated 31 March 2022, conditionally objected to the proposed development. It validated the applicant's Agricultural Land Classification report [DOC 6], which identified approximately 32.1ha of land within the site fell into the BMVAL category. However, WGDCC questioned the practicability of farming some of that land and, therefore, considered that c.25ha was relevant and subject to the protection offered by paragraphs 3.58 and 3.59 of PPW.

142. It considered that the proposal had failed to give considerable weight to protecting BMVAL because of its special importance, expressed concerns regarding the applicant's ASSR and noted that the return of the developed land to agriculture as BMVAL is seldom practicable.

143. Consequently, it lodged a conditional objection which it indicated would be withdrawn if the contiguous area of BMVAL in Fields 8, 9, 10 and 11, as identified in section 3.2 of the PS [DOC 4], were removed from the 'red-line' boundary of the application. It indicated that if that area of BMVAL were removed, the application would not then be considered by WGDCC as a matter of national agricultural interest, and it would be for the PEDW Inspector to take a view as to compliance with BMVAL policy for the area of BMVAL within Field 3.

144. Following the Variation to the scheme WGDCC advises, in a letter from its solicitors dated 15 July 2022, that, although it has some specific comments about aspects of the applicant's submissions, *'On balance, taking into account the additional information provided, the DCC has decided to withdraw its formal objection to the Application. This is primarily due to the specific characteristics of the Application, including the volume of*

BMVAL adjacent to the length of the connection assessment area and other nationally recognised designations such as the National Park. The DCC is therefore satisfied that, on the specific facts of the Application as amended by the additional information provided in May 2022, that [sic] the Application is policy compliant with PPW 3.58 & 3.59.' [paragraph 28 which essentially re-iterates paragraph 4].

145. Notwithstanding the above, referring to applicant's submissions, WGDCC notes that:

- *'…it is stated that 16.8ha is below the threshold for BMVAL to be considered nationally significant. This is not agreed. The 20ha threshold provided for in TAN6 (Annex B2) does not change how protective policies should be applied. This is a consultation threshold providing statutory arrangements for Welsh Ministers to be consulted. The loss within the redline boundary is 25ha of BMVAL. 16.8ha appears to refer to the area of BMVAL under panel. This Application remains nationally significant in terms of BMVAL loss. However Welsh Government planning policy is clear that, although BMVAL should be conserved as a finite resource for the future, in specific, exceptional, circumstances BMVAL loss can be policy compliant with PPW.'*
- With regard to the applicant's comments regarding TAN 6, WGDCC considers that, in respect of reversibility, paragraph 6.6.2 states that once agricultural land is developed, even for 'soft' uses such as golf courses, its return to agriculture as BMVAL is seldom practicable. Accordingly, there is a real risk of permanent loss due to the significant construction and decommissioning works associated with this development. It is not possible to recreate BMVAL which is damaged. BMV land is therefore a finite resource, and it is important that this is fully recognised. Hence PPW sets out that BMVAL '*should be conserved as a finite resource for the future'*.
- Regarding the applicant's submission that the solar farm development is temporary, it is the WGDCC's position that this is a generational loss and with a high risk of permanence. It is artificial to assert that the loss for 40 years is not a material loss of the best farmland in Wales, at a time when there is likely to be further pressure on the need for high quality farmland (as set out in the recent Blackberry Lane DNS/3245065 decision by the Welsh Ministers).

146. WGDCC raises various queries about the applicant's updated ASSR (May 2022) [DOC 05] and other questions. It also addresses the applicant's comments on the Minister for Climate Change's letter to Chief Planning Officers dated 1 March 2022.

147. A report from a soils and environmental scientist is appended to WGDCC's letter withdrawing its objection. That report considers the applicant's submissions, including its Outline Soil Management Plan [DOC 23] and its Response to Inspector's request for Further Information: Best and Most Versatile Agricultural Land, (May 2022) [DOC 30]. It expresses various concerns, including doubts about whether proposed construction practises to protect soils would be adhered to as *'construction activities are driven by programmes that are rarely able to account for stand down periods to avoid works during wet ground conditions, and there can be significant pressure to continue activities.'*

National Grid (NG) [REP001]

148. It advises that no National Grid assets are affected in this area.

Health and Safety Executive (HSE) [REP002]

149. It states that the proposed development does not fall within the consultation distances of any Major Hazard Installation or Major Accident Hazard Pipeline.

Glamorgan-Gwent Archaeological Trust Ltd (GGAT) [REP004 & 2022-06-04 REPS2 003)

150. It notes that the archaeological investigation and assessment undertaken to inform the application has included geophysical survey carried out by AOC Archaeology (November 2021), a HIA (January 2022), and most recently that a field evaluation was conducted on the development site by Headland Archaeology (April 2022). GGAT advises that the evaluation was carried out in accordance with current professional standards and noted the presence of *'a complex of linear ditches, located in the north-east corner of the proposed development site. These features are indicative of agricultural land-use [...]The most notably findings was [sic] a discrete pit, located to the west of the proposed development site. This pit contained pottery dating to the medieval period […] likely the feature is the result of transient use of the land during that period.'*

151. GGAT considers it unlikely that further archaeological work would encounter significant archaeological remains. It understands that the current revisions to the application reduce the area of impact of the development and are primarily related to the Ecological Design Strategy and the Green Infrastructure and Landscape Strategy. GGAT does not consider the revisions are likely to have any negative archaeological impact or that there is a need for further archaeological work in relation to the development.

South Wales Fire and Rescue Service (SWFR) [REP019]

152. SWFR advises that a comprehensive fire strategy should be provided which indicates the package of fire safety measures that are proposed and ensure that the risk of a fire occurring is minimised. This should also ensure that any persons using any buildings on the site, can easily escape from those buildings in the event of fire. The developer should also consider the need for the provision of adequate water supplies on the site for firefighting purposes and access for emergency firefighting appliances.

Dwr Cymru/Welsh Water (DCWW) [REP023]

153. DCWW has no objection to the proposed development.

Campaign for the Protection of Rural Wales (Monmouthshire Branch) (CPRW) (REP024)

154. CPRW expresses concerns about:

a) The impact of the proposed development on the landscape and visual amenity of the surrounding area.
b) The likely impact on historic heritage.
c) The probable impact on BMVAL within the site.

155. With regard to landscape and visual amenity, it considers that the applicant's assessment that the proposal would result in a localised moderately adverse landscape effect within about 2km of the site understates the adverse effects to a considerable degree. CPRW submits that a major part of the development is situated on rising land which is particularly open to views from the south-west and north-east. As a result, it would be impossible to mitigate any adverse impact by way of screening. It refers to a significant impact on views of the northern part of the site on the ridge from somewhat higher ground to the north-east where it would appear prominent in the middle distance, dominating views against a backdrop of the Brecon Beacons National Park (BBNP). CPRW advises that there are many public vantage points in this area from both the public highway and PROW, with the country lanes and footpaths used daily by walkers, horse riders, dog walkers and cyclists.

156. CPRW describes the area as a highly valued and much enjoyed landscape serving as a major attraction to residents, visitors and tourists alike in this part of Monmouthshire. It

considers that proposed solar farm, comprising densely packed arrays of solar panels up to 2.8m high and its associated buildings, infrastructure, access roads and fencing would have a significant impact on the landscape character and visual amenity of the area both in the short and middle distance. Therefore, it would not accord with relevant policies in FW and PPW.

157. In relation to historic heritage, CPRW considers that indirect effects upon the setting of the nearby grade II* listed The Great House have been understated in the applicant's PS (para 6.28). It refers to descriptions of this 18th century manor house in two publications which indicate that the setting forms an integral part of the buildings historic value. CRPW consider that the setting would be severely compromised by the nearby arrays of solar panels serving as a backdrop on higher ground to the west and north-west.

158. With regard to agricultural land, CRPW refers to the recent Ministerial Decision relating to Blackberry Lane in Pembrokeshire (Ref: DNS/3245065, dated 27 October 2021) and relevant parts of PPW, which recognise the importance of BMVAL as a finite resource which should be conserved for the future. CPRW also questions aspects of the applicant's site selection process, referring to the cumulative impact of such forms of development on BMVAL in the area.

159. Further, it suggests that construction of a development of the scale proposed is likely to result in a substantial amount of ground disturbance across the site which would be likely to damage the structure of the soil and result in loss of BMV agricultural land, especially given the guidance in TAN 6 that restoring land to BMV quality is seldom practicable.

160. Given the above, CPRW maintains that planning permission should be refused.

161. CPRW subsequently appeared at the hearing session on Landscape / Character and Appearance and submitted a hearing statement [2022-07-26 - HEARSTAT CPRW].

Cadw [REP066 & 2022-07-14 REPS2 005]

162. Cadw advises that it concurs with the conclusions of the applicant's HIA [DOC] 17 that there would not be a significant impact on any of the designated heritage assets in the area. Therefore, it has no objections to the proposal.

Welsh Government: Department for Economy and Infrastructure [REP067]

163. It advises that WG as highway authority for the A40 trunk road does not issue a direction in respect of this application.

Ministry of Defence (Defence Infrastructure Organisation) (MoD/DIO) [2022-08-01]

164. DIO advised that its Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System. It confirmed it had no safeguarding concerns in relation to the proposal.

Gobion Fawr Community Council (GFCC) [REP068 & 2022-07-14 REPS2 008}

165. Due to council boundary changes during the course of the application, the name of the relevant community changed from Llanover Community Council to Gobion Fawr Community Council.

166. GFCC notes that the variation to the proposal removed solar panels from two fields. However, it does not accept that this would make any significant difference to the likely

visual detriment to the landscape, particularly when viewed from higher ground over a mile or more from the application site, including from the lane where the residential properties of Rose Cottage, Ty-Mote, Cefynydd and Ffawydden Cottage are situated. GFCC advise that this road is regularly used by cyclists, walkers (local and visiting) and horse riders who enjoy a panoramic view of the Usk Valley below and a landscape of rolling hills typical of this part of Monmouthshire.

Natural Resources Wales (NRW)

[REP110, 2022-07-14 REPS2 007, and 2022-08-25 APP Confirmation from NRW re conditions, 2022-08-25 APP email from NRW to APP re conditions]

167. NRW expressed concerns about the application in its letter, dated 31 March 2022, in response to the consultation on the application. However, in its subsequent letter dated 13 July 2020, in response to the consultation on the Variation and Further information, it advises that while it continued to have concerns it was satisfied that they could be overcome by attaching its suggested conditions to any planning permission granted.

168. It notes the submission of new and revised information with the varied scheme, along with the revised layout (removing panels from fields 8 and 11) and changes to the submitted Ecological Design Strategy (May 2022) [DOC 10].

169. With regard to Great Crested Newt (GCN), NRW noted, in its initial response, that the application has been progressed on a precautionary basis, assuming the presence of GCN for those ponds for which survey access permission was not granted, including pond 4. NRW has subsequently welcomed that the proposed design of the development has been amended to now provide a 50m buffer between development works and pond 4, as it had previously requested. It also welcomes the revised GCN Conservation Plan (as set out in Appendix D to the revised GCN Survey Report (May 2022)) [DOC 14]. However, it advises that the GCN Conservation Plan requires further amendment, which could be achieved by means of a suitable condition requiring an updated plan be submitted for approval prior to development commencing.

170. In relation to Dormice, NRW notes that no records were returned from the desk study but considers that the site offers good arboreal connectivity, a variety of food and nesting resources for the species and notes that it is located within the known range for dormice in Wales. It welcomes that there would be a 5m buffer between the development and hedgerows along with a conservative approach to any lighting. It considers that the proposed development is unlikely to be detrimental to dormice, subject to the submission of a Dormouse Conservation Plan and a Lighting Plan for approval, both of which could be secured by its suggested conditions.

171. With regard to Bats, NRW welcomed that, following its pre-application advice, further bat surveys were undertaken in the late summer and autumn of 2021. It notes that while the surveys did not find evidence of Greater Horseshoe bats, they did identify that Lesser Horseshoe bats were using the site. NRW welcomes that no trees with potential roost features would be affected by the proposed development and that field boundaries, such as hedgerows, would be largely retained, as these provide valuable habitat for Lesser Horseshoe bats from the nearby Usk Bat Sites SAC. It also welcomes the conservative approach to lighting and notes that a Bat Conservation Plan is included at Appendix E to the EcIA [DOC 11]. It agrees with the applicant's EcIA that there is unlikely to be a significant effect on the Lesser Horseshoe bat featured of the Usk Bat Sites SAC, subject to the application of the Lighting Plan condition already referred to.

172. In relation to Otters, while NRW notes that no evidence of otters was recorded onsite during the field survey and it is unlikely that the site would support natal use by otters, it also noted that otters may occasionally use the drain along the northern boundary of the

site. Furthermore, this drain/ditch would not be beyond the range of otters comprising the otter notified feature of the River Usk SAC. Although NRW considers that the proposed development would be unlikely to have a significant effect on the otter feature of the River Usk SAC, it advises that appropriate mitigation measures should be implemented during the construction and operational phases to ensure that otters could continue to move safely along the ditch and not be otherwise affected by the works by, for example, becoming trapped in excavations or adversely affected by artificial light.

173. NRW also states that pre-construction surveys relating to GCN, bats, dormice and otters, are usually recommended as a matter of good of practice to assess any changes in the ecological circumstances immediately prior to development works commencing. Such surveys are particularly necessary if a period of time has lapsed since the pre-application surveys were undertaken such that they have become out of date (although it has since suggested that these may not be necessary).

174. Returning to the River Usk SAC, NRW advises that, noting the contents of paragraphs 8.32-8.37 of the EcIA and the adopted design principles referred to in section 2.5 of the EDS (now 3.5 of the latest version) and subject to appropriate conditions, it is satisfied that there should be no effect on the River Usk SAC otter feature.

175. NRW notes the amendments made to the updated OCEMP (May 2022) [DOC 21] and considers that the pollution best practice measures listed appear to be adequate to prevent contaminants entering nearby watercourses.

176. NRW agrees with the conclusion of the SHRA that the proposed development would be unlikely to have an adverse effect on the integrity of the Usk Bat Sites SAC or the River Usk SAC, subject to:

- A lighting plan.
- Pre-construction checks for otter resting places in the ditch along the northern boundary of the application site.
- Excavations will be covered securely during construction.
- 7m buffer between development works and the Ffrwd Brook.
- 2m buffer to all field drains.
- Standard best practice pollution prevention measures will be implemented.

177. With regard to HRA, the application site is hydrologically linked to the River Usk SAC via the Ffrwd Brook tributary.

178. In relation to pollution prevention, NRW advises that an appropriately worded CEMP condition (it has supplied a draft condition) could be a way to mitigate potential adverse effects from construction. It suggests that an appropriate assessment would need to be undertaken with the condition cited as means to avoid any identified adverse impacts.

179. In relation to Otter as a qualifying feature of the River Usk SAC, NRW notes the mitigation measures for otters within the application. It advises that an appropriate assessment would need to be undertaken, with these measures conditioned and cited as a means to avoid identified adverse impacts on otters. Therefore, according to NRW, conditions relating to a lighting plan for otter and pre-construction checks for signs of otter resting places in the ditch along the northern boundary could be used to show that there would be no adverse impacts on otters of the SAC, when carrying out the appropriate assessment.

180. With regard to the Usk Bat Sites SAC, NRW advises that there is unlikely to be a significant effect on the Lesser Horseshoe bat feature of the SAC, subject to the application of its suggested lighting plan condition.

181. With regard to effects on landscape, concerns were expressed by NRW in its pre-application response about potential impacts on the Brecon Beacons National Park. Consequently, NRW suggested further mitigation in the form of planting. It now notes that plans have been updated to take account of its previous advice with regard to additional planting and large-growing species. It therefore considers that the proposed landscaping would be acceptable in relation to impacts on the BBNP.

Other representations/interested parties

182. A local community action group, HUSTLE, objects to the proposal on a range of grounds [REP059 HUSTLE objections] including, in summary, in relation to:

- Use of BMVAL and associated concerns about future food security;
- Effects on the character, appearance and scenic value of the rural landscape, as detailed in HUSTLE's submitted Landscape Character & Visual Impact Assessment (LCVIA) [REP059];
- Flood risk; and
- Lack of Community Benefit.

183. HUSTLE was subsequently invited to and attended both Hearing sessions.

184. In addition, there were over 150 other representations from local residents, members of the public and visitors to the area, with the majority objecting to the proposed development on a number of grounds. Letters the local MP and Senedd Member were also received. In summary, concerns include:

- the effect on the unspoilt rural character and appearance of the area, especially given the scale of the development, the gradients of the site and views from nearby elevated public vantage points and residential properties;
- the use and potential loss of BMVAL, a finite resource, suitable for growing arable crops with an associated negative impact on food security, the importance of which has been mostly recently illustrated by the effects of the crisis in Ukraine;
- the use of prime agricultural land in the open countryside when brownfield sites would be more appropriate for such developments;
- negative effects on wildlife and biodiversity;
- disruption on local roads with potential highway safety issues;
- the efficiency of solar power in Wales because of the nature of the climate and its carbon footprint, when compared with other forms of renewable energy technologies;
- whether it would be possible for the land to be returned to agriculture, with its soil quality unaffected, after a period of 40 years and taking account of the effects of construction and decommissioning;
- effects on heritage assets, including the grade II* listed 'Great House';
- negative effects on tourism and PROW;
- increased surface water flooding in the area and potential pollution;
- a reduction in property values in the area;
- effects on aircraft pilots engaged in low-flying military training exercises over the area;
- whether it would set a precedent, if approved, for further solar developments in the area;

- effects on views from nearby dwellings;
- the lack of local benefits;
- the long-term financial stability of the developer and ability to decommission the development; and
- the allegedly inadequate nature of the pre-application consultation exercise carried out by the applicant.

185. Supporters of the proposal:

- refer to the clear need for renewable energy projects, brought into stark relief by the war in Ukraine and the nation's reliance on Russian fossil fuels;
- cite the contribution it would make towards WG renewable energy targets;
- point out that the land could continue in agricultural use with sheep able to graze underneath and around the solar panels;
- see no reason why the land could not be effectively returned to full agricultural use at the end of the 40-year duration of the development;
- maintain that biodiversity on the land would be improved;
- contend that water run-off from the panels would not significantly increase existing surface water run-off from the land;
- refer to a proposed Community Benefit Fund contribution of £74,000;
- Draw attention to the limited visual impact of a nearby solar farm at Manor Farm, Llanvapley; and
- stress the importance of helping the farming industry to diversify and remain financially viable during challenging times.

Matters Not in Dispute Between the Main Parties

186. Although no completed statements of common ground have been submitted, there appears to be broad agreement between the main parties in respect of the principle of development; transport and highway safety; ecology; heritage assets; residential amenity including with regard to noise, disturbance and glint and glare; flood risk and drainage; PROW; and, social, environmental and economic effects.

Appraisal

187. The main considerations are:

- The effect on the landscape character and visual amenity of the area;
- Whether the development would result in a loss of BMVAL;
- The effect on heritage assets;
- The effect on ecology, particularly the special features of the designated SACs, SSSIs and SINCs and protected species;
- The effect on highway safety;
- Whether the development is acceptable in terms of flood risk and drainage;
- The impact on residential amenity; and
- The benefits of the proposal.

Landscape Character and Visual Amenity

188. Together, FW Policies 17 and 18 strongly support the principle of development renewable and low carbon energy from all technologies and at all scales to meet Wales' future energy needs. While they do not preclude large-scale solar developments in the countryside (outside of National Parks and Areas of Outstanding Natural Beauty), they do specify that, among other things, such proposals should demonstrate that they would not have unacceptable adverse impacts on the environment, surrounding landscapes or, visually, upon nearby communities and individual dwellings. That is consistent with PPW which advises that all the landscapes of Wales are valued for their intrinsic contribution to a sense of place and that their distinctive character and special qualities should be protected [paragraph 6.3.3].

189. As already indicated, the application was accompanied by an LVA, which was undertaken in consultation with MCC, BBNP and NRW. It is informed by a ZTV and some 15 representative viewpoints, together with several photomontages to help to visualise the proposed development in the landscape.

190. While GFCC and some local residents refer to an absence of consultation regarding viewpoints, the applicant submitted at the hearing that the viewpoints used to assess and illustrate the LVA were selected in consultation with MCC, were included in the pre-application consultation documents and that no other viewpoints were suggested by GFCC or other consultees at the time. Be that as it may, additional viewpoints (as referred to below) have since been suggested by MCC, GFCC and others, many of which I viewed during my site visit.

191. The LVA assesses landscape and visual effects during the construction, operational and decommissioning phases over the 40-year lifespan of the development. Given that the construction and decommissioning phases are likely to be relatively short, I consider that it is reasonable to focus here mainly on the effects during the operational period.

192. I note that MCC considers that the proposal would have unacceptable adverse effects on landscape and from a significant visual intrusion. Those views are endorsed by GFCC, CPRW (Monmouthshire Branch), a local residents' group (HUSTLE) and in numerous representations from local residents and visitors to the area, although others take a different view. Hustle submitted a Landscape Character and Visual Impact Assessment (LCVIA) [REP059], which considered the scheme before its variation and found that it would have a substantial adverse visual impact and a major adverse effect on landscape character.

193. While the applicant's LVA and an objector's LCVIA reach different conclusions about the degree of landscape change and its effects, the Guidelines for Landscape and Visual Impact Assessment (3rd editions, April 2013), acknowledge that such reports inherently involve a professional subjective judgement, albeit generally framed within a stated but self-developed objective methodology. Therefore, differences of opinion between landscape professionals in relation to the same project are not necessarily surprising. Although, I acknowledge and have carefully considered the content of both assessments, I have reached my own conclusions based on the written submissions, oral evidence given at the Hearing session and observations made during my site visit.

Landscape Character

194. The application site comprises 14 agricultural fields delineated by hedgerows and individual trees over an undulating landscape, ranging from about 61m to 140m AOD, with the higher areas found in the western part. A line of electricity pylons crosses the site from roughly north to south. The site is set within a wider, predominantly settled, rolling rural valley landscape of fields with some pockets of mixed woodland. The A40

and the River Usk are located about a kilometre to the south with hills and upland areas of predominantly open moorland to the west and southwest, including the Blorenge at 552m AOD within the Brecon Beacons National Park (BBNP).

195. The site is not located within a statutorily protected landscape designation of national importance, such as a National Park or an Area of Outstanding Natural Beauty. However, it does lie within National Landscape Character Area (NLCA) 31 Central Monmouthshire and two local Landscape Character Areas (LCAs), with the western part within LCA 53: Northern Hills Upper Tamar and Ottery Valleys and the eastern part within LCA 39: Raglan Hinterland. MCC has assessed the scheme through the lens of the Monmouthshire Landscape Study (2001), which identifies key qualities of the LCAs, as supplemented by LANDMAP information. LCA 53 comprises a domesticated open farmland of undulating hills and valleys that is representative of the Monmouthshire landscape and is characterised by its unspoilt nature comprising settlements limited to small linear hamlets and scattered farmsteads and houses connected by a network of narrow winding roads. Similarly, key qualities of LCA 39 are stated as including its gently rolling, domesticated, mixed arable and pastoral lowland, which is generally unspoilt with little new development. The applicant's LVA considers judging their susceptibility and value, the overall sensitivity of these LCAs to be high. MCC takes a largely similar view of that baseline, as does the LCVIA submitted by HUSTLE.

196. Having established the landscape baseline, the applicant's LVA considers that, during the operational period, the proposed development would initially have a moderate adverse landscape effect on the characteristics of the application site. As proposed mitigation planting would help to screen the lower elevations of the proposed development, the LVA finds that from the medium term (5 years onwards) the landscape effect would reduce to moderate/minor adverse as the hedgerow and trees mature.

197. The LVA acknowledges that the proposed development would directly affect LCA 53 and LCA 39, as it comprises a solar farm on the 70.17ha site but with only c.31.83ha under solar arrays and associated infrastructure (fenced areas and tracks between). It considers that the magnitude of change would be medium locally and that this would result in a localised direct moderate adverse landscape effect within c. 2km of the site, reducing in the medium to long term to moderate/minor adverse with a minor adverse effect across the wider extent of these landscapes.

198. In contrast, MCC considers that, notwithstanding the reduction the scheme with solar arrays no longer proposed for fields 8 and 11, the change of character from an agricultural and pastoral rural landscape to a solar farm would have an adverse effect on the landscape's unspoilt quality. That view is supported by GFCC, CPRW and HUSTLE's LCVIA, which considers that the proposed development would have a major adverse effect upon the landscape character. While the generally the generally unspoilt nature of the rural landscape is acknowledged, there are two lines of pylons in the area, including one crossing the site, while the A40 road lies less than 1km to the south of the site.

199. The applicant has drawn my attention the nearby Manor Farm Solar Farm (also located in LCA53) which was approved on appeal in October 2014 (APP/E6840/A/14/2212987) [2022-05-27 APP EXINFO APPEAL_DECISION], In particular, the applicant notes that the Inspector concluded that the proposed development would not have an unacceptable adverse effect on the character of the wider landscape or the visual amenity of the area and that by retaining existing field boundary hedges, it would incorporate traditional landscape patterns, while screening by topographical features, hedges and trees meant that it would be sympathetically sited within the landscape and satisfactorily assimilated into it (paragraph 28). At the hearing it was suggested that the

topography of solar farm at Manor Farm differed from the application site. However, the applicant maintained that the AOD levels were not dissimilar.

200. Similarly, in this application, although the internal character of the agricultural fields under solar arrays within the application site would change, as acknowledged in the LVA, the field pattern and landform would remain largely unaltered, with existing field hedgerow boundaries mostly retained and enhanced by additional mitigation planting. While, again as accepted in the LVA, such planting would do less to screen areas at higher elevations, the solar arrays are mainly proposed on the lower slopes of the site, within the existing field pattern, and are grouped in three distinct and discrete areas of the site which would mitigate effects on the landscape.

201. With regard to designated landscapes, BBNP and Blaenavon Industrial World Heritage Site (BILWHS) are located over c.3km to the north and west. While the proposed development would indirectly affect a small eastern part of the BBNP and the Blaenavon Industrial World Heritage Site (BILWHS), the LVA assesses the effects as minor adverse to no change effect during operations. I note that NRW considers the scheme to be acceptable in terms of potential landscape effects on the BBNP, while BBNPA agrees that it is unlikely that the special qualities of the BBNP and the outstanding value of the BILWHS would be compromised. I see no persuasive reason to disagree with those assessments.

202. Mitigation measures are also proposed to reduce potential effects on the landscape, which include retention of existing trees and hedgerows, as far as is practicable, and new trees along sections of the north-western and south-western boundaries, with hedgerows and infill planting along other boundaries to help screen inward views and provide additional biodiversity opportunities. Once established over time these measures, which could be secured by condition, should reinforce existing field boundaries and reduce landscape harm. Moreover, much of the site would continue in agricultural use.

203. Given the above factors, I conclude that in the medium to long term (between year 5-40) the proposed development would result in, at most, a moderate adverse effect on landscape character experienced locally within c.2km of the site, which should reduce over time, as mitigation planting becomes more established. There would be lesser effects across the wider extents of the LCAs. That is broadly in accord with the findings of the applicant's LVA. Similarly, the LANDMAP aspect areas would be subject to minor adverse effects at worst. I am also conscious that, although the proposed development would have a significant 40-year lifespan, ultimately it would be temporary and reversible.

Cumulative Effects on Landscape Character

204. In terms of cumulative landscape effects, MCC refers to the effect of the scheme when considered in combination with the existing pylons that cross the site. However, cumulative impacts are normally understood as effects of a proposed development when considered in combination with other existing or consented similar development in the area. Indeed, LDP Policy SD1 – Renewable Energy and FW Policy 18 endorses that approach indicated that cumulative impacts will be an important consideration *'where there are other renewable energy schemes currently operating in the area*.'

205. The 24ha solar farm at Manor Farm to the north-east is about 4.5km away from the proposed development while there is also a small wind turbine (17.7m to tip) at Main Farm House, c.3.5km northwest of the site. The applicant's LVA advises that there would be sufficient distance between the two solar developments to prevent them becoming a key characteristic of the landscape. Moreover, the proposed development would not be seen in combined, sequential or successive views from within LCA 53, as

a result of the distance, and screening from intervening landforms and vegetation. That is supported by the fact that Manor Solar Farm is outside the ZTV, illustrated in Figure 7 of the LVA. The applicant advised in its hearing statement that it is not aware of any subsequent submitted applications for solar farm or wind turbine developments in the immediate area. Overall, therefore, I conclude that any cumulative adverse landscape effects would be minor.

Visual Effects

206. As the ZTV (Appendix A, Figure 7 of the LVA) was based on 'bare earth' topography, it illustrates a 'worst-case' scenario. That is because it does not take account of potential screening resulting from the undulating nature of the landscape and vegetation in the surrounding area. The ZTV indicates theoretical visibility is largely focused within 2km, with ZTV coverage indicated beyond 2km from lower and elevated areas to the east, south and west.

207. The 15 public viewpoints within the LVA, informed by the ZTV, include views from PROW and roads and country lanes at short, medium and long distances from the site. There would be views from some of the nearest residential properties and passing views from recreational routes and minor roads. Longer distance elevated views from the southwest and west within the BBNP and the BILWHS views would, according to the LVA, be largely limited to a small part of the overall development, due to the undulations in the landform and intervening vegetation, although there would be some views of its higher elevations from longer distances to the south, southeast and southwest.

208. The LVA identifies the magnitude of change to be high with major/moderate adverse visual effects during the operational period at Viewpoint 1 (a PROW within the site, not far south of The Great House) and at Viewpoint 2, (a minor road/PROW on the south-eastern boundary of the site). The LCVIA submitted by HUSTLE, refers to major adverse visual effects on nearby public rights of way. While I note those assessments, I am also conscious that users of the PROW and other public routes in the area, including minor roads, are generally likely to be passing through or near the site as part of a longer journey. Therefore, such views would be transient and unlikely to deter users, including tourists.

209. Medium change and moderate adverse visual effects during the operational period are identified from recreational routes and residential receptors represented by Viewpoint 3 (to the northwest), and Viewpoints 5 and 6 (to the north, north-east) within 2km of the site. Beyond a distance of c.2km, where the proposed development is evident in views, the LVA considers that visual effects largely reduce to minor adverse, which includes effects experienced from The Blorenge some 5.8km to the west (Viewpoints 14 and 15).

210. In its submissions on the varied scheme and at the Hearing, MCC accepted that the development's three relatively discrete areas of solar arrays would not be seen together from most vantage points. However, and notwithstanding the removal of two fields of solar arrays in the varied scheme, MCC remained concerned about the scale of the development and adverse visual effects associated with the change from an unspoilt rural landscape to a semi-industrial solar development.

211. While I note the concerns of MCC and others about the change in the appearance of the parts of the site from agricultural fields to a solar farm, including in views from public vantage points and from some residential properties in the locality, the national policy position, as expressed in FW Policies 17 and 18, does not preclude renewable energy projects from the countryside (outside of National Parks and AONB) per se. Rather the tests are, amongst others, that proposals should demonstrate that they would not have an unacceptable adverse impact on the environment or the surrounding landscape and

have no ‘unacceptable’ adverse visual impacts on nearby communities or individual dwellings, while cumulative impacts of existing and consented renewable energy schemes should also be considered.

212. As I observed during my site visit, many of the country lanes in the undulating rural landscape surrounding the site, have high, dense hedges on either side. Therefore, while these roads are said to be used by walkers and cyclists, views toward the proposed development would be largely intermittent, glimpsed and passing, even taking account of loss of leaves during the winter months. Views would often be confined to openings in the hedgerow, such as over farm gates at field entrances. I note that the applicant’s LVA and hearing statement advises that views from many residential properties would be limited by garden boundary treatments.

213. In its LIR, MCC expressed concern that given the proposed areas of fencing, PROW within the site could become enclosed which may detract from user enjoyment. It suggested a condition to ensure that any fence or hedge lines enclosing public paths within the site be a minimum of 3m apart, which has been accepted with minor modification by the applicant.

214. I note that the LIR considers that, subject to above condition, the development would have neutral effect on PROW. While there would be some significant visual impacts, especially at close range from the ORPA and PROW crossing the site and those nearby, given the views would be passing, I consider that, overall, the effects would not be unacceptable. Therefore, I do not consider that the proposal would significantly breach LDP policy MV1, which seeks to protect the visual amenity of PROW.

215. MCC expressed concern that rising parts of the site would be visible from higher elevations within 1-1.5km of the site. MCC has latterly referred to visibility from additional vantage points to the east, including from the lane south of Mouth Pleasant Farm, and to the north at Ffawydden Cottage. CPRW, GFCC and HUSTLE and local residents have also referred to views from those or similar vantage points.

216. In particular, MCC maintains that from the lane south of Mount Pleasant Farm, there are east to west length views of fields 1-4, which form the northernmost of the three areas of solar arrays within the site. It considers Field 2, elevating from 110m AOD to 130m AOD as prominent in the landscape from that vantage point and from Viewpoint 5 (within the LVA), as well as from the lane near Ffawydden Cottage further to the north, where fields 3 and are also visible. While I appreciate those concerns, the proposed layout responds to the prevailing landform with solar arrays predominantly sited on lower slopes of fields. With regard to Field 2, the solar arrays would be restricted to its lower slopes and occupy approximately half of the field, which would limit the visual effects.

217. I viewed the site from the lane south of Mount Pleasant Farm, LVA Viewpoint 5, and from near Ffawydden Cottage, along with a range of vantage points referred to in the LVA and by MCC and other parties.

218. The road leading towards Mount Pleasant Farm and scattered houses to the east of the site is hedged on either side, with views toward the site largely limited to over farm gates or other breaks in the hedge. I note that HUSTLE’s LCVIA considers that, from a viewpoint further along the same road near Trewarren to the north-east of the site, the proposed development would result in a moderate degree of deterioration in views and an intermediate adverse effect. Based on my site visit, I agree that there would be a moderate adverse visual effect on the intermittent views obtainable and nearby residential properties.

219. With regard to LVA Viewpoint 5, about 0.7km to the north of the site, the proposed development would introduce a renewable energy feature within the middle distance.

However, the view would be partly foreshortened by landform, while the solar arrays would be partially screened by vegetation and be backdropped by rising land within the site without solar panels. In relation to Field 4, the dense tree cover, even allowing for leaf fall during the winter months, would offer only filtered and limited views. The LVA acknowledges that proposed mitigation measures, including reinstating hedgerow and additional planting, would do little to screen those limited parts of the development that remain visible on the upper slopes. Nevertheless, given that context, I do not consider that the proposed would appear particularly prominent during the operational phase.

220. I note that Viewpoint 7 within the LCVIA submitted by HUSTLE is from roughly the same location as Viewpoint 5 in the LVA. The LCVIA considers that the magnitude of change would be high and have a major adverse visual effect. However, the analysis and explanation in the LCVIA is less extensive and detailed than that contained in the applicant's LVA, as detailed above. Based on my own observations onsite, I broadly concur with the conclusions of the applicant's LVA with regard to that viewpoint. It indicates that, during the operational period, there would be a medium scale of change experienced locally and a moderate adverse visual effect, albeit there would be greater negative effects during the temporary construction and decommissioning phases.

221. With regard to near Ffawydden Cottage, further north and at a higher elevation than Viewpoint 5, there would be slightly greater visibility of some of the lower fields and slopes of the development, which would have solar arrays, but the views would be relatively distant. Moreover, looking south towards the site, a number of the fields across the ridge, would either not contain any solar arrays or have them sited on the lower elevations of the fields, reducing their prominence in views of the wider landscape. Indeed, the existing pylons crossing the site roughly north to south would, in my opinion, be likely to appear more prominent.

222. Another parcel of land containing solar arrays is on the southern slopes of the western part of the site. The land slopes down from north to south and the layout restricts the solar arrays to lower slopes, which MCC accepts would be partially obscured by existing tree cover and be less intervisible with identified receptor locations. There would be some views from PROW and an ORPA that runs through the site, albeit parts of the ORPA form a sunken lane lined by trees which limits outward views. The LVA considers from Viewpoint 1, a PROW near the Great House, that the proposed development would, given its proximity, have a major/moderate adverse visual effect during its operational years. Similarly, from viewpoint 2 along a minor road and public footpath to the south-east (which leads towards the site) to the south-east, there would be a major/moderate adverse visual effect during the operational lifetime of the development.

223. With regard to Viewpoints 1 and 2, given the proximity of view and position of the arrays, they will remain visible. However, mitigation measures including additional hedgerow and infill planning will strengthen field boundaries reinforcing the existing filed system character and helping to screen some views lower elevations. While adverse visual effects would remain, they would be reversible at the end of proposed lifespan of the development.

224. Therefore, there would be moderate adverse visual effects during the operational phase from some vantage points within about 1km of the site boundary, with major/moderate adverse effects in some close-range views. Beyond c. 2km effects would largely reduce to minor adverse.

225. Overall, I conclude that there would be a localised moderate adverse visual effect.

Cumulative Visual Effects

226. In relation to cumulative visual effects, as referred to above, there is an existing solar farm, at Manor Farm near the village of Llanvapley, about 4.5km away from the application site and a single micro-wind turbine (17.7m to the tip) at Main Farm House. Given the distances between those existing developments and the proposed development and intervening landforms and vegetation, it is unlikely that they would be experienced in any cumulative visual interactions. Even if one considered interaction with the existing pylon lines on and beyond the site, the cumulative visual change would be low and the effects, at most, minor adverse.

227. MCC expressed concern at the hearing about the effect that allowing the development could have on similar future developments in the area. However, while the applicant advises that some screening opinions have been issued and scoping requests submitted for solar and other renewable energy schemes, they appear to be a good distance from the application site. In any event, all such applications would be judged on their own merits and any cumulative impacts considered when any such future applications were determined. Therefore, that concern has little relevance to the consideration of the current proposal.

Overall Conclusions on Landscape Character and Visual Effects

228. For the reasons given above, I conclude that the proposed development would have localised adverse effects on landscape character and visual appearance, reducing over time as proposed planting becomes established. However, in terms of LDP policies SD1 - Renewable Energy, LC1 - New Built Development in the Open Countryside and LC5 – Protection and Enhancement of Landscape Character, the degree of harm would not amount to the ‘unacceptable’ adverse impacts or ‘significant visual intrusion’ referred to in those policies.

229. Moreover, it is FW, the national development plan for Wales, which sets out WG’s principal policies for the determination of renewable energy schemes of 10MW and more under the Developments of National Significance procedure. While there would be some negative landscape and visual effects, in terms of FW Policies 17 and 18, the proposed development would not amount to unacceptable visual or other adverse impacts on the environment or the surrounding landscape, including with regard to the setting of the BBNP. Therefore, the proposal would comply with those aspects of the most directly relevant national policies.

Best and Most Versatile Agricultural Land (BMVAL)

230. PPW paragraph 3.58 explains that agricultural land of grades 1, 2 and 3a is the best and most versatile, and should be conserved as a finite resource for the future. Paragraph 3.59 advises that when considering the search sequence considerable weight should be given to protecting such land from development. Furthermore, that land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

231. TAN 6 contains further guidance relevant to BMVAL, suggesting that once agricultural land is developed, even for ‘soft’ uses such as golf courses, its return to agriculture as BMVAL is seldom practicable.

232. In a letter to Chief Planning Officers, dated 1 March 2022, the Minister for Climate Change confirmed that, in accordance with WG policy, including PPW, where BMVAL is

identified within a proposed solar PV array development, considerable weight should be given to protecting such land from development, because of its special importance, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission. Furthermore, that WGDCC will object to the loss of BMVAL in solar PV array applications that come before it unless other significant material considerations outweigh the need to protect such land in accordance with WG Government policy and guidance.

233. PPW does not prohibit development on BMVAL. Rather, it indicates that considerable weight should be given to protecting it from development, because of its special importance and that it should only be developed if there is an overriding need for the development and previously developed or lower grade land is unavailable.

234. While I have noted that there appear to be some discrepancies in figures relating to the amounts of land involved between various documents, the discrepancies are relatively minor and, therefore, do not affect my findings.

235. According to the applicant's Agricultural Use and Land Quality Survey (DOC 06) (AULQS), about 32.1ha of the site comprises BMVAL, mostly Grade 3a with a smaller area of Grade 2. WGDCC's Soil & Agricultural Land Use Planning Unit, questioned the practicality of farming some of the BMVAL land in fields 1, 4, 5 and 6 to its full potential and, therefore, considered that about c.25ha of the total BMVAL was subject to the protection offered by PPW paragraphs 3.58 and 3.59.

236. WGDCC initially lodged a conditional objection to be withdrawn if 4 fields (8, 9, 10 and 11), which contained the main area of contiguous BMVAL, were removed from the proposed development. It advised that it would leave consideration of policy compliance for the smaller area of BMVAL within Field 3 for the PEDW Inspector.

237. The applicant calculates that, excluding BMVAL in fields 1, 4, 5 and 6 (as discounted by WGDCC), the variation to the scheme, which removes solar arrays from fields 8 and 11 containing a c.6.9ha of BMVAL, would reduce the total amount of BMVAL affected (within fields 3, 9, and 10) to approximately 16.8ha.

238. Following the variation, WGDCC advised, in a letter withdrawing its objection that: *'…based on the additional information provided, the DCC has decided to withdraw its formal objection to the Application. This is primarily due to the specific characteristics of the Application, including the volume of BMVAL adjacent to the length of the connection assessment area and other nationally recognised designations such as the National Park. The DCC is therefore satisfied that, on the specific facts of the Application as amended by the additional information provided in May 2022, that [sic] the Application is policy compliant with PPW 3.58 & 3.59.'* [2022-07-15 REPS2 014 DCC].

239. The WGDCC letter withdrawing its objection was accompanied by a report (the DCC Report) from an agricultural soil expert. The letter and report question various aspects of applicant's submissions including elements of the applicant's soil expert's report ['Response to Inspector's Request for Further Information: Best and Most Versatile Agricultural Land' (DOC 30) (the BMVAL Report)].

240. While I note WGDCC's various continuing concerns, including in relation to the alleged 'loss' of 'any' BMVAL, the essential fact remains that WGDCC, in its capacity as the relevant specialist consultee, has withdrawn its objection and expressly stated that, in its view, the proposal is policy compliant with PPW paragraphs 3.58 and 3.59 which seek to protect BMVAL. Moreover, given it had indicated that it did not intend to attend the proposed hearing, its additional submissions could not be tested.

241. I also note MCC's LIR indicates a 'neutral effect' in respect to BMVAL, although other interested parties have continued to object to the proposed use of BMVAL within the site.

Site Selection, Study Area and consideration of Alternative Sites

242. PPW advises, at paragraph 5.9.21, that prior to an application being submitted, developers for renewable and low carbon energy developments should, wherever possible, consider how to avoid, or otherwise minimise, adverse impacts through careful consideration of location, scale, design and other measures. However, PPW does not provide detailed guidance on how a search area for such developments should be defined or how potential sites should be selected.

243. The application was accompanied by an ASSR [DOC 05], which was updated in May 2022, in response to comments made during the consultation period, the regulation 15(2) request for further information and to reflect the changes in the variation to the proposed development. The applicant submits that it has given weight to the protection of BMVAL through all stages of the process, from site selection to the various iterations of the proposal to the current varied scheme, as detailed in the ASSR.

244. The updated ASSR reviews various renewable energy site search methodologies, toolkits and guidance, published by WG, MCC and others, noting that they refer to environmental and technical constraints, including the importance of the availability of a suitable electricity grid connection, which can be a major limiting fact for DNS-scale renewable energy projects.

245. Given that context, it is reasonable that the applicant treated the availability of a viable grid connection with capacity as the starting point for the search area for potential sites as, in its absence, such a scheme could not be progressed. Through a regional study of grid connection capabilities in south-east Wales, the applicant advises that the only line where a solar energy project could feasibly be connected in this region was the 132kV line which runs north to south between Abergavenny and Pontypool North, which importantly runs outside of the BBNP where large-scale wind and solar developments are precluded by FW Policy 17. I note that, in its initial consultation response, dated 31 March 2022, WGDCC accepted the arguments made by the applicant for the selection of that 132kV power line [REP109].

246. The applicant advises that, as a general rule, the further the point of connection is from a development site, the less feasible providing the connection becomes. That appears logical given the costs associated with cables and their installation, the likely need for greater third-party landowner involvement, and the added environmental management and mitigation measures that may be required. The applicant submits that for a project of the capacity proposed the connection costs to a 132kV powerline would be prohibitive beyond 1km from the point of connection. Therefore, sites were considered within a 1km area.

247. WGDCC initially questioned the appropriateness of the 1km search area, referring to other DNS solar applications (DNS/3245065 and DNS/3247619) where 3km and 5km distances from the grid connection were set. However, in the updated ASSR, the applicant explains that those projects involved a 33kV connection which, due to the lower cost of both the cables and connection infrastructure, enables alternative sites from a wider area to be considered. That submission has not been disputed.

248. The ASSR advises that MCC does not keep a register of brownfield land opportunities, but that relevant development plan data and the Estates Gazette web site were reviewed but no suitable brownfield sites were available within the study area that could accommodate the development. Some representations from third parties have since

suggested otherwise but the applicant advises that no alternative sites were put forward during the statutory pre-consultation period and that, in any case, there are no such brownfield sites or sites on non-agricultural land of sufficient size i.e., over 40 hectares available.

249. Moreover, FW Policies 17 and 18 accept the principle of renewable and low carbon energy projects on greenfield sites, subject to certain criteria being met, in order to meet Wales' ambitious target of generating 70% of its electricity consumption from renewable energy by 2030. That target is re-iterated in PPW paragraph 5.7.14.

250. Informed by a WG toolkit, the ASSR assessed alternative greenfield sites within the identified 1km search area. It advises that the minimum possible area required for a viable solar farm connecting to a 132 kV powerline would be at least 40ha. The ASSR identified and assessed a total of 15 potential sites, including the application site, considering various constraints, including environmental, heritage and agricultural land classification and utilising a scoring matrix. The application site at Great House Farm was assessed as the most suitable site. The applicant maintains that the results utilising an updated methodology confirms and reinforces the findings of the original ASSR (Jan 2022), that the application is the most appropriate site within the identified search area.

251. WGDCC questions the criteria and rationale applied at tables 5.16 to 5.32 of the updated ASSR and identifies some apparent anomalies in the scoring between different sites and refers to differential scoring of constraints. However, on balance, I do not consider those to be sufficient to undermine the basic methodology or significantly affect the overall scoring. In any case, WGDCC has confirmed that it considers the proposal complies with PPW paragraph 3.59, which include reference to the 'search sequence'.

252. I have already referred to the absence of a set methodology or detailed guidance within PPW on how potential sites should be selected. In addition, I note that in the report on the Blackberry Lane application (Ref: DNS/3245065) the Inspector considered, with regard to site selection, that *'the approach to be taken is one for individual developers to determine based on the requirements of national planning policy and consideration of the relevant practical, social, economic and environmental issues.'*

253. It is also relevant, as submitted in the ASSR, that the area of the application site avoids other BMVAL outside but adjacent to the site and within the wider Great House Farm holding, as is apparent from comparing Map 2 [Appendix KCC2 to the applicant's BMVAL report] with the Site Proposals and Development Proposal plans [Figures 4 and 6], Furthermore, the scheme as varied has removed solar panels from two further fields (8 and 11), amounting to c.6.9ha of BMVAL, in response to the original concerns expressed by WGDCC and other interested parties.

254. While welcoming the removal of fields 8 and 11 from under panel, WGDCC continues, in the same letter of 15 July 2022 in which it withdrew its objection, to suggest that fields 9 and 10 should also be removed. According to the applicant, removing solar panels from fields 9 and 10 would reduce the capacity of the scheme by a further 10MW and make the project unviable. I consider that reducing the scheme further is not warranted.

255. Overall, therefore, and notwithstanding matters raised by WGDCC and other interested parties, I am satisfied that the approach taken by the application to the definition of the search area and the site selection process has been reasonable and sufficient. I am equally satisfied that, in doing so, the applicant has demonstrated that considerable weight had been afforded to protecting BMVAL from development because of its special importance, in both the search sequence and site selection.

Impact on BMVAL

256. I am cognisant that considerable weight should be given to protecting BMVAL as a valuable and finite natural resource and of the contribution that it can make to food production and security, as referred to in FW (pp 27 & 79) and PPW. I also note the relative scarcity of BMVAL in Wales as a whole, where it amounts to some 19.11% of agricultural land, according to the applicant's calculations. WGDCC advises that over 48% of Monmouthshire is considered as predictive BMVAL, making the area a nationally important resource for agriculture. In that context, the applicant submits that the 25ha considered to be at issue by WGDCC in this application would constitute only 0.07% of the BMVAL resource in Monmouthshire [paragraph 5.7, DOC 30].

257. While the overall site extends to approximately 70.17ha of agricultural land, it is understood that approximately 33ha would be retained for continued sole agricultural use, including fields 8, 11, 12, 13 and 14. No solar panels are proposed in these fields, with development limited to additional mitigation planting along field boundaries; internal access tracks; underground cable trench; and, the provision of a temporary construction compound.

258. The development would involve some 11,704 pile-driven poles (93.63$m^{2)}$, 1,736 deer fence posts and 25 CCTV posts (totalling 68m^2), cable trenches (4,800m^2), a 132kV substation (1,625m^2), 9 x MV transformers (totalling 99m^2), trackways (11,600m^2), and a temporary construction compound (4,000m^2). According to the applicant, that would amount to a total area of ground disturbed of approximately 2.23ha, which would be a relatively limited area given the size of the site and the area of BMVAL within it.

259. The application was accompanied by an Outline Soil Management Plan (OSMP) [DOC 23], an Outline Construction Environmental Management Plan (OCEMP) [DOC 21] and an Outline Decommissioning Plan (ODP) [DOC 22] , which include a range of suggested measures to avoid significant harm to the soil resource during the construction, operational and decommissioning stages.

260. The OSMP sets out its aim as preserving the soil resources at the site. It identifies key threats at construction sites as trafficking of vehicles and plant and incorrect soil handling, which can damage to soil structure through compaction and smearing. It explains that this can compromise the ability of the soil to perform its functions, such as providing adequate amounts of water, air and nutrients to plant roots, while potentially increasing soil wetness. Therefore, it suggests various measures including: establishing and maintaining grass sward over the solar panel area before trafficking over by construction plant; avoiding handling of soils during periods of prolonged, heavy rainfall; no mixing of topsoil with subsoil, or of soil with other materials; and recommends that work should only take place when the topsoil is below (dryer than) the plastic limit (the moisture content at which soil begins to behave as plastic material and the soil is deemed too wet to handle without causing damage to the soil structure).

261. The OCEMP advises that a network of access tracks would be installed at the beginning of the construction period, using low compaction plant, to allow access to all areas of the site on a firm surface. Ground protection matting would be used to provide additional access in the construction compound and in other areas where higher volumes of traffic are likely to converge. Other measures include the distribution of equipment to satellite points throughout the site using dual tyre tractors and/or wide track vehicles designed to limit soil compaction. Construction would primarily consist of relative low intensity activities with limited impact on the compaction of soils. Trenching is proposed to be undertaken segregating topsoil and subsoil to minimise soil damage, with excavated soils stored on geotextile fabric pending restoration of the trench. The ODP details potential methods for post removal, at the end of the lifespan of the

development, that would minimise impact on the surrounding soil. It recommends that a final decommissioning and aftercare strategy should be submitted to the relevant planning authority at the appropriate time.

262. In my view, that suite of documents demonstrates that the applicant has recognised and given considerable weight to possible effects on soils and BMVAL.

263. Although WGDCC has withdrawn its objection, it continues to express concerns about effects on BMVAL because of its 'generational loss' over 40 years and, in its view, the very real risk of 'permanent loss' due to potential damage during the construction and decommissioning phases of the development. Those concerns are shared by interested parties objecting to the proposal.

264. WGDCC's concerns are detailed in the DCC Report, which challenges various aspects of the applicant's BMVAL report. For example, the DCC Report rejects the view that damage to soils caused by poor installation practices can always be simply rectified by standard agricultural practices, especially if deep soil compaction has occurred. It also challenges the notion that solar farm construction and decommissioning activities would be equivalent to, or less impactful than, agricultural uses, which can, the report argues, themselves cause soil damage.

265. The DCC Report expresses particular concern that competing pressures on construction sites and the need to meet timetables may lead to work continuing even during wet conditions when soils could be damaged. It also suggests that while the area of immediate ground disturbance may be limited, the construction process is likely to involve a much greater proportion of the sited being trafficked, increasing the area that could be potentially subject to compaction of soils from vehicles and machinery running over it. I acknowledge that there would be potential for damage given the scale of the project and the activities involved during construction, if appropriate construction practices were not followed.

266. However, although I recognise that the likely pressures associated with solar farm construction may differ from standard agricultural operations, the concerns expressed in the DCC Report appear largely rooted in doubts about whether working practices, to protect the integrity of the soil and BMVAL, would be followed because of competing construction phase priorities. While I appreciate those concerns, the logical concomitant of that argument is that if suitable working practices were adopted and properly followed, it should be possible for significant damage to soils and BMVAL to be avoided

267. I also note that the DCC Report includes a suggested condition requiring a Soil Management Plan (SMP) to be submitted to the local planning authority for approval prior to the commencement of development. A second suggested condition relates to the provision of a Site Monitoring and Aftercare Plan.

268. Quoting the DCC Report, the applicant agrees that development can lead to damage to soils *'where there are already poor practices in place and the right skills and experience are not available to identify both the issues and the required remedial actions'*. However, the applicant submits that the risk could be effectively managed by an SMP condition similar to that suggested in the DCC Report.

269. Although I note the continuing doubts expressed by WGDCC and its soil expert, I see no clear or compelling reason that would lead me to conclude that the type of specialist contractor required for the construction of a solar farm could not carry out construction in an appropriate and professional fashion, guided and controlled by an approved SMP and Site Monitoring and Aftercare Strategy. With regard to decommissioning, a condition has been suggested requiring a Decommissioning Environmental Management Plan, to be submitted for approval no later than 12 months before decommissioning. That would leave the precise requirements of the scheme to be

determined at the appropriate time, allowing it to take account of any technological advancements.

270. MCC has agreed, in principle, to such conditions and, as indicated above, considered in its LIR that, due to the suggested reversibility and limited timescale of the development, the proposal would not result in the permanent loss of this land and, as such, would have a neutral impact on BMVAL.

271. Taking all of these factors into account, I am satisfied that the construction and decommissioning details and practices necessary to minimise the risk of significant damage to soils, and possible permanent loss of BMVAL, could be delivered and secured by means of suitable conditions.

272. There is no suggestion that significant harm to soils would be caused during the operational phase of the solar farm. During that phase activity should largely be limited to grassland management using agricultural machinery and periodic cleaning of the solar panels using a tractor with a washing facility.

273. While the applicant maintains that the intention is that the farm business would continue with sheep grazing the land around the panels, its BMVAL Report accepts that the flexibility for different farming uses would inevitably be affected. That would include the cultivation of food crops during the lifetime of the development over the parts of the site with solar panels. Therefore, I accept that there would be some loss of ability to use the 16.8ha of BMVAL under panel to its full potential over the lifetime of the development, which needs to be weighed in the balance.

274. I am mindful of the guidance contained in paragraph 6.22 of TAN 6, which advises that that once agricultural land is developed, even for soft uses such as golf courses, its return to BMVAL is seldom practicable. I also note that the applicant points out that the guidance, published in 2010, was provided at a time which pre-dates the emergence of large-scale solar schemes in the countryside.

275. Overall, because the proposal would be temporary and conditions would ensure that it should not degrade the quality of the land over its lifetime, I am satisfied that it would not result in significant permanent or irreversible loss of BMVAL. Consequently, in this particular case and based on the detailed evidence before me, I do not consider that the generalised guidance contained in paragraph 6.2.2 of TAN 6, which is not specific to solar farm developments, would be offended.

276. Although having withdrawn its objection, WGDCC continues to draw my attention to the Minister's Decision and Inspector's Report relating to Blackberry Lane (DNS/3245065). That concerned a proposed solar farm on a 34.25ha site with 27.75ha comprising BMVAL. In that case, the Inspector was not persuaded, on the evidence presented, that following decommissioning the land could be restored to BMVAL quality and that it would not be lost for future arable food production. Consequently, the Inspector considered that there would be policy conflict with FW Policy 18, PPW and TAN 6. The Minister agreed with the Inspector's appraisal and refused planning permission.

277. While I recognise the importance of consistency in public decision making and note that there are similarities between the Blackberry Lane proposal and this application, there are also significant differences. In particular, this application is for a 32MW scheme, some 10MW more than the 22MW Blackberry Lane proposal. That 10MW difference would equate to powering approximately 2,500 homes, with this 32MW proposal potentially powering some 8,093 homes while offsetting around 14,080 tonnes of carbon emissions each year. That would form a significant contribution towards Wales' target of 70% of electricity consumption to be from renewable energy by 2030, a relatively short time away. Moreover, the amount of BMVAL potentially directly affected by the proposed development in this application, at approximately 16.8ha within a c.70ha site,

is significantly less than the amount and percentage (relative to site area) involved in the Blackberry Lane proposal. The revised layout of the proposed development demonstrates that BMVAL has been avoided, as far as possible, taking into account the nature of the site, levels of predicated BMVAL in the surrounding area and the unavailability of land in lower agricultural grades.

278. My attention has also been drawn by the applicant to the recently completed A487 Caernarfon and Bontnewydd Bypass scheme in North Wales. The applicant advises that the Examination Report identifies how the new road would result in the loss of c.33ha of BMVAL and that an additional 48.7ha would be temporarily lost due to construction. The Inspector notes how mitigation measures put in place by the applicant (WG) would ensure that agriculture land that would be temporarily lost due to construction would not be compromised in the long term. The applicant maintains that the construction impacts of a solar farm are significantly less in comparison to the construction of a new road. However, I have limited details of that case or when it was decided. In any event, all applications should be considered on their individual merits and site-specific characteristics, which is the approach I have taken.

Overriding Need

279. PPW paragraph 3.59 indicates that BMVAL should only be developed if there is an 'overriding need' for the development and that previously developed land or lower grade agricultural land is unavailable. Site selection and the lack of availability of suitable or sufficient previously developed land or lower grade agricultural land has been considered above. Turning to the phrase 'overriding need', its meaning is not defined or explained in planning policy or guidance. National development plan policy in the form of FW Policy 17 indicates 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 target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.

280. Similarly, PPW indicates, at paragraph 5.7.7, that the benefits of renewable and low carbon energy, as part of the overall commitment to tackle the climate emergency and increase energy security, are of 'paramount' importance and that the continued extraction of fossil fuels will hinder progress towards achieving overall commitments to tackling climate change. It also advises that the planning system should maximise renewable and low carbon energy generation.

281. In that policy context, I consider that the significant contribution that the proposed development would make to renewable energy is capable of constituting an overriding need, relative to the amount of BMVAL involved at c.16.8ha.

282. I note that a map associated with FW Policy 9 – Resilient Ecological Networks and Green Infrastructure, identifies BMVAL as a national natural resource and that the policy supporting text refers to the sustainable management of natural resources. WGDCC also cites WG's Natural Resources Policy (2017) which indicates that: *'To build resilience into our ecosystems we need to: … better manage our soil and safeguard our best and most versatile agricultural land to improve soil quality, productive capacity and its resilience to degradation.'.* However, I have already found the that the temporary and reversible nature of the development and the reduced amount of BMVAL directly affected by the scheme would accord with the national policy to conserve BMVAL for the future. Indeed, ultimately, given the particular circumstances, WGDCC agreed that the proposal is compliant with relevant national policy.

283. As indicated above, a decision was issued by Welsh Ministers, dated 14 September 2022, refusing planning permission for a solar development on Land at Gwernigron

Farm, The Roe, St Asaph, Denbighshire (DNS/3247619), (the Gwernigron proposal). In that case, the Welsh Ministers' Decision considered that 'overriding need' for development on BMVAL had not been demonstrated and expressed concern about the loss of a nationally significant amount of BMVAL to facilitate the proposal.

284. I have carefully considered the content of that decision and the applicant's comments upon it [2022-10-05 – Applicant's response to the Elwy Solar Energy Farm Decision]. The applicant submits that there are a number of differences between Gwernigron decision and the application before me. They include, in summary:

- The Gwernigron proposal involved 43.1ha of BMVAL with the Inspector considering 20.8ha to be affected, which is in excess of the 20ha threshold for which development is considered to be nationally significant triggering the duty to consult the Welsh Ministers. In this application, the amount of BMVAL affected is c.16.8ha.
- WGDCC has withdrawn it objection to this proposal and confirmed that it considers it complies with paragraphs 3.58 and 3.59 of PPW.
- The existing agricultural use would continue at a reasonable level throughout the lifetime of the proposed development.
- The BMVAL resource could be sufficiently protected through the construction and decommissioning stages, when soils are most at risk of damage, by the provision of appropriate conditions.
- The local Monmouthshire context greatly restricts development land available, which does not include BMVAL, due to the location of adjacent higher value BMVAL and neighbouring designations with environmental value, such as the National Park.

285. I agree that those factors sufficiently distinguish the Gwernigron proposal and resulting decision from the application here.

286. Therefore, on balance and in the particular circumstances of this case, I consider that the important contribution that the proposed development would make towards meeting renewable energy targets, including those which are legally binding, is sufficient to constitute an overriding need for the development.

Conclusion on BMVAL

287. Overall, therefore, I conclude that the proposed development would not result in a significant adverse effect on BMVAL, subject to appropriate measures secured by condition to protect soils during construction, operation and decommissioning. I am also satisfied that the design of the proposal minimises the use of BMVAL, as far as possible, taking into account viability and other factors, while it has been sufficiently demonstrated that suitable lower grade agricultural land or previously development land is unavailable. The use of some 16.8ha of BMVAL to its full potential for food production, such as the growing of arable groups, would be compromised during the 40-year lifetime of the solar farm, but mitigation measures secured by condition, should ensure that, in accord with PPW, it is conserved as a finite source for the future. I also note WGDCC's view that the proposed development complies with paragraphs 3.58 and 3.59 of PPW and I see no reason to disagree. The proposal complies with and is supported by FW Policies 17 and 18, which are the national development plan policies most directly applicable to this renewable energy proposal of national significance.

Heritage

288. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on decision makers, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the

desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

289. Paragraph1.25 of TAN 24 advises that the setting of an historic asset includes the surroundings in which it is understood, experienced, and appreciated embracing present and past relationships to the surrounding landscape.

290. The HIA supporting the application assessed potential direct and indirect effects of the proposed development upon cultural heritage and archaeological remains. There are no designated or non-designated archaeological or heritage assets within the application site itself, with the nearest heritage asset being 'Great House' (Grade II* listed), located about 100m to the east of the site boundary.

291. A total of 27 Listed Buildings were identified within the 2km study zone and the ZTV of the proposed development, including six Grade II* and 21 Grade II. Moderate to low indirect effects are anticipated in relation to the Grade II* listed 'Great House' and, overall, range between low to negligible indirect effects for all other listed buildings.

292. Some interested parties have expressed particular concern that the setting of the Grade II* listed Great House would be adversely affected by the development. However, the HIA includes a detailed analysis of the factors which contribute to its significance with its primary heritage value derived from its architectural merit dating from two main periods from c.1600 to the mid-18th century, albeit with some later additions. The proposed development would not interfere with those architectural elements or the reasonably sized curtilage of the building.

293. The Great House has a relationship with surrounding fields which form part of its setting, particularly those which, historically, featured ornamental woodland, gardens and orchards which appear to have been part of the estate on 19th OS mapping (provided in the HIA). However, as noted in the HIA, since that time large modern buildings to the south have already compromised that original setting to an extent. Moreover, no solar panels or standing structures are proposed in the fields to the west, closest to the listed building. While there would be views towards the Great House, given its siting on an east-facing slope, they would mostly be partially screened by surrounding trees with only the upper levels visible.

294. Therefore, although there would be some indirect visual impacts, they would not alter the architectural merit of the house, which is the primary source of its significance. Nor would they result in substantial harm to its setting, particularly taking account of the ultimately temporary and reversible nature of the scheme. Nevertheless, I agree with the HIA that there would be moderate to low indirect adverse effect on the setting of the Great House. I will deal with that aspect in my planning balance and conclusion.

295. The Blaenavon Industrial Landscape World Heritage Site lies partially within the 5km study area and the calculated ZTV supporting the LVA. Similarly, the Historic Landscape Area associated with this asset also lies partially within the study area and ZTV. Indirect effects anticipated upon these designated areas were anticipated to be low.

296. Eight Scheduled Monuments were identified within the 5km study zone that were within the ZTV of the proposed development. Of these assets, low indirect effects are anticipated for St Bridget's Churchyard Cross, while low to negligible indirect effects are anticipated for the Coed y Bwnydd Camp and negligible indirect effects anticipated for the remainder. Similarly, the HIA identified one Historic Park and Garden, Pant y Goitre House, within the study zone that was within the ZTV of the proposed development where low indirect effects were anticipated.

297. I also note that Cadw concurs with the conclusion of the HIA that there would not be a significant impact on any of the designated heritage assets in the area and has no objections to the proposal [REP066 & 2022-07-14 REPS2 005].

298. The HIA considered that due to the number of recorded archaeological sites in the surrounding area from the Neolithic period onwards, the application site has a moderate potential for remains from the prehistoric, Romano-British, medieval and post-medieval periods. However, it concludes that residual direct effects upon hitherto-unknown archaeology as a result of the proposed development are anticipated to be low on the assumption that appropriate mitigation measures are implemented.

299. With regard to archaeological remains, in its most recent consultation response [2022-07-04 – REPS2 003] GGAT notes that archaeological investigation and assessment undertaken to inform the application included a geophysical survey carried out by AOC Archaeology (November 2021), a Heritage Impact Assessment (January 2022) and that most recently a field evaluation was carried out on the development site by Headland Archaeology (April 2022).

300. In light of that, GGAT considers it unlikely that further archaeological work would encounter significant archaeological remains. It does not consider there to be a need for further archaeological work in relation to the development. I see no reason to disagree with the professional assessment of GGAT which advises MCC on such matters.

301. I have had special regard to the desirability of preserving listed buildings and their settings, including any features of special architectural or historic interest. There would be moderate to low indirect effects on the setting of Great House, which I will address in the overall planning balance. In terms of criterion 6 of FW Policy 18 and relevant parts of PPW and the cultural heritage aspects of LDP policies S13, LC1 and S10, I conclude that the proposed development would not cause unacceptable harm to listed buildings or other designated heritage assets or archaeological remains.

Ecology

302. PPW advises that the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms would be in place to both protect against loss and to secure enhancement. That includes a requirement that proposals must consider the need to support biodiversity, protect statutorily and non-statutorily designed sites and ensure that protected and priority species are safeguarded, while securing enhancement of, and improvements to, ecosystem by improving diversity, condition, extent and connectivity of ecological networks [subsection 6.4].

303. Policy 9 of FW, similarly, emphasises the importance of enhancing biodiversity and ensuring the resilience of ecosystems and the provision of f green infrastructure. That approach reflects the ‘Section 6 Duty’ set out within the Environment Wales Act 2016 to ensure that development does not cause any significant loss of habitats or populations of species locally or nationally and provides a net benefit for biodiversity.

304. The applicant’s ecological reports identify that the site has hydrological connectivity with the River Usk SAC and the River Usk (Lower Usk) SSSI, with potential ecological connectivity restricted to otter. There is potential ecological connectivity with the Usk Bat Sites SAC in relation to the lesser horseshoe bat.

305. As set out in paragraphs 167-181 above, NRW expressed various initial concerns about the application, including with regard to GCN, Dormice, Bats and Otter and the River Usk SAC in relation to pollution and its otter feature and the Usk Bat Sites SAC with regard to the lesser horseshoe bat.

306. A GCN Survey Report [DOC 14] submitted with the application and since updated (May 2022). Surveys completed in May and June 2020 indicated that GCN are likely to be absent from the application site. However, partly because access could not be obtained to survey some pounds within 250m of the site boundary, the application was progressed on precautionary basis assuming the presence of GCN in several ponds. A 50m buffer to development works would be applied to those ponds. Subsequently, in response to further comment from NRW, the variation to the scheme extended the 50m buffer to an additional pond. A revised GCN Conservation Plan (Appendix D to the GCN Survey Report) was also welcomed by NRW. However, it advised that further amendment to the GCN Conservation Plan, including provision for the periodic review of its effectiveness, was required but it was satisfied that this could be achieved by condition.

307. In relation to Dormice, the EcIA reports that no records or signs of dormice were noted during the desk study and species scoping survey but that the boundary hedgerows and woodland offer good resources for dormice. NRW advises that it appears the proposed development would be unlikely to be detrimental to dormice subject to various measures to be secured via conditions requiring a Dormouse Conservation Plan, a revised Construction Environmental Management Plan and a Lighting Plan.

308. With regard to Bats, I note that NRW agrees with the applicant's EcIA that there is unlikely to be a significant effect on the Lesser Horseshoe bat featured of the Usk Bat Sites SAC, taking account of the Bat Conservation Plan and the application of the Lighting Plan condition.

309. In relation to Otters, NRW acknowledges that no evidence of otters was recorded onsite during the field survey but that otters may occasionally use the drain/ditch along the northern boundary of the site, which would not be beyond the range of otters comprising the otter notified feature of the River Usk SAC. Although NRW considers that the proposed development would be unlikely to have a significant effect on the otter feature of the River Usk SAC, it advised that appropriate mitigation measures should be implemented during the construction and operational phases to ensure that otters could continue to move safely along the ditch and not be otherwise affected by the works by, for example, becoming trapped in excavations or adversely affected by artificial light.

310. With regard to the River Usk SAC, NRW advises that, noting the contents of paragraphs 8.32-8.37 of the EcIA and the adopted design principles referred to in section 2.5 of the EDS (now 3.5 of the latest version) and subject to appropriate conditions, it is satisfied that there should be no effect on the River Usk SAC otter feature.

311. NRW agrees with the conclusion of the SHRA that the proposed development would be unlikely to have an adverse effect on the integrity of the Usk Bat Sites SAC or the River Usk SAC, subject to:

- A lighting plan.
- Pre-construction checks for otter resting places in the ditch along the northern boundary of the application site.
- Excavations would be covered securely during construction.
- 7m buffer between development works and the Ffrwd Brook.
- 2m buffer to all field drains.
- Standard best practice pollution prevention measures being implemented.

312. NRW notes the amendments made to the updated OCEMP (May 2022) [DOC 21] and considers that the pollution best practice measures listed appear to be adequate to prevent contaminants entering nearby watercourses. It has suggested a condition that would require a Construction Environmental Management Plan (CEMP) to be submitted for approval prior to construction commencing.

313. For reasons set out in Annex B, Appropriate Assessment, I have found that the scheme would not affect the integrity of the sites the Usk Bat Sites SAC or the River Usk SAC.

314. Originally, NRW also recommended that pre-construction surveys relating to GCN, bats, dormice and otters, are usually recommended as a matter of good of practice to assess any changes in the ecological circumstances immediately prior to development works commencing (although it has since suggested that these may not be necessary).

315. With regard to effects on landscape, concerns were expressed by NRW in its pre-application response about potential impacts on the Brecon Beacons National Park. Consequently, NRW suggested further mitigation in the form of planting with the plans updated to take account of its previous advice with regard to additional planting and large-growing species. Consequently, it considers that the proposed landscaping Is acceptable in relation to impacts on the BBNP.

316. Whilst NRW advised in its letter of 13 July 2020 that it continued to have some concerns, it was satisfied that they could be overcome by attaching its suggested conditions to any planning permission granted. I see no reason to disagree with the professional advice of NRW as the relevant specialist consultee.

317. Biodiversity enhancements proposed include creating and maintaining a diverse species right grassland with a varied sward structure, native tree planting, new hedgerow, bird, mammal and invertebrate houses/boxes, as detailed in the NGA, EDS and Green Infrastructure and Landscape Strategy (Jan 2022) [DOC 15}. I note that the MCC's LIR also considers that, subject to a condition requiring a CEMP, the proposal would have a positive impact on ecology.

318. Overall, I conclude that, based on the proposed design and mitigation measures, as outlined above and secured by condition, there would be no significant harmful effects on ecological features. The application would also provide biodiversity enhancement measures to provide a net benefit for biodiversity. Therefore, it would comply with the requirements of criteria 3, 4 and 5 of FW Policy 18, along with relevant parts of FW Policy 9 and PPW. It would also be consistent with the objectives of TAN 5 to protected nature conservation interests and germane policies within the LDP including policy NE1 which seeks to protect and enhance biodiversity.

Highway Safety

319. As set out in above, the application was accompanied by a CTMP, which has since been updated to reflect the variation to the scheme. It advises that most of the traffic effects would be during the anticipated 6-month construction phase, with a total of 671 Heavy Goods Vehicle (HGV) deliveries to the application site. During the peak construction period there would be an approximate maximum of 15 daily HGV deliveries.

320. The CTMP advises that delivery vehicles would travel along the A40 which is located to the west and south of the application site and exit onto the B4598. They would travel along this road, for approximately 4km before turning left at Penpergwm onto the local access road which serves the proposed development. The access point is approximately 0.7km along this local access road.

321. It is noted in the CTMP that the junction between the B4598 and site entrance has an advisory 'Unsuitable for HGVs' sign which is in relation to HGVs travelling on the local road from this junction. However, the CTMP advises that although this road is narrow, the section of road up to the site access point is suitable for HGV use, it is only beyond this point that the road becomes unsuitable. Traffic management measures would be in place for the 800m stretch of road between the junction with the B4598 and the site access point. Proposed measures include a delivery booking scheme to stagger

deliveries over the course of the working day and scheduling to avoid morning and evening peak hours.

322. Pre and post-construction condition surveys of the local road from the access point to its junction with the B4598, would be conducted with the applicant liable to repair any damage to the road that was directly attributable to construction process.

323. The applicant advises that during the operational phase, the activities on site would amount to servicing and maintenance of plant and equipment and vegetation management. Traffic impacts from the operational phase of the site would consist of only between 10-15 LGVs per year.

324. I note that MCC's LIR advises that the highway authority considers the proposed access and CTMP to be acceptable. Subject to compliance with the CTMP and an acceptable decommissioning plan, which could be secured by condition, the LIR considers that the proposed development would have neutral impact upon highway safety and the road network.

325. While the development would inevitably result in additional traffic movements and may cause some disruption or inconvenience during the construction phase and potentially at decommissioning, although that is some way off, I am satisfied that any adverse effects would be limited and could be sufficiently mitigated through the implementation of the CTMP, which could be conditioned.

326. Therefore, I conclude that the proposed development would meet the requirement of criterion 9 of FW Policy 18 that there should be no unacceptable impacts on the transport network through the transportation of components or source fuels during construction and/or ongoing operation. It would also comply with policy MV1 of the LDP, which deals with highway considerations.

Residential Amenity

327. The local area is predominantly agricultural with scattered individual dwellings and farmsteads. The LVA assesses that the proposal would have the most influence on visual amenity within about 1km of the site. As noted above, the application was also accompanied by an RVAA, informed by the LVA and ZTV, which considered potential effects on residential visual amenity.

328. The introduction to the RVAA explains that its purpose is to assess whether a development is likely to result in changes to private views and private visual amenity to such an extent that the development would be considered overbearing, dominant, oppressive or overwhelming and result in unacceptable consequences to living conditions. That is a relatively high bar and must be distinguished from lesser changes in private views which are not generally protected in planning law unless they cross that threshold.

329. As noted in the RVAA, given the low-lying nature and scale of the proposed solar arrays (c. 2.8m in height) and the proposed location upon lower elevations of fields surrounded by existing and proposed hedgerows, some reaching 4 – 6m in height, potential significant effects would be unlikely on residential properties beyond 250m of the site boundary. The layout of the solar arrays in three separate parcels of land would also mitigate visual effects as the proposed development would be unlikely to be experienced in its entirety in most views. That is in accordance with my own observations from various vantage points, including some near residential properties, in the surrounding area.

330. In relation to 4 residential properties within 250m of the site, the RVAA concludes that there would be a moderate adverse to minor adverse effect. Although the proposed

development would be visible to varying degrees from each of those residential receptors, it would not be to a degree significant enough to warrant further assessment. Consequently, it finds that the visual effects would not be overbearing or visually dominant for any of the surrounding properties.

331. I note that the MCC's LIR also agrees with the conclusions of the RVAA. Therefore, while I have considered submissions from interested parties objecting to the development, based on the evidence before me, I see no reason to disagree with the detailed assessment contained within the RVAA.

332. In term of noise, reflected light, air quality and electromagnetic disturbance, I have considered the applicant's submission including its NIA, GGA along with MCC's LIR assessment, as detailed in paragraphs 81-86 and 123-127 above. They indicate that there should be no significant adverse impacts in those respects for the reasons give. Again, based on that evidence and having considered all other submissions I take a similar view.

333. Overall, therefore, I conclude that the proposed development would not result in unacceptable adverse impacts on individual dwellings or nearby communities or result in unacceptable adverse impacts by way of shadow flicker, noise, reflected light or electromagnetic disturbance. Consequently, the proposal would comply with criteria 2 and 7 of FW Policy 18 and LDP policy EP1.

Flood Risk

334. The application was accompanied, as detailed in paragraphs 91-99 above, by a Flood Consequence Assessment and Drainage Strategy (FCADS) (May 2022) [DOC 12]. It advises that, according to the Development Advice Map, the application site is wholly situated within Flood Zone A, except for a small area within Field 4, which is Flood Zone B. This area has been intentionally left clear of development and therefore the proposed development is wholly within Flood Zone A. In accordance with TAN 15, the site is then situated in an area that is at little to no risk of fluvial or tidal/coastal flooding.

335. In addition to fluvial and coastal flood risk, Natural Resources Wales maps indicate that the small watercourse to the north of Field 1, 3 and 4, as well as the watercourse which dissects Fields 10 and 11 have some minor flood risk issues, although these look to be contained within the watercourse's banks. An 8m buffer of no development is designed into the proposed development which would eliminate any surface water flooding risk from these watercourses.

336. It has been demonstrated that the proposed development's impact on surface water runoff is minimal due to the small amount of impermeable infrastructure (0.44% of the overall Application Site Area) proposed. However, drainage in the form of SuDS has been proposed so the operational site discharges surface water at the greenfield run off rate (QBar). As advised in the LIR given the size and extent of the site it would require approval from the Sustainable Drainage Approval Body (SAB) prior to constructions, which is governed by legislation separate from the planning regime. The drainage strategy is proposed to include eight soakaway channels/filter drains as well as swales and detention basins within the application site, with further measures detailed in the FCADS. The appellant submits that the FCADS demonstrates that the proposed development would not increase flood risk awa from the site during the construction, operation an decommission phases.

337. Representations have been made by interested parties, including a local community action group (HUSTLE) expressing concerns about surface water runoff on local roads or on nearby watercourses. As indicated about any final surface water drainage scheme would need to be approved by the relevant SAB, in this case MCC. Therefore, the

applicant submits there should be no significant concern that the drainage system would not be appropriate. While there may be some soil compaction due to construction activity it is proposed that the site be harrowed and reseeded in order to mitigate those effects.

338. While some representations have suggested that the proposed access road floods regularly during heavy rainfall, the applicant advises that the landowner identified the likely causes to be that the culvert and road drain were both blocked with sediment, debris and small branches, which has since been remedied as evidenced in photographs supplied within the Applicant's Response to Representations (May 2022) [DOC 33].

339. Therefore, I conclude that there is no compelling evidence to suggest the proposed would increase flood risk away from the application site during the construction, operation and decommissioning phases. It follows that it would comply with LDP polices S12, SD3 and SD4.

Benefits of the Proposal

340. The applicant submits that there would be significant benefits result from the proposed development, including that it would generate approximately 32GWh of electricity per annum, enough to power approximately 8,093 homes and potentially offset around 14,080 tonnes of carbon emissions each year. There would economics benefits in terms of employment of up to 175 jobs created or safeguarded during the installation phase and a further 2 maintenance jobs during the 40-year operation phase, generating up to £5 million in Gross Value Added (GVA). An estimated contribution to local services and infrastructure through the payment of around £110,000 in business rates per annum is also estimated. It is also estimated that during the 6-month construction phase, the 80 construction employees could spend almost £570,000 at local businesses supporting the 770 accommodation, food & drink and retail businesses that operate within Monmouthshire. There would also be a net gain in biodiversity.

341. Although the applicant refers to a one-off payment of £74,000 towards a Community Benefit Fund upon commissioning of the solar farm, there is no legally binding mechanism before me to secure that, so I cannot give it weight.

342. Notwithstanding the above, some parties have suggested that the proposal would not provide local or community benefits. However, while WG supports the principle of securing financial contributions for host communities through voluntary arrangements, PPW makes clear that such arrangements must not impact on the decision-making process and should not be treated as a material consideration, unless it meets the tests set out in Circular 13/97: Planning Obligations i.e. that it is necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development; and, reasonable in all other respects [PPW paragraph 5.9.28]. That would not be the case here.

Other Considerations

343. In addition to the matters dealt with above, I have considered a range of other matters raised by various interested parties objecting to the scheme, including those summarised in paragraphs 182-184 above.

344. The efficiency of solar power in Wales because of the nature of the climate and its carbon footprint has been questioned compared with other renewable technologies. However, FW Policy 17 makes clear that WG strongly supports developing renewable and low carbon energy from all technologies to meet future energy needs and makes specific reference to solar energy.

345. It is suggested that the development would have a negative effect on tourism. However, given my findings that effects on the character and appearance of the area would be moderate and views from PROW would be transitory, I do not consider that there would be significant effects on tourism.

346. While the issue of an impact on property values has also been raised, it is a well-founded principle that the planning system does not exist to protect private interests such as the value of land or property. In any case, there is limited evidence to suggest that the proposal would have a significant effect. I note that the applicant refers to research suggesting that the presence of solar and wind farms had little substantive effect on tourism [DOC 33: Applicant's Response to Representations - paragraph 10.15].

347. Concern has been expressed about possible effects of glint and glare on aircraft pilots, particularly those participating in low-flying military training in the area. However, the applicant's Glint and Glare Assessment indicates that {DOC 16] indicates that there would be no effect on the runways at Abergavenny Airfield, there are no identified defence facilities within the vicinity of the site, and that the scheme would not result in any unacceptable impacts on the Mid Wales Low Flying Tactical Training Area (TTA 7T). In addition, MoD/DIO has confirmed that it has no safeguarding concerns in relation to the proposal.

348. It has been suggested that, if approved, the proposed development could set a precedent that would justify further solar developments in the area. However, each application must be determined on its own merits. Moreover, any cumulative effects would form part of the assessment and determination of any future proposals. Therefore, I give that concern limited weight.

349. A number of representations suggested that proposal should have been found to be 'EIA Development' under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (the Regulations). However, as indicated in paragraph 2 above, the Planning Inspectorate (Wales) (which was the predecessor to PEDW), as authorised by Welsh Ministers, provided a Screening Direction on 12 November 2020 confirming that the proposed development was not 'EIA Development' and that, therefore, an Environmental Statement (ES) was not required. That is a separate independent process, which has already been carried out and I see no substantive reason to question. In any event, relevant reports on environmental effects have been provided by the applicant and considered, with all parties given the opportunity to comment.

350. Concerns about the long-term financial stability of the developer and ability to subsequently decommission the development have been raised. Planning permissions run with land rather than being personal to the applicant. Nevertheless, the applicant has provided information about the company structure, expertise and financial backers, while section 7 of its Outline Decommissioning Strategy [DOC 22] summarises the decommissioning strategy, which advises that the project is funded by a large global energy developer. Moreover, the applicant submits that the nature of the solar assets that would be on site would be likely to prove attractive to a range of other investors in the event that financial difficulties were encountered, which appears a reasonable contention. Consequently, I am satisfied that decommissioning obligations can be satisfactorily dealt with by condition.

Planning Conditions and Obligations

351. In the event that the Welsh Ministers decide to approve the application, I consider the conditions at Appendix A satisfy the tests set out in Circular 016/2014: *The Use of Planning Conditions in Development Management* ("the Circular").

352. For the most part, the conditions would ensure that the development avoids or, where that is not possible, mitigates as far as is reasonable, the potentially harmful effects of the scheme. The reasons for imposing each of the recommended conditions are, in most cases, discussed in the corresponding sections of this report and summarised in Appendix A.

353. At various stages during the examination process, I urged the applicant to liaise with relevant parties, including MCC, NRW and WGDCC, to seek a position of common ground on issues and conditions prior to any hearings. The applicant submitted a list of suggested conditions with its hearing statement for the Hearing Session 3, said to have been agreed with NRW and MCC. NRW was not present at the hearing session as it had been agreed, at its request, that its suggested conditions detailed in its consultation response letter dated 13 July 2022 [2022-07-14 REPS2 007] would be dealt with by written representations.

354. I raised several concerns at the hearing about the content and wording of the suggested conditions. I also requested that the applicant sought confirmation from NRW that a suggested condition concerning pre-construction surveys in relation to protected species (NRW4) would be compliant with paragraph 6.2.2 of TAN 5 and paragraph 4.27 of WG Circular 016/2014: The Use of Planning Conditions in Development Management (the Circular), and that it was satisfied that sufficient survey work had previously been undertaken with regard to the presence or otherwise of protected species.

355. NRW subsequently confirmed that it was satisfied that the pre-determination survey work already carried out by the applicant was sufficient, subject to pre-commencement conditions requiring the submission of GCN and dormice conservation plans [2022-08-25 APP Confirmation from NRW re conditions & 2022-08-25 APP email from NRW to APP re conditions].

356. The applicant provided an updated list of suggested conditions following the hearing session. It contained various revisions to the list previously proposed and agreed with NRW and MCC. However, while MCC has indicated that the current and previous suggested conditions are acceptable to it, NRW disagrees with elements of the applicant's revised set of conditions 2022-08-25 – from APP Post Hearing Request for covering email].

357. There main disagreements between the applicant and NRW are:

- In the applicant's view NRW's requested pre-commencement conditions (NRW1 and NRW2) which require the submission of GCN and dormice conservation plans for approval should be combined with and made subject to the findings of pre-commencement surveys required by condition NRW4.
- NRW previously considered condition NRW4, requiring pre-commencement surveys, to be necessary as a matter of good practice to assess any changes in the ecological circumstances immediately prior to the development commencing. However, following the hearing NRW revised its view, indicating that it is usually suggested where there is a long delay between the original surveys and the commencement of development, which it considered was not the case here. Nonetheless, the applicant continues to consider that pre-commencement surveys remain necessary, particularly as it includes bats and otter in addition to GCN and dormice, albeit it wishes to make the content of conditions NRW1 and NRW2 contingent upon it.

358. In relation to the first bullet point, NRW re-iterates that the project has been progressed assuming the presence of GCN in those ponds for which survey access was denied. Consequently, it still considers that a detailed GCN Conservation plan, building upon the mitigation and enhancement principles set out in the GCN Survey Report [DOC 14]

and EDS [DOC 10]. Similarly, in relation to dormice, NRW points out that the site is in the geographical range of dormice, there are dormouse records in the wider area, the site offers a suitable habitat and the applicant had not carried out further specific surveys. Therefore, again it considers that, in the circumstances, and based on the available information a standalone dormouse conservation plan condition remains a necessary and reasonable requirement.

359. While the applicant refers to advice within TAN 5 that *'developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of them being present'*, I note that it also advises that the level of likelihood that should trigger a requirement for developers to undertake surveys should be low where there is a possibility that European protected species might be present.

360. Having considered the above arguments, I am, on balance, persuaded that NRW's suggested conditions (conditions 11-16 below) should remain. They are largely as originally proposed and agreed by NRW and the applicant prior to the Hearings and include the retention of the pre-construction survey condition.

361. NRW detailed in its consultation response dated 13 July 2022, referred to above, a list of plans and documents that it considered should be included within condition 2. As was discussed at Hearing Session 3, the draft version of that suggested condition did not include all of the documents referred to by NRW and no explanation for their omission by the applicant was provided. However, the post-hearing list of revised conditions also omitted many of those documents, again without specific explanation. I have considered the list of plans and documents that NRW provided. However, in some cases, such as in the case the Green Infrastructure and Landscape Strategy (January 2022) the documents are referred to in other conditions (see condition 15). Therefore, they do not need to be included in both conditions. In other cases, the reports or assessments referred to do not include specific mitigation measures to be implemented. Therefore again, it would not be necessary to list them in condition 2. Consequently, I have reached my own judgement on the plans and document that need to be listed under the condition.

362. MCC suggested that a planning obligation should be in place to secure offsite recreations and improvements in green infrastructure and PROW. However, as the applicant submits, biodiversity and green infrastructure enhancements form part of the proposed development and secure a biodiversity net gain, which appears to be accepted in relevant sections of the LIR and is secured by, for example, condition 15 relating to a LEMP (Landscape and Ecology Management Plan). LDP policy GI1 refers to a need for such contributions where on-site provision of green infrastructure is not possible, which is not the case here.

Planning Balance and Overall Conclusion

363. Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. FW is the national development plan for Wales and is the highest tier of development plan, and along with the local development plan, is given primacy in the plan-led system in Wales. It is strongly influenced by PPW, the land use planning policy document for Wales. FW indicates that all regions, including the South East region where the application site is located, have a vital role to play in decarbonisation and the realisation of renewable energy, including solar energy generation across Wales [FW p. 171].

364. Although there would be some negative visual impacts in closer range views and moderate harm in some medium range views, which would lessen over time, I have not found that the proposed development would result in unacceptable adverse effects on landscape character or the appearance of the area. Similarly, there would not be

unacceptable adverse visual impacts on nearby communities and individual dwellings. I therefore afford these limited harms minor weight.

365. The development would cause a moderate to low degree of harm to the setting of the Great House, a Grade II* listed building. Nevertheless, I do not consider that the harm would be significant in the context of the time limited nature and reversibility of the development. I therefore give this matter limited weight.

366. Where harms have been identified they are not significant enough to be considered 'unacceptable', either individually or cumulatively, in terms of the criteria detailed in FW Policy 18 which deals with developments of national significance.

367. Neither have I found that there would be significant harm in respect of: ecology (subject to conditions and a HRA); highways; flood risk; residential amenity; or other matters raised by interested parties. I therefore consider these matters to be neutral in the planning balance.

368. The main benefit of the scheme would be that it would generate renewable energy of approximately 32GWh of electricity per annum, which would be enough to power some 8,093 homes and potentially offset around 14,080 tonnes of carbon emissions each year. That would be a significant contribution towards Wales' target of 70% of electricity consumption to be from renewable energy by 2030. I give that benefit considerable weight given the clear support in FW Policies 17 and 18 for renewable energy schemes.

369. The applicant submits that the importance of the proposal is heightened at a local level, as no new large-scale ground mounted solar schemes have been consented within Monmouthshire in over 5 years. Economic, employment and ecological enhancement benefits would result from the project, as summarised in paragraph 340 above and detailed in the applicant's Economic Benefits Report (January 2022) [DOC 26] and Collaborative Benefits Report (May 2022) [DOC 32]. I give those benefits moderate weight.

370. While PPW gives considerable weight to protecting BMVAL, it also recognises the benefits of renewable and low carbon energy in tackling the climate emergency and increasing energy security as of 'paramount' importance [paragraph 5.7.7].

371. It is clear from the national policy framework, which needs to be read as a whole, that there are potential tensions between the need to protect BMVAL as a finite resource for the future and the urgent need to combat the climate emergency by increasing the generation of renewable energy. While it has been suggested that solar developments have some flexibility in their location, the application has detailed the planning policy, practical and financial constraints that affect site selection and viability.

372. I accept that there would be some loss of ability to farm the c.16.8ha of BMVAL under panel to its full potential over the lifetime of the development, which needs to be weighed in the balance. However, based on the evidence before me I consider that, providing construction and decommissioning are properly carried out, which could be secured by condition, the risk of significant damage to soils and potential degradation of BMVAL would be relatively limited. While the proposed development would have a 40-year lifespan, that remains a temporary period after which the solar panels and associated infrastructure could be removed.

373. None of my findings in relation to 'other considerations' lead me to alter my conclusions. All relevant submissions, representations, appeal decisions, Inspector Reports and Ministerial decisions referred to by the parties have been considered in reaching my recommendation.

374. On balance, I conclude that the benefits of the proposed development, particularly in the production of energy from a renewable source, outweigh the identified adverse effects,

most significantly in relation to BMVAL and its unavailability for food production during the lifetime of the scheme. Given the above, I find that the proposal complies with the development plan and relevant national planning policy when considered as a whole, including FW Policies 9, 17 and 18. There are no material planning considerations of sufficient weight to indicate that the application should be determined other than in accordance with the development plan. The scheme would also be consistent with the goals of the WFGA and supported by the Environment (Wales) Act 2016.

Recommendation

375. The requirement of the WBFG Act to make decisions "in accordance with the sustainable development principle" equates to behaving in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. The WBFG Act also sets out a number of well-being goals and states that in undertaking sustainable development public bodies should consider the five ways of working as set out in the Act. In coming to my recommendation, I have had regard to the extent to which the proposal contributes to the well-being goals.

376. For the reasons given above I recommend that planning permission be granted, subject to the conditions set out in Appendix A.

JP Tudor

Inspector

APPENDIX A: SCHEDULE OF RECOMMENDED PLANNING CONDITIONS

1. The development hereby permitted shall begin no later than five years from the date of this permission.

   Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following submitted plans and documents unless indicated as otherwise by any other condition pursuant to this permission:–

   • Drawing no. NEO00668/071I/C, Site Location Map Figure 1, dated 24/01/2022;

   • Drawing no. NEO00667/010I/B, Site Location Map Figure 2, dated 22/06/2021;

   • Drawing no. NEO00667/006I/B, Field Numbers Figure 3, dated 12/11/2021;

   • Drawing no. NEO00668_074I_F Figure 4, Revision F, Site Proposals, dated 12/05/2022;

   • Drawing no: NEO00668_056I_E Figure 5, Revision E, Development Proposal, dated 12/05/2022;

   • Drawing no. NEO00668_057I_E Figure 6, Revision E, Proposal (Overall), dated 12/05/2022;

   • Drawing no. NEO00668_058I_D Figure 6.1, Revision D, Development Proposal (Sheet 2), dated 24/01/2022;

   • Drawing no. NEO00668_059I_D Figure 6.2, Revision D, Development Proposal (Sheet 3), dated 24/01/2022;

   • Drawing no. NEO00668_060I_D Figure 6.3, Revision D, Development Proposal (Sheet 4), dated 24/01/2022;

   • Drawing no. NEO00668_061I_D Figure 6.4, Revision D, Development Proposal (Sheet 5), dated 24/01/2022;

   • Drawing no. NEO00668_062I_D Figure 6.5, Revision D, Development Proposal (Sheet 6), dated 24/01/2022;

   • Drawing no. NEO00668_063I_D Figure 6.6, Revision D, Development Proposal (Sheet 7), dated 24/01/2022;

   • Drawing no. NEO00668_064I_D Figure 6.7, Revision D, Development Proposal (Sheet 8), dated 24/01/2022;

   • Drawing no. NEO00668_065I_E Figure 6.8, Revision E, Development Proposal (Sheet 9), dated 12/05/2022;

   • Drawing no. NEO00668_066I_E Figure 6.9, Revision E, Development Proposal (Sheet 10), dated 12/05/2022;

   • Drawing no. NEO00668_067I_E Figure 6.10, Revision E, Development Proposal (Sheet 11), dated 12/05/2022;

   • Drawing no. NEO00668_068I_E Figure 6.11, Revision E, Development Proposal (Sheet 12), dated 12/05/2022;

   • Drawing no. NEO00668_069I_E Figure 6.12, Revision E, Development Proposal (Sheet 13), dated 12/05/2022;

   • Drawing no. NEO00668_070I_E Figure 6.13, Revision E, Development Proposal (Sheet 14), dated 12/05/2022;

- Drawing no. NEO00668_104I_D Figure 6.14, Revision D, Development Proposal (Sheet 15), dated 24/01/22;
- Drawing no. NEO00668_050I_A Figure 7, Revision A, Access Track Detail, dated 21/04/2021;
- Drawing no. NEO00668_051I_A Figure 8, Revision A, Construction Compound Detail, dated 21/04/2021;
- Drawing no. NEO00668_052I_A Figure 9, Revision A, PV Module & Rack Detail, dated 21/04/2021;
- Drawing no. NEO00668_105I_A Figure 10, Revision A, Deer Fencing Detail, dated 29/04/2021;
- Drawing no. NEO00668_054I_A Figure 11, Revision A, CCTV Detail, dated 24/01/2022;
- Drawing no. NEO00668_055I_A Figure 12, Revision A, Transformer Station Detail, dated 22/04/2021;
- Drawing no. NEO00668_099I_B Figure 13, Revision A, 132kV Compound Layout & Section, dated 25/01/2022;
- Drawing no. NEO00668_101I_C Figure 13.1, Revision C, Section AA & BB, dated 04/12/2021;
- Drawing no. NEO00668_102I_D Figure 13.2, Revision D, Section CC & DD, dated 12/05/2022;
- Drawing no. NEO00668_103I_D Figure 13.3, Revision D, Section EE & FF, dated 12/05/2022;
- Drawing no. NEO00668_109I_C Figure 16, Revision C, Culvert Design, dated 12/05/2022;
- Drawing no. NEO00668_00110I_B Figure 17, Revision B, Typical Track and Fence Sections at Hedge Crossings, dated 24/1/22;
- Flood Consequences Assessment and Drainage Strategy - DOC 12 (May 2022);
- Green Infrastructure and Landscape Strategy – DOC 15 (January 2022);
- Landscape and Visual Assessment – DOC 18 (May 2022);
- Arboricultural Impact Assessment – DOC 07 (January 2022);
- Ecological Impact Assessment – DOC 11 (May 2022) (incorporating Appendix E – Bat Conservation Plan);
- Great Crested Newt Survey Report – DOC 14 (May 2022);
- Tree Constraints Report - DOC 27 (January 2022).

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

3. The development hereby approved shall cease operating 40 years after the date on which electricity is first exported to the National Grid (excluding any testing or commissioning). Written confirmation of the first export date to the National Grid shall be sent to the local planning authority within 28 days of the export date.

   Reason: To establish the duration of the permission and ensure that the effects on the character and appearance of the area exist only for the lifetime of the development, in

accordance with Policy 18 of Future Wales (2021) and policies LC5, DES1, and SD1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

4. No later than 12 months before the end of the 40-year operating period (or within 6 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 details of the following:

   i. Surveys and assessments to identify the existing ecology and habitat status at the time of decommissioning;

   ii. Method Statement detailing the process and extent of removal of surface elements of the photovoltaic solar farm and associated development and any foundations, anchor systems, trackways and subsurface cabling and associated works;

   iii. Proposals for effective recycling and disposal of decommissioned elements;

   iv. Traffic management plan to address likely traffic impacts arising from decommissioning operations;

   v. Measures to ensure environmental protection at the site to cover all decommissioning operations;

   vi. Measures to ensure ecological protection at the site to cover all decommissioning operations informed by the surveys and assessments under i) above;

   vii. Implementation timescales and schedules for all elements of the DEMP;

   viii. Reporting and monitoring responsibilities and delivery mechanisms for all elements of the DEMP; and,

   ix. Site restoration measures following all decommissioning operations.

   The DEMP, as approved, shall be carried out in accordance with the approved details.

   Reason: To ensure that, at the end of the lifespan of the development, the infrastructure is appropriately removed, the environmental effects of the decommissioning process are controlled and the site is effectively restored, in accordance with Policy 18 of Future Wales (2021).

5. Prior to the commencement of development, a road condition survey shall be carried out of the local road between the site access and its junction with the B4598 and submitted to and approved in writing by the local planning authority. The condition survey shall detail a programme of measures to be employed to ensure the highway remains free from damage as a result of the construction of the development. The survey should be carried out by an independent highway maintenance consultant and extents agreed in advance with the local planning authority.

   Reason: In the interests of highway safety in accordance with Policy 18 of Future Wales (2021) and Policy MV1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

6. Within 3 months of completion of the construction phase of the development, a post-construction condition survey of the local road between the site access and its junction with the B4598, shall be carried out and submitted to the local planning authority for approval in writing. The local planning authority may require, at the developer's expense, any remedial works identified within this condition survey and considered necessary as a direct result of the development works to be carried out within 6 months of the approval of the remedial works.

Reason: In the interests of highway safety in accordance with Policy 18 of Future Wales (2021) and Policy MV1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

7. The development shall be constructed in accordance with the Construction Traffic Management Plan (May 2022).

   Reason: In the interests of highway safety and residential amenity and in accordance with Policy 18 of Future Wales (2021) and Policies MV1 and EP1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

8. 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: 0700 to 1900 on Monday to Friday and 0800 to 1600 on Saturdays unless otherwise first agreed in writing by the local planning authority.

   Any piling associated with the development shall be limited to Monday to Friday between 0900 and 1700.

   Reason: In the interests of highway safety and residential amenity, and in accordance with Policy 18 of Future Wales (2021) and Policies EP1 and MV1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended or any Order revoking and re-enacting that Order with or without modification), no fencing or means of enclosure other than those hereby approved, shall be erected within and along the boundaries of the site.

   Reason: To safeguard the character and appearance, ecology and biodiversity, and historical interests of the area in accordance with Policy 18 of Future Wales (2021) and Policies LC5, NE1 and DES1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

10. Any proposed fence/hedge lines enclosing public rights of way shall be a minimum of 3m apart. No barriers, structures or any other obstructions shall be placed across the legal alignment of the public right of way, and any damage to its surface as a result of works or private vehicular use shall be made good.

    Reason: In the interests of local amenity and in compliance with Policy MV3 of the Monmouthshire County Council Adopted Local Development Plan (2014).

11. No development shall commence until a final and detailed Great Crested Newt (GCN) Conservation Plan has been submitted to and approved in writing by the local planning authority. The GCN Conservation Plan shall build upon the mitigation and enhancement principles set out in the GCN Survey Report dated 23/5/2022 (particularly Appendix D) and the Ecological Design Strategy, dated May 2022. The GCN Conservation Plan shall be carried out in accordance with the approved details, with a written report of the effectiveness of the plan provided to the local planning authority every 5 years and any arising revisions of the plan to be agreed in writing with the local planning authority prior to implementation. Additionally, a written report confirming the results of GCN population and habitat monitoring shall be provided to the local planning authority by 30 December in each year that monitoring is due.

    Reason: To ensure that an approved Great Crested Newt (GCN) Conservation Plan is implemented, which protects GCN and their habitat affected by the development, in accordance with Policies 9, 17 and 18 of Future Wales (2021) and Policy NE1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

12. No development or phase of development, including site clearance, shall commence until a site wide Dormouse Conservation Plan has been submitted to and approved in writing by the local planning authority. The Dormouse Conservation Plan shall:

    • Build upon the principles outlined in the Ecological Impact Assessment and the Ecological Design Strategy;

    • Cover the lifetime of the development;

    • Include a plan showing habitat to be lost, retained and created which should identify the extent and location at an appropriate scale;

    • Provide details of protective measures to be taken to minimise the impacts of the works on dormice, including that buffers to hedgerows shall be measured 5m from the outer edge of the hedge;

    • Provide details of timing, phasing and duration of construction activities and conservation measures;

    • Include a timetable for implementation demonstrating that works are aligned with any proposed phasing of the development;

    • Provide details of proposals to enhance retained habitats for dormice including planting mixes and specifications (e.g. for gapping up any hedgerows);

    • Provide details of initial aftercare and long-term management and maintenance;

    • Set out actions to be taken in the event previously unidentified species or habitat features are found;

    • Include an Ecological Compliance Audit, including key performance indicators;

    • State persons responsible for implementing the works;

    • Provide details of measures to prevent or reduce incidental capture or killing;

    • Propose a scheme for monitoring the condition of retained and any new habitat, to inform habitat management, and dormouse population monitoring.

    The Dormouse Conservation Plan shall be carried out in accordance with the approved details, with a written report of the effectiveness of the plan provided to the local planning authority every 5 years and any arising revisions of the plan to be agreed in writing with the local planning authority prior to implementation.

    Reason: To ensure that an approved Dormouse Conservation Plan is implemented, which protects dormice and their habitat affected by the development, in accordance with Policies 9, 17 and 18 of Future Wales (2021) and Policy NE1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

13. Prior to its installation, full details of lighting in the form of a Lighting Plan shall be submitted to and agreed in writing by the local planning authority. The Lighting Plan shall include:

    • Details of lighting to be used during construction and/or operation;

    • Details of the siting and type of external lighting to be used;

    • Drawings setting out light spillage in key sensitive areas (e.g. hedgerows, woodlands, ditch along the northern boundary of the site etc.); and

    • An assessment of proposed lighting against conservation requirements for nocturnal protected species.

    The lighting shall be installed and retained as approved during construction and operation of the proposed development.

Reason: To safeguard foraging, commuting, resting and breeding habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and Policies EP3 and NE1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

14. No development or phase of development, including site clearance, shall commence until a final version of a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain;
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures, protected species toolbox talks, copies of protected species licences required for the works;
- Biosecurity Risk Assessment and arising precautions needing to be undertaken;
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works and measures to control light spill;
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details, including Ecological Clerk of Works, Site Manager, Natural Resources Wales contacts for emergency situations;
- Ecological Clerk of Works to ensure construction compliance with approved plans and environmental regulations;
- Resource Management: details of fuel and chemical storage and containment, waste generation and its management, water consumption, and wastewater and energy use; and
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure necessary management measures are agreed prior to commencement of development or phase of development and implemented for the protection of protected species and protected sites during construction, in accordance with Policy 18 of Future Wales (2021) Policy NE1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

15. No development or phase of development, including site clearance, shall commence until a Landscape and Ecology Management Plan (LEMP) (which combines the Ecological Design Strategy, May 2022; the Green Infrastructure and Landscape Strategy, January 2022; the Shadow Habitats Regulations Assessment, May 2022; and, includes the GCN and Dormouse conservation plans referred to in conditions 11 and 12) has been submitted to and approved in writing by the local planning authority. The LEMP shall include:

- Include the proposals and commitments in all protected species conservation plans and Identify protected species licences required for the development work;

- Provision for the periodic monitoring of the condition of habitats on site, with the results of monitoring used to inform habitat management going forward;
- Measurable attributes and targets, to be used by site monitoring to define when habitats on site will be considered in favourable condition;
- A timetable of works to include specified years;
- A commitment to replace bat boxes promptly and within a specified timeframe once found to be missing or damaged;
- A commitment to fence livestock off from new and existing hedgerows through the use of appropriate, robust, stock fencing;
- A commitment that vegetation removal at any time of year should be supervised by the Ecological Clerk of Works; and,
- Confirmation of who is responsible for overseeing the implementation of the LEMP, and who will be undertaking the relevant management and monitoring works.

All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out in accordance with the timetable agreed with the local planning authority.

Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Evidence of compliance with the LEMP in the form of georeferenced photographs must be provided to the local planning authority no later than twelve months from the completion of the construction works. Thereafter, a written report of the effectiveness of the LEMP shall be provided to the local planning authority every 5 years and any arising revisions of the LEMP shall be agreed in writing with the local planning authority prior to implementation.

Reason: To ensure necessary landscape and environmental management measures are agreed prior to commencement and implemented and to ensure the site's landscape and environmental features are adequately managed long term, in accordance with Policies 9, 17 and 18 of Future Wales (2021) and Policy NE1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

16. No development or phase of development, including site clearance, with the potential to impact on bats, dormice, otters and great crested newts, shall commence until pre-construction surveys are undertaken for the development or phase of development, to update pre-application survey information as appropriate. If the survey confirms the presence of any of these species, the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the local planning authority. The measures shall be carried out in accordance with the approved details.

    Reason: To ensure the potential presence of European Protected Species is confirmed prior to construction and where necessary remedial measures are implemented for their protection.

17. Prior to the commencement of development, a Soil Management Plan (SMP) shall be submitted to the local planning authority for approval. The SMP should include the following:

- A Soil Resources Report containing soil survey maps at a scale appropriate for site management, including:

  - extent and depth of topsoil units;

  - the distribution of different soil types;

  - the distribution of Agricultural Land Classification grades; and

  - any features of interest identified in the related archaeological and ecological surveys, with clear cross references to the requirements of the relevant plans.

- A map of proposed areas and thickness of each soil type and soil layer to be stripped and stored separately, as informed by the Soil Resources Report, and all areas where soils will be left in-situ and the ground protected from tracking over;
- A map showing temporary access routes and details of how access will be managed across the site to minimizes soil compaction;
- A map showing the location of soil stockpiles labelled with their content, anticipated size, height and volume; including expected timeframe for the material to be in stockpile;
- Details of how stockpiles will be protected and managed;
- A map showing where each soil type and soil layer will be reused;
- Details of appropriate equipment and methods for stripping, stockpiling, re-spreading soil and ameliorating soil compaction in accordance with good practice techniques to minimise the risk of soil compaction;
- Details of how construction activities will be managed across the site to minimise impact on soils;
- Identification of roles and responsibilities in relation to the implementation of the SMP and the supervision of all associated activities by a suitably qualified and experienced soil scientist who will have the necessary training, qualifications and experience, having achieved the soil professional competence standards 1 (Foundation skills in field soil investigation, description and interpretation) and 6 (Soil science in soil handling and restoration) as set out by the British Society of Soil Science;
- A monitoring schedule for all activities within the SMP and criteria against which compliance will be assessed.

All soil handling and trafficking will be undertaken in accordance with the SMP unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the protection of soils as a resource and in compliance with Policy 9 of Future Wales (2021).

18. Within 3 months of completion of all soil handling works in any given year a Soil Monitoring and Aftercare Plan (SMAP) shall be submitted for the written approval of the local planning authority. The SMAP shall include:

- A detailed annual programme of soil and site monitoring over the full lifetime of the development, including monitoring of in situ soils;
- Details of the physical characteristics of the land to be restored to what they were when the land was last used for agriculture, including drainage where relevant, as far as it is practical to do so ;
- A five-year period of aftercare, specifying the steps to be taken, the period during which they are to be taken, and who will be responsible for taking those steps; and,

- Measures to be taken should the monitoring identify aspects of the site that require rectification or remediation in order to conform with the local planning authority's agreed standards.

  Reason: To ensure the protection of soils as a resource and in compliance with Policy 9 of Future Wales (2021).

APPENDIX B: HABITATS REGULATIONS ASSESSMENT

1. In accordance with Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017, as amended, (the Habitats Regulations), as the competent authority it falls on Welsh Ministers to decide whether an Appropriate Assessment (AA) is necessary and, if so, to undertake it. However, in order to assist in that process, I have set out my assessment below, informed by the applicant's updated Shadow Habitats Regulations Assessment (May 2022) (SHRA) [DOC 25] Ecological Impact Assessment (May 2022) [DOC 11}, Ecological Design Strategy (May 2022) [DOC 10], Outline Construction Environmental Management Plan (May 2022) [DOC21], and consultation responses from Natural Resources Wales (NRW) [REP110 & 2022-07-14 REPS2 007].
2. If the proposal is not directly connected with or necessary to site management, as is the case here, the decision-taker must determine if the proposal is likely to have a significant effect on a European site, which consist of Special Areas of Conservation (SACs) or Special Protection Areas (SPAs), alone or in combination with other plans and projects. An AA is required where there is a probability or a risk that the plan or project would have significant effects in terms of the conservation objectives for which the site was classified.
3. The application site is not located within or directly adjacent to any international designated site. However, there are six such sites within 15km of the application site all of which are Special Areas of Conservation (SACs). Based on the applicant's SHRA, which has been accepted by NRW, four of the SACs have no connectivity with the application site and have, therefore, been screened out. I see no reason to disagree with that approach.
4. The SHRA considers that the applications site has hydrological connectivity with the River Usk SAC, about 0.86km to the south-southwest via field drains that join the Ffrwd Brook, which in turn enters the River Usk. It also has potential ecological connectivity in relation to otter, a notified feature of the SAC. In addition, the application site is considered to have potential ecological connectivity with the Usk Bat Sites SAC, which is about 7.61km to the west, as it is possible that lesser horseshoe bats associated with the SAC could forage within the application site.
5. It is necessary to assess whether the likely construction, operation and decommissioning impacts of the development would potentially affect these European sites.
6. As established in *People Over Wind & Peter Sweetman v Coillte Teoranta C-323/17*, it is not acceptable for a competent authority to take mitigation measures into account when assessing whether there would be a likely significant effect on an international site. These measures can only be considered at the 'appropriate assessment' stage.
7. With regard to the River Usk SAC, the hydrological connectivity creates the potential for pollution during the construction phase of the development which could affect water quality and qualifying species. There is potential ecological connectivity in relation to otter, a notified feature of the SAC, because of possible occasional use by otters of the drain along the northern boundary of the site.
8. In respect of the Usk Bat Sites SAC, there is ecological connectivity as it is possible that lesser horseshoe bats associated with the SAC could forage within the application site. As acknowledged in the SHRA lesser horseshoe bats are sensitive to lighting and will avoid well-lit features and there is potential for lighting used during construction to disturb bats.
9. Therefore, adopting the precautionary principle and notice the advice of NRW, I consider that a risk of significant effects on the conservation objectives of both the River Usk SAC and the Usk Bat Sites SAC exists and that an appropriate assessment is, therefore, necessary in relation to both SACs.

Appropriate Assessment

10. As set out in the Ecology section above and in the applicant's SHRA, OCEMP, EcIA and EDS the applicant intends to use a number of design and mitigation measures to avoid harm to the SACs.

11. I note that with regard to the River Usk SAC, NRW suggests that an appropriately worded CEMP condition could mitigate potential impacts from construction and avoid the identified adverse impacts. Similarly, NRW advises that the proposed mitigation measures for otters set out within the application and above documents could be conditioned and cited as a means to avoid adverse impact on the otter feature of the SAC. With regard to the Usk Bat Sites SAC, NRW indicates that adverse effects on its lesser horseshoe bat feature, could be avoided via an appropriate lighting plan condition, which it also considers if relevant to otter.

12. In its letter dated 13 July 2022 [2022-07-14 REPS2 007], NRW advises agrees with the conclusion of the SHRA, that the propped development is unlikely to have an adverse effect on the integrity of both the River Usk SAC and the Usk Bat Sites SAC subject to the following mitigation being implemented.

    - A lighting plan
    - Pre-construction checks for otter resting places in the ditch along the northern boundary of the application site
    - Excavations will be covered securely during construction (at the end of each working day to prevent accidental trapping of otter and other species).
    - 7m buffer between development works and the Ffrwd Brook
    - 2m buffer to all field drains
    - Standard best practice pollution prevention measures will be implemented.

13. I see no reason to disagree with the professional advice of NRW, the relevant specialist consultee, in this regard. I note that MCC's LIR takes a similar view.

14. The use of planning conditions, as set out in Appendix A (relevant conditions include nos. 13-16) to secure the design features and appropriate mitigation, such as an approved CEMP, would ensure that adverse effects on these SACs would be sufficiently reduced to maintain their integrity and thereby their favourable conservation status.

15. The SHRA considers possible cumulative impacts and advises that there are no other consented or pending solar farm applications or any proposed development of a similar nature or scale within 5km. It identifies the operational solar farm at Manor Farm and a wind turbine (15m tower height) at Main Farm House both within 5km of the proposed development. However, it advises that there is no evidence to suggest that there would be a cumulative adverse effect in combination with the proposed development on the River Usk SAC or the Usk Bat Sites SAC. I see no reason to disagree.

16. On that basis and having taken account of all available evidence, I conclude that it is beyond reasonable scientific doubt that the proposed development and associated construction activities, either alone or in combination with other projects would not have an adverse effect on the integrity of these European Sites, namely the River Usk SAC and the Usk Bat Sites SAC. That is predicated on the basis of securing those elements of identified design, mitigation and avoidance measures that I have found to be reasonable and necessary.

APPENDIX C: APPEARANCES

FOR THE APPLICANT:

Elizabeth Dunn	Partner, Burges Salmon
Ed Perrin	Head of Development, Renewable Connections
Joel Gandhi	Development Manager, Renewable Connections
Gareth Roberts	Planning Agent, Pegasus
Kay Hawkins	Director (Landscape) HBA Environment
Tony Kernon	Director, Kernon Countryside

FOR THE LOCAL PLANNING AUTHORITY:

Kate Bingham	Senior Development Manager, MCC
Andrew Jones	Planning Applications Manager, MCC
Andrew Nevill	Landscape/GI Manager, MCC
Susan Hall	Principal Planning Policy Officer, MCC
Rachel Lewis	Planning Policy Manager, MCC

INTERESTED PERSONS:

David Shears	Campaign for the Protection of Rural Wales
James Fraczyk	Barrister (for HUSTLE)
Don Grant	HUSTLE
Hugh Candler	Gobion Fawr Community Council
Cllr Graham Thomas	Councillor for Llanfair Kildeggin

APPENDIX D: DOCUMENTS

Documents submitted with the application (including updates on variation of the proposal)

Document Ref:	Issue	Date	Title
DOC 01	SUBMISSION	Jan-22	DESIGN AND ACCESS STATEMENT
DOC 02	SUBMISSION	Jan-22	CONSULTATION REPORT
DOC 03	SUBMISSION	Jan-22	CONSULTATION REPORT APPENDICES
DOC 04	SUBMISSION	Jan-22	PLANNING STATEMENT
DOC O5	SUBMISSION	Jan-22	ALTERNATIVES SITE SEARCH REPORT
DOC O5	VARIATION	May 22	ALTERNATIVES SITE SEARCH REPORT
DOC 06	SUBMISSION	Jan-22	AGRICULTURAL USE AND LAND QUALITY
DOC 07	SUBMISSION	Jan-22	ARBORICULTURAL IMPACT ASSESSMENT
DOC 08	SUBMISSION	Jan-22	BAT REPORT
DOC 09	SUBMISSION	Jan-22	CONSTRUCTION TRAFFIC MANAGEMENT PLAN
DOC 09	VARIATION	May-22	CONSTRUCTION TRAFFIC MANAGEMENT PLAN
DOC 10	SUBMISSION	Jan-22	ECOLOGICAL DESIGN STRATEGY
DOC 10	VARIATION	May 22	ECOLOGICAL DESIGN STRATEGY
DOC 11	SUBMISSION	Jan-22	ECOLOGICAL IMPACT ASSESSMENT
DOC 11	VARIATION	May 22	ECOLOGICAL IMPACT ASSESSMENT
DOC 12	SUBMISSION	Jan-22	FLOOD CONSEQUENCE ASSESSMENT AND DRAINAGE STRATEGY
DOC 12	VARIATION	May 22	FLOOD CONSEQUENCE ASSESSMENT AND DRAINAGE STRATEGY
DOC 13	SUBMISSION	Jan-22	ARCHAEOLOGICAL GEOPHYSICAL SURVEY
DOC 14	SUBMISSION	Jan-22	GREAT CRESTED NEWT SURVEY REPORT
DOC 14	VARIATION	May-22	GREAT CRESTED NEWT SURVEY REPORT
DOC 15	SUBMISSION	Jan-22	GREEN INFRASTRUCTURE AND LANDSCAPE STRATEGY
DOC 16	SUBMISSION	Jan-22	GLINT AND GLARE ASSESSMENT
DOC 17	SUBMISSION	Jan-22	HERITAGE IMPACT ASSESSMENT
DOC 18	SUBMISSION	Jan-22	LANDSCAPE AND VISUAL ASSESSMENT
DOC 18	VARIATION	May-22	LANDSCAPE AND VISUAL ASSESSMENT
DOC 19	SUBMISSION	Jan-22	NET GAIN ASSESSMENT
DOC 19	VARIATION	May-22	NET GAIN ASSESSMENT

DOC 20	SUBMISSION	Jan-22	NOISE IMPACT ASSESSMENT
DOC 20	VARIATION	May-22	NOISE IMPACT ASSESSMENT
DOC 21	SUBMISSION	Jan-22	OUTLINE CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN
DOC 21	VARIATION	May-22	OUTLINE CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN
DOC 22	SUBMISSION	Jan-22	OUTLINE DECOMMISSIONING PLAN
DOC 23	SUBMISSION	Jan-22	OUTLINE SOIL MANAGEMENT PLAN
DOC 24	SUBMISSION	Jan-22	RESIDENTIAL VISUAL AMENITY ASSESSMENT
DOC 25	SUBMISSION	Jan-22	SHADOW HABITATS REGULATIONS ASSESSMENT
DOC 25	VARIATION	May-22	SHADOW HABITATS REGULATIONS ASSESSMENT
DOC 26	SUBMISSION	Jan-22	ECONOMIC BENEFITS REPORT
DOC 27	SUBMISSION	Jan-22	TREE CONSTRAINTS REPORT

Documents submitted by applicant in response to request for further information and with variation submission

Document Ref:	Issue	Date	Title
DOC 28	VARIATION	May-22	COVER LETTER TO VARIATION & REGULATION 15 SUBMISSION
DOC 29	VARIATION	May-22	APPLICANT'S RESPONSE TO REGULATION 15(2) REQUEST FOR FURTHER INFORMATION
DOC 30	VARIATION	May-22	RESPONSE TO INSPECTOR'S REQUEST FOR FURTHER INFORMATION: BEST AND MOST VERSATILE AGRICULTURAL LAND
DOC 31	VARIATIOIN	May-22	TRIAL TRENCHING REPORT
DOC 32	VARIATION	May-22	COLLABORATIVE BENEFITS REPORT
DOC 33	VARIATION	May-22	APPLICANT'S RESPONSE TO REPRESENTATIONS
DOC 34	VARIATION	May-22	MANOR FARM APPEAL DECISION

Documents submitted by applicant for Hearing Sessions

Document Ref:	Issue	Date	Title
DOC 35	HEARING	July-22	APPLICANT'S COVERING LETTER
DOC 36 APPLICANT'S	HEARING	July-22	APPLICANT'S HEARING STATEMENT 2
DOC 37	HEARING	July-22	APPLICANT'S HEARING STATEMENT 3

DOC 38	HEARING	July-22	APPLICANT'S SUGGESTED ITINERARY FOR INSPECTOR'S SITE VISIT
DOC 39	HEARING	July-22	APPEAL DECISION BY INSPECTOR BAIRD (18 FEBRUARY 2022) APPEAL REF: APP/B3030/W/21/3279533

Documents submitted by applicant after the Hearing Sessions

Document Ref:	Issue	Date	Title
2022-08-25 - Post Hearing Request for Information	POST HEARING	Aug -22	Post Hearing Request for Information (with attachments)
2022-10-05 – Applicant's response to the Elwy Solar Energy Farm Decision	POST HEARING	Oct-22	Applicant's response to the Elwy Solar Energy Farm Decision

Documents submitted by interested parties after initial application consultation and publicity period:

Document:
2022-06-20- REPS2 001 - Health and Safety Executive
2022-06-30 - REPS2 002 - Brecon Beacons NPA
2022-07-04 - REPS2 003 - Glamorgan Gwent Archaeological Trust
2022-07-07 REPS2 004 - David Vaughan
2022-07-06 - REPS 006 - Andrew Sutton pt. 1-4
2022-07-14 REPS2 007- Natural Resources Wales
2022-07-14 REPS2 008 - Gobion Fawr Community Council
2022-07-14 REPS2 010 - A Watson
2022-07-14 REPS2 011 - John Abraham and Gill Parsons
2022-07-15 REPS2 012 - Monmouthshire County Council
2022-07-15 REPS2 013 - Catherine Williams
2022-07-15 REPS2 014 - DCC

Documents submitted by interested parties for Hearing Sessions

Document:
2022-07-20 - HEARSTAT HUSTLE 1
2022-07-25 - HEARSTAT HUSTLE 2
2022-07-25 - HEARSTAT HUSTLE 3
2022-07-26 - HEARSTAT CPRW

APPENDIX 7: WELSH MINISTER DECISION LETTER FOR LLANWERN

Lesley Griffiths AC/AM
Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs

Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref qA1364896

Mr Peter Grubb
Savills (UK) Ltd
York House
Blackbrook Business
Park
Taunton
TA1 2PX

Email: pgrubb@savills.com

8 November 2018

Dear Mr Grubb

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 62D AND SECTION 62F. THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (WALES) REGULATIONS 2016. APPLICATION BY GWENT FARMERS' COMMUNITY SOLAR FARM SCHEME Ltd FOR THE ERECTION OF A SOLAR ENERGY HUB GENERATING 49.9MW NET INSTALLED GENERATING CAPACITY, COMPRISING GROUND MOUNTED SOLAR PANELS, BATTERY STORAGE CONTAINER UNITS (200 UNITS), UNDERGROUND CABLING, GRID CONNECTION HUB, ASSOCIATED INFRASTRUCTURE, LANDSCAPING AND ENVIRONMENTAL ENHANCEMENTS, FOR A TEMPORARY PERIOD OF 30 YEARS, ON LAND ON THE CALDICOT LEVELS, TO THE SOUTH OF THE LLANWERN STEELWORKS SITE.

1. Consideration has been given to the report of the Inspector, Siân Worden, BA, MCD, DipLH, MRTPI, who dealt with the planning applications.

2. In accordance with sections 62D and 62F of the Town and Country Planning Act 1990 and Regulation 3 of The Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016, the application was made to the Welsh Ministers for determination.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400
Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@gov.wales

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. In exercising functions, as part of carrying out Sustainable Development in accordance with the Well-being of Future Generations Act ("the FG Act 2015"), section 2 of the Planning (Wales) Act 2015 requires the Welsh Ministers, as a public body, to ensure the development and use of land contributes towards improving the economic, social, environmental and cultural well-being of Wales. In order to act in this manner, the Welsh Ministers have taken into account the ways of working set out in section 4 of 'SPSF1: Core Guidance, Shared Purpose: Shared Future- Statutory Guidance on the Future Generations Act 2015' by dealing with the planning application by way of the Hearings procedure in accordance with Part 7 of The Developments of National Significance (Wales) Regulations 2016.

4. The Inspector held Hearings on 7, 8 and 9 August 2018 and made site visits on 16 May, 8 and 9 August. The Inspector recommends planning permission be granted subject to conditions. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.

Main Issues

5. I agree the main issues are those listed by the Inspector at IR 232:

- The ecology of the area, particularly in terms of the special features of the designated SSSIs and protected species.
- The character and appearance of the surrounding area.
- The historic landscape.
- Highway safety in the surrounding area, particularly during the construction phase.
- Whether the proposed development would be consistent with national and local planning policy on flooding with regard to its location and the management of flooding consequences.

Ecology (IR 233 – 255)

6. The Inspector notes national planning policy in Planning Policy Wales (PPW) sets out a number of objectives for the conservation and improvement of the natural heritage. These include promotion of the conservation of landscape and biodiversity, ensuring statutorily designated sites are properly protected and managed and safeguarding protected species.

7. The application site is located within the Nash and Goldcliff Site of Special Scientific Interest (SSSI) and the Whitson SSSI, designated of national importance for their ecological value. The Inspector notes the statutory duty on public bodies in relation to SSSIs when undertaken their functions. PPW notes there is a presumption against development likely to damage a SSSI.

8. The Inspector describes the listed features of the SSSIs and notes three special features are identified for both SSSIs: the reen and ditch habitat, insects and other invertebrates and the shrill carder bee.

9. The Inspector notes the grassland, on which the solar panels would be located, is not of particular value and is not a special feature of the SSSI.

10. In terms of the reen and ditch system, the Inspector considers the proposed development would not cause any of the reens or ditches within the application site to be obstructed or filled in. The system would continue to look and function much in the way it does now and measures have been designed into the scheme to protect and improve the reens, ditches and hedgerows.

11. A reen and hedgerow management programme, as described in the Landscape and Ecology Management Plan (LEMP) submitted by the Applicant, would be implemented during the operation of the solar farm.

12. The Inspector notes the shrill carder bee forages and nests on open, flower-rich grassland. Measures in the LEMP would improve specific areas of grassland adjacent to the application site for shrill carder bee, these measures would be secured by planning condition.

13. The Inspector considers the proposed maintenance, management and mitigation measures, set out in the LEMP and secured by planning condition, as well as the design of the scheme, mean there would be no harm to the SSSIs in which the proposed development would be located.

14. In terms of protected species, the Inspector notes the initial concerns of Natural Resources Wales regarding survey work have been addressed by additional information and detail in both the LEMP and Construction and Environmental Management Plan (CEMP).

15. The Royal Society for the Protection of Birds' (RSPB) objections relate to the potential effect of the proposal on lapwing and crane. Lapwing is a Red List Species, the highest conservation priority on the Birds of Conservation Concern (BoCC). RSPB note lapwing is a priority species under section 7 of the Environment (Wales) Act 2016. Crane is an Amber List Species and has Annex 1 status under the EU Directive on the Conservation of Wild Birds. For both species, RSPB expressed concern at the impact of disturbance during construction and maintenance, the loss of grassland, the fragmentation of the landscape, reducing foraging habitat and the risk of predation of nests from new vantage points on fences.

16. To address these concerns , the Inspector notes the Applicant proposes the provision of replacement fields for lapwing outside the application site. A lapwing mitigation plan is incorporated in the revised LEMP, which would be secured by planning condition. Mitigation for the common crane is also provided in the LEMP, again secured by planning condition.

17. The CEMP would control all aspects of the construction process, including requirements to avoid works during the bird breeding season. The CEMP would be secured by planning condition.

18. The Inspector notes RSPB maintained its objections in its Hearing Statement. However, the Inspector concludes, having heard the matters discussed at the Hearing, the LEMP and recommended planning conditions would safeguard lapwing and crane on the application site and in the surrounding area. The Inspector also notes NRW has not expressed concerns regarding the proposed crane and lapwing mitigation. I have no reason to disagree with the Inspector and am satisfied the requirements of the Environment (Wales) Act 2016 and the Conservation of Habitats and Species Regulations 2017 are addressed in the Inspector's assessment and consideration of this issue.

19. The Inspector considers the proposed development would avoid, mitigate and compensate negative impacts, ensuring no significant adverse effects on areas of national conservation interest, the SSSIs, or local protected habitats and species. Her view is the scheme would not result in an unacceptable impact on water quality or result in the loss of or harm to trees or hedgerows which have wildlife value. The Inspector considers the proposed development complies with Policy GP5, "General Development Principles", of Newport City Council's Local Development Plan (LDP) and is satisfied the developer has demonstrated the case for development on the application site.

Habitats Regulations Assessment

20. The Inspector notes, under Articles 6(3) and 6(4) of the Habitats Directive which are transposed into UK legislation under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, there is a legal requirement to consider the impacts of development proposals on European sites. The Severn Estuary is located approximately 900m to the south of the application site and is a Special Protection Area (SPA), a Special Area of Conservation (SAC) and a Ramsar site, all European sites for the purposes of the Habitats Regulations.

21. The Applicant has submitted a Habitats Regulation Assessment (HRA) which concluded the proposed scheme was unlikely to have a significant effect on the Severn Estuary European site. Likely significant effects were screened out without the inclusion of any mitigation. The Inspector has no reason to disagree with any part of the HRA. The scheme does not require an Appropriate Assessment.

Character and appearance (IR 256 – 275)

Landscape character

22. The Inspector describes the application site as comprising a rural, agricultural and settled landscape. The characteristic features of the landscape are the reens and ditches, the structure of the fieldscapes and the features demarcating it, and the buildings which would have been used by the local community, including dwellings, churches and farms.

23. The Inspector agrees with the findings of the Landscape and Visual Impact Assessment (LVIA) which states the change from a rural to built landscape could be classified as medium. However, the Inspector notes the enclosing features of the fields would be almost entirely retained with additional planting, hedgerow management and improved water quality in the reens. The Inspector also notes fixing the solar arrays directly in the land rather than on a solid base would mitigate the impact of positioning the solar arrays on the fields.

24. Whilst the Inspector acknowledges the solar panels would be significant constructions covering a wide area, her opinion is they would be apparent as temporary structures and considerably less solid and durable than traditional buildings. This perception of the structures would mitigate against a considerable or permanent change in the character of the landscape.

25. Although the grid connection hub, battery storage container units and telecommunications hub would appear as more substantial features, the Inspector notes these structures would be located in the northernmost part of the site, near the existing electricity sub-station and underneath power lines. These structures would also be well-screened and not conspicuous from public viewpoints. Therefore, the Inspector concludes they would not result in a significant change to the wider character of the area.

26. The Inspector concludes the characteristic features of the landscape would be unaffected by the proposed development apart from the grassland itself which, in some views, would appear to be obscured by panels. The limited visibility of the panels and their temporary appearance would, however, reduce the change to the character of the landscape so, overall, it would not be significant.

Visual Impact

27. The Inspector describes the fairly consistent appearance of the landscape, comprising low-lying, level land in mainly agricultural use and divided into fields of varying shapes by hedgerows and distinctive reens and ditches. The northern part of the site is influenced by views of industrial development and by associated features such as power lines and pylons. The physical design of the proposal is set out in IR 265.

28. The Inspector notes the nature of the landscape, particularly its flatness, field structure and vegetation, means there are no wide ranging public views, either within or outside the application site. The proposed development would be sited to capitalise on these features and make the most of their obscuring properties.

29. The Inspector notes, with a site of this size, it would be almost impossible to avoid all close-up views of the proposed solar panels. The panels would be clearly visible from the footpath at viewpoint 4, however, as they would be sited under and in the vicinity of power lines, pylons and mature trees, the impact would be reduced. Solar panels and fencing would be dominant from viewpoint 8 although the Inspector notes walkers would only have panels to one side and would not be surrounded by them.

30. Viewpoint 11 is on an access route along Hare's Reen. The features which make the route attractive are the reen, its vegetation and hedgerow, none of which would be negatively affected by the proposed development. However, the Inspector notes walkers on the route would notice a significant change and a depletion in its rural, pastoral character.

31. The Inspector notes additional elements of the proposal comprise the grid connection hub, the telecommunications mast, which would be over 16m tall and the 200 battery storage units. However, these structures would be close to the existing electricity sub-station, the connection and battery storage area would be set back from the road, behind hedgerows and the mast would be lower than existing pylons, which have power lines running between them. Also, there would be new hedgerow planting and a condition to ensure the battery units are coloured brown or green to blend in with the landscape.

32. Whilst the solar panels in parcel 4 would be clearly visible from a significant length of Chapel Road, the Applicant has amended the proposed scheme to include native hedgerow screening. The Inspector considers the hedgerow screening would not be an uncharacteristic or obtrusive feature and the existing openness of Chapel Road would be retained along its remaining stretches.

33. On this issue, the Inspector concludes the greatest visual impact would be on users of public footpaths and other access routes which pass through or close to areas where panels are proposed. However, there are comparatively few lengths of affected footpaths and routes, and hedgerows would have a shielding effect. The Inspector considers the effect of the proposed scheme on the visual impact of the landscape would not be significant and there would not be any significant cumulative effect from the proposal when other renewable energy development schemes in the area are considered.

34. The application site is located within the Caldicot Levels Special Landscape Area (SLA). The Inspector concludes, in protecting the landscape attributes which characterise the SLA, the proposed development would contribute positively to the area and demonstrate a clear appreciation of the area's special features. Therefore, the Inspector considers the scheme would comply with Policy SP8 of Newport City Council's Local Development Plan (LDP).

35. The Inspector also considers, by respecting the landscape character of the immediate and surrounding area and being appropriate in scale and design, the proposed development would comply with LDP Policy SP5, a policy designed to ensure any development in the countryside is appropriate. Also, the proposed use and form of development would not be detrimental to the character or appearance of the surrounding area in line with LDP Policy GP2 and there would be no unacceptable impact on landscape quality, consistent with LDP Policy GP5.

Historic Landscape (IR 276 – 292)

36. The Inspector notes the Environmental Statement (ES) sets out the archaeological and historic context of the area which is within the designated Gwent Levels Landscape of Outstanding Historic Interest (LOHI). PPW states it is important the historic environment is protected, managed and conserved and sets out a number of policy objectives for the historic environment which are relevant to the proposal.

Listed buildings and scheduled monuments

37. The Inspector notes there are ten listed buildings within 1km of the application site. The proposed development, therefore, has the potential to be within the setting of some or all of these buildings. The Inspector notes TAN 24 provides guidance on the assessment of setting.

38. The Inspector states the significance of seven of the listed buildings lies in their rural, often agricultural, origins and location within the historic, pastoral landscape which provides their setting. The application site and the nearest solar arrays would not be adjacent to any of the buildings. In most cases they would be separated by a least one undeveloped field. The structure of the field pattern would be unaffected by the proposal and the solar panels would not be clearly visible from the listed buildings. Therefore, the Inspector considers the proposed development would not have a negative effect on the settings of these listed buildings and their significance would not be harmed.

39. In terms of the remaining listed buildings within 1km of the site, the Inspector considers, given the well-screened nature of the proposed development and distance from the buildings, there would not be a harmful impact on the settings of Samson Court, the Church of St Mary Magdalene in Nash, or its churchyard cross which is a scheduled monument. The listed barn at Barn Farm is to the north of the former Llanwern Steel Works where it would be too distant from the proposed development to be adversely by the proposed development. I note, in accordance with the statutory duty in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in reaching her conclusions regarding the scheme's impact on listed buildings, special regard has been had to the desirability of preserving the buildings, their settings or any features of special architectural or historic interest which they possess.

40. The moated site near Grangefield Farm, a scheduled monument, is visually separated from the application site by the pipeline and track alongside it. The Goldcliff moated house site, also a scheduled monument, is separated from the proposed development by Chapel Road and the vegetation along it. The Inspector considers the surrounding landscape, despite the pipeline, remains part of their settings and the character of the landscape would not be permanently or considerably altered by the proposed solar farm. The Inspector considers the settings of the two moated sites would not be harmed and the significance of these historic assets would not, therefore be reduced.

Archaeology

41. The Inspector notes there are likely to be buried features, remains and artefacts in the area. Technical Advice Note 24: The Historic Environment notes archaeological remains are a finite and non-renewable resource, often highly fragile and vulnerable to damage and destruction. The main potential for any damaging impact in archaeological remains concerns the fixing of the solar panel framework into the ground. The fixings would puncture the ground, disrupting the anaerobic conditions which preserve organic material, and could cause physical contact with remains. The puncturing effect of the fixings would be spread across most of the application area and the impact would not be reversible or temporary.

42. The Inspector states the geophysical survey of the area did not indicate the likelihood of any significant remains. The Applicant acknowledges the limitations of such surveys and considers there is potential for finding archaeological remains. Therefore, the Inspector notes there is a possibility the proposed development may reveal, disturb or destroy archaeological remains which are currently unknown. In such cases, Technical Advice Note 24: The Historic Environment, states "...it is important that the opportunities to record archaeological evidence are taken and that archaeological remains are not needlessly destroyed". To comply with this approach, the Inspector recommends a planning condition to secure a programme of archaeological work.

43. The Inspector concludes the proposed development would not have a harmful effect upon the valued historic landscape of the area and complies with relevant LDP policies.

Traffic and Highway Safety (IR 293 – IR 299)

44. The Inspector notes the majority of traffic movements generated by the proposed development would be during the construction period. The construction period is likely to last twelve weeks. During the most intensive construction activity, there would be up to 20 vehicle movements per day, 120 per week. Heavy Goods Vehicles (HGVs) would use two completely separate routes from the M4 to different parcels of the application site. Traffic movements would, therefore, be distributed around the area. As Chapel Road is particularly narrow, construction materials would be delivered in smaller vehicles.

45. The Inspector notes there are measures designed to limit the number of HGV movements on the public highway in and around the application site. I note details such as access and details of vehicles accessing the site would be contained in the Construction Traffic Management Plan (CTMP), which would be secured by planning condition. The Inspector notes a separate CTMP would be required for the proposed battery storage container units, again this would be secured by condition.

46. The Inspector concludes the proposed development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network. Therefore, the proposed scheme would comply with LDP Policy GP4, a General Development Principles policy relating to Highways and Accessibility.

Flooding (IR 300 – 310)

47. Technical Advice Note 15: Development and Flood Risk (2004) (TAN 15) provides guidance which supplements policy in Planning Policy Wales in relation to development and flooding and is relevant in the determination of this planning application.

48. The Inspector notes once the scheme is constructed, for most of the time there would be no one present on the site. Maintenance visits can be programmed to avoid potentially hazardous conditions. The panels and infrastructure would not present a risk to people or the environment if the site flooded. Although TAN 15 states power stations are an example of "especially vulnerable industrial development", the proposed development clearly does not fall into this category and is not highly vulnerable development for the purposes of TAN 15.

49. The Inspector describes the site as a low-lying, coastal location where it is protected from tidal flooding by man-made defences. As such, the site is in a C1 flood zone for the purposes of TAN 15. TAN 15 states new development which is not highly vulnerable should only be permitted in flood zones C1 and C2 if it is justified in that location.

50. The Inspector has considered the proposed scheme against the relevant justification criteria in paragraph 6.2 of TAN 15. Whilst the Inspector acknowledges the proposed development does not meet the justification criteria, paragraph 5.3 of TAN 15 does state some uses are considered to be exceptions to the general rule as they are required in a fluvial, tidal or coastal location by virtue of their nature. Although the examples cited in TAN 15 do not include the proposed development, the Inspector considers the availability and proximity to a grid connection and the high number of hours of sunshine are robust reasons why the proposal needs to be located in this area. The Inspector considers these circumstances present an alternative and strong justification for the location of the proposed development. Where there are exceptions to the general rule, TAN 15 states proposals will not be subject to the first part of the justification test, however, they will be subject to the acceptability of consequences part of the test.

51. The Applicant submitted a Flood Consequences Assessment (FCA) which demonstrates the consequences of flooding can be managed down to a level acceptable for the type of development proposed by raising the base level of structures on site. This can be secured by planning condition.

52. The Inspector concludes the proposed development complies with TAN 15 and relevant LDP policies.

53. I agree with the conclusions of the Inspector on this issue and am satisfied with approach taken by the Inspector, in this application, to the interpretation of guidance in TAN 15.

Other Considerations (IR 311 – 332)

Site location, selection and alternatives

54. The Inspector considers the scheme comprises appropriate development in the countryside and, therefore, complies with relevant LDP policy. The application site is located within the undeveloped coastal zone, as identified in the LDP. Policy CE9 of the LDP does not permit development in the coastal area unless it meets an exceptional need which cannot be reasonably be accommodated elsewhere, the area is not itself at risk and the proposed development would not exacerbate risk from erosion, flooding or land instability. The Inspector is satisfied the proposed scheme meets these policy tests.

55. The Inspector notes Torfaen County Borough Council and Newport City Council produced a document, "Renewable and Low Carbon Energy Assessment", in May 2013. The document examines the potential for development of renewable and low carbon energy within the two local authorities. It discounted land covered by various designations, including SSSIs. However, as the Inspector notes, the document was not intended to be used to assess individual planning applications for standalone renewable energy generating systems and, therefore, carries little weight in the consideration of this case.

56. The application site is not located in a green belt or on best and most versatile land. Therefore, the proposed scheme complies with relevant LDP policy.

57. The Inspector notes the Applicant carried out a search for a brownfield site of sufficient size to accommodate the proposed development, however, no suitable land was available.

58. The Inspector considers the proposed development can be considered favourably, in line with LDP Policy CE10, as there are no over-riding environmental or amenity considerations. The Inspector also notes Policy CE10 states large scale proposals may be more appropriately located outside the defined settlement boundary if no appropriate brownfield sites exist, criteria met by the application proposal.

Residential amenity

59. The Inspector has considered the impact of the proposed scheme on residential amenity and concludes there would not be a significant adverse impact on local amenity including in terms of noise, disturbance, light, or the visual amenities or health of nearby occupiers. The scheme, therefore, accords with relevant LDP policies. The Inspector also notes no evidence has been provided to indicate the proposal would result in a drop in the value of dwellings in the area and, in any event, this is not a planning consideration.

Temporary Development

60. Some concerns were expressed to the Inspector questioning whether the proposed scheme would be temporary. Recommended conditions will ensure the proposed development would be temporary, restricted to a lifetime of 30 years. Conditions will also secure a decommissioning and site restoration scheme.

Cumulative impact with the M4 Corridor around Newport (M4 CaN)

61. The Inspector has considered the cumulative impact with the proposed M4 CaN scheme and finds negligible visual cumulative impact and no cumulative impact in respect of the historic environment. The Inspector finds proposed mitigation measures mean any cumulative impact in terms of habitat loss would be minor.

Public Rights of Way

62. The Inspector notes all footpaths and other public rights of way which pass through the application site would be retained. Also, due to distance, topography and vegetation, the proposed development would not have a detrimental effect on the Coast Path or its users. The scheme, therefore, accords with relevant LDP policies.

The Living Levels Initiative

63. The application site is located within the Living Levels Landscape Partnership area which covers the Gwent Levels. The Inspector does not consider the proposal would be contrary to the broad aims and objectives of the Partnership which seeks to restore, enhance and celebrate the natural heritage of the Levels, and improve connectivity and visitor experiences.

Well-being of Future Generations (Wales) Act 2015

64. The Inspector has considered the duties set out in the Well-being of Future Generations (Wales) Act 2015.

Conditions (IR 333 – 340)

65. I am satisfied the conditions recommended by the Inspector meet the relevant tests in Circular 016/2014.

Summary of Conclusions (IR 341 – 346)

66. The Inspector acknowledges the locational constraints of the application site, being a greenfield site, in a C1 flood zone, within two SSSIs, a SLA and a Landscape of Historic Interest. It is also close to the European designated Severn Estuary and the surrounding area supports several protected species. However, PPW states a key role of the planning system is to ensure society's land requirements are met in ways which do not impose unnecessary constraints on development whilst ensuring all reasonable steps are taken to safeguard or enhance the environment.

67. The Inspector recognises, as set out in PPW, the Welsh Government is committed to using the planning system to optimise renewable energy generation. The Inspector notes the scheme would make a considerable contribution to renewable energy targets, generating sufficient energy to serve the total power needs of approximately 15,000 average UK households per annum, which would offset around 21,208 tonnes of CO_2 per annum and about 636,240 tonnes over the lifetime of the scheme.

68. The Inspector considers the design of the scheme takes account of the significant site constraints. Her overall conclusion is the proposed development would not result in significant harm to the ecological, landscape or historic interests of the site or area. Any minor harm is more than justified by the significant renewable energy benefits which would arise from the proposed scheme.

69. The Inspector recommends planning permission be granted for both the main application and the secondary application, subject to conditions.

Conclusion

70. I agree with the Inspector's conclusions and her reasoning behind them and I accept her recommendation. Accordingly, I hereby grant planning permission, subject to the conditions in the Annex to this decision letter. In reaching this decision I note the duty to carry out sustainable development under section 2 of the Planning (Wales) Act 2015 and I consider the decision accords with the sustainable development principle set out in the FG Act 2015. In accordance with section 3(2) of the FG Act 2015 and the well-being objectives of the Welsh Ministers, the decision will help "Drive sustainable growth and combat climate change".

71. I have taken the Environmental Statement and all other environmental information provided into account in the consideration of this appeal, as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.

72. A copy of this letter has been sent to Newport City Council and to those persons and organisations appearing at the Hearings.

Regards

Lesley Griffiths

Lesley Griffiths AC/AM
Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs

Annex

Conditions attached to the Welsh Ministers' decision to grant planning permission for "Erection of renewable energy hub with a net installed capacity and maximum export to grid of 49.9MW comprising up to 245,000 ground mounted solar panels, battery storage container units (up to 200 units), underground cabling, grid connection hub, associated infrastructure, landscaping and environmental enhancements" on Land on the Caldicot Levels to the south of the Llanwern Steelworks Site. DNS planning application ref: APP/G6935/A/16/3150137.

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

2. The development hereby permitted shall be carried out in accordance with the following plans:

    - Drawing 1045592/PL02 – Site Layout Plan, annotated with "new native hedgerow screening" along the western boundary of the site
    - Drawing 1045592/PL04 – Typical Details

3. The permission hereby granted shall expire 30 years from the date when electrical power is first exported ('first export date') from the solar farm to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event.

4. Development shall not begin until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with the aims and objectives of the 'Outline Construction & Environmental Management Plan' (January 2018) and shall set out details of all onsite construction works; post-construction reinstatement; drainage; mitigation; and other restoration, together with details of their timetabling. It shall include details of, and measures to secure:

    - the phasing of construction works;
    - the formation and position of the temporary construction compounds;
    - dust management and suppression;
    - cleaning of site entrances, facilities for wheel washing and cleaning of the adjacent public highway;
    - pollution control, including the protection of water courses and ground water; subsoil surface water drainage; bunding and siting of fuel storage areas; sewage and foul water drainage and disposal; and emergency procedures and pollution response plans;
    - temporary site illumination during the construction period;
    - the methods to be adopted to reduce the effects of noise occurring during the construction period to the lowest practicable levels and in accordance with BS 5228: Noise control on construction and open sites;
    - storage of materials and disposal of surplus materials;
    - the construction of the accesses into the site, the erection of any entrance gates and the creation and maintenance of associated visibility splays;
    - details of the construction of access tracks and other areas of hardstanding, including areas of temporary road matting;
    - the carrying out of foundation works for any structures to be installed on the site;

- method of working cable trenches, including soil storage and back-filling; and details of cable boring methodologies below reens / ditches / other water courses and below hedges;
- general soil storage and handling;
- post-construction restoration/reinstatement of the working areas, including cable trenches and areas covered by any matting or other areas where the soil has been disturbed or compressed;
- the sheeting of all heavy goods vehicles carrying construction materials to, or spoil from, the site to prevent spillage or deposit of any materials on the highway;
- details of the vehicles to be used on the site during construction activities;
- details of the control of surface water to prevent it entering the public highway or carrying sediment to the surface water drainage network in the vicinity of the site.
- identification of buffer strips adjacent to water courses and to retained vegetation features such as hedges, trees and sites where birds are nesting;
- means to exclude small animals from excavations;
- details of all permanent and temporary bridges and reen crossings and a method statement for their implementation and, in the cases of temporary crossings required for the construction phase only, removal including a timetable for all proposed works.
- details of any temporary accesses including their locations, formation and the materials to be used and details of restoration (including any hedge restoration) and a timetable for the completion of those works of restoration.

The works shall proceed in full accordance with the agreed CEMP.

5. No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, or operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until Root Protection Barrier / Buffer Strip Protection fencing has been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. These details shall include information on the constructional details of the fencing with its positioning clearly shown in plan form. No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the areas defined by the fencing. The fencing shall be retained for the full duration of the construction phase of the development, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

6. No development, to include demolition, shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. Thereafter the works shall be fully carried out in accordance with the requirements of the approved written scheme.

7. The site shall be accessed fully in accordance with the details set out in the 'Construction Traffic Management Plan' (November 2016).

8. There shall be no permanent illumination on the site.

9. Details of the proposed new hedgerow and any strengthening of existing hedgerow planting shall be provided in writing to the Council. Details shall accord with the Landscape & Ecology Management Plan (LEMP) May 2018 and shall include details of ground preparation, species and planting pattern. Thereafter the new planting shall be implemented by the end of the first full planting season (October to March inclusive) available after the first export date. The new hedgerow planting shall be managed in accordance with the Management Specification – New Hedgerows at Paragraph 6.4.2 of the LEMP and Appendix 3 of the same document.

10. The proposed new grassland / wildflower meadow shall be provided as described within the Landscape & Ecology Management Plan (LEMP) May 2018 by the end of the first full planting season (October to March inclusive) available after the first export date. The grassland / wildflower meadow shall be managed in accordance with the Management Specification – grassland for shrill carder bee at Paragraph 6.5.3 of the LEMP and Appendix 3 of the same document.

11. Full details of a finalised Lapwing Mitigation Plan, including a timetable for its implementation, shall be submitted to the Local Planning Authority and approved in writing. The plan shall accord with the principles outlined at Appendix 5 of the Landscape & Ecological Management Plan (LEMP) and shall confirm the land to which the plan relates. No work on the scheme hereby permitted shall commence until the plan is agreed and it shall be carried out fully in accordance with the agreed plan.

12. The ecological mitigation described in Paragraph 5.3 of the Landscape & Ecological Management Plan (LEMP) shall be implemented within 6 months of the first export date.

13. Full details of Hedgerow removal shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

    - Precise location of hedges to be removed;
    - Removal methodology;
    - Timing of Removal;
    - Mechanism to prevent disturbance to nesting birds and other fauna.

    No hedge shall be removed until the details are agreed in writing by the Local Planning Authority. No hedge shall be removed that has not been identified for removal.

14. Prior to the commencement of any works of ecological mitigation/compensation the applicant shall produce an 'Ecological Monitoring & Contingency Plan'. The plan shall set out the principle aims and objectives of the ecological work to be undertaken as part of the development hereby approved and shall identify a monitoring and reporting schedule that shall have regard to the objectives of the plan. Monitoring Reports shall be submitted to the Council within 3 months of their completion. Objectives shall be short term (5 years and less), mid-term (6-10 years) and long term (11-30 years). The plan shall allow for contingency actions to be taken if monitoring shows stated objectives are not being achieved. Any change in the ecological mitigation proposed for the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter any contingency shall be carried out fully as agreed.

15. Full details of a plan to mitigate any harm to the interests of Common Crane caused by the scheme hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how disturbance to the cranes will be avoided in the main breeding season (Mid-February to July inclusive) and how the cranes will gain access to the proposed grassland buffers and wildflower planting areas. No work on the scheme hereby permitted shall commence until the plan is agreed and it shall be carried out fully in accordance with the agreed plan.

16. Details of all proposed reen crossings either temporary or permanent shall be provided to the Council in writing. Following the Council's written agreement the reen crossings shall be installed as agreed. No other reen crossings shall be installed.

17. The scheme shall be implemented in accordance with the Landscape and Ecology Management Plan (LEMP), dated May 2018.

18. Not later than 12 months before the expiry of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the solar panels and all other associated infrastructure, equipment & paraphernalia including any battery storage container units and the subsequent restoration of the site. The scheme shall include details of:

    - the extent of equipment and foundation removal and the site restoration to be carried out;
    - the management and timing of any works;
    - a traffic management plan to address likely traffic impact issues during the decommissioning period;
    - an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife, habitats and tree features on the site;
    - identification of access routes;
    - location of material laydown areas; full details of the removal of the solar arrays, associated buildings and plant, any trackways and sub-surface cabling, and all associated works of ground restoration including trench backfilling;
    - full details of all works to restore the land to allow for agricultural production following the removal of structures from the site;
    - a programme of implementation.

    The approved scheme shall be implemented within 6 months of the expiry of this permission and shall be carried out fully in accordance with the approved decommissioning scheme.

19. If the solar farm hereby permitted fails to produce electricity for supply to the grid for a continuous period of 6 months, a scheme for the repair or removal of the solar farm, including the battery storage container units, shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the end of that 6 month period. Where repairs or replacements are required the scheme shall include a proposed programme of remedial works. Where removal of the solar farm is required the scheme shall include the same details required under the decommissioning condition of this permission. The repair or removal scheme shall thereafter be implemented in full accordance with the approved details and timetable.

20. The Inverters and Generators hereby approved shall be acoustically treated and tested in accordance with British Standard 3744: 2010 to ensure the overall sound power levels meet the minimum requirements.

21. Prior to the installation of the inverters, generators, grid connection hub and associated infrastructure, details of the platforms they will be sited on, including details of how surface water runoff will be intercepted and discharged at green field rates, shall be submitted to and approved in writing by the Local Planning Authority. The platforms will be built fully in accordance with the approved details and the storage units shall have a finished floor level of 6.025m AOD.

22. Prior to the commencement of any works on the site a Water Quality Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall establish a pre-development baseline and identify how monitoring shall proceed including a reporting schedule to the Local Planning Authority and the duration of the monitoring regime. All monitoring reports shall have regard to the baseline assessment. In the event that significant reductions in water quality are identified through monitoring then the applicant or any successor in title shall provide to the Local Planning Authority a written contingency plan to address the issue. Any approved contingency plan and/or modified monitoring plan shall be implemented fully in accordance with the approved details.

23. No work on the installation of the battery storage container units shall take place until a Construction Traffic Management Plan for the battery storage area has been submitted to and approved in writing by the Local Planning Authority. The battery storage area shall be constructed in full accordance with the approved plan.

24. Prior to the installation of the battery storage container units details of the platforms they will be sited on, including details of how surface water runoff will be intercepted and discharged at green field rates, shall be submitted to and approved in writing by the Local Planning Authority. The platforms will be built fully in accordance with the approved details and the storage units shall have a finished floor level of 6.025m AOD.

25. The battery storage container units hereby approved shall be finished in a dark green or dark brown colour.

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.

APPENDIX 8: INSPECTORS REPORT FOR LLANWERN

The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Adroddiad

gan Siân Worden BA MCD DipLH MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11/10/2018

Report

by Siân Worden BA MCD DipLH MRTPI

an Inspector appointed by the Welsh Ministers

Date: 11/10/2018

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 62D

The Developments of National Significance (Wales) Regulations 2016

Application by Gwent Farmers' Community Solar Scheme Ltd

Land on the Caldicot Levels to the south of Llanwern Steelworks Site

Cyf ffeil/File ref: APP/G6935/A/16/3150137

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Abbreviations used in this report

AA	Appropriate assessment
ASIDOHL	Assessment of the Impact of Development on Historic Landscape
BoCC	Birds of Conservation Concern
CEMP	Construction and Environmental Management Plan
CTMP	Construction Traffic Management Plan
DNS	Development of National Significance
ES	Environmental Statement
FCA	Flood Consequences Assessment
GGAT	Glamorgan-Gwent Archaeological Trust
HLCA	Historic Landscape Character Area
HRA	Habitats Regulations Assessment
LBAP	Local Biodiversity Action Plan
LDP	Local Development Plan
LEMP	Landscape Environment Management Plan
LOHI	Landscape of Outstanding Historic Interest
LPA	Local Planning Authority
LVIA	Landscape and Visual Impact Assessment
M4CaN	M4 Corridor around Newport
NCC or The Council	Newport City Council
NNR	National Nature Reserve
NRW	Natural Resources Wales
PPE	Pontypool Park Estate
PPW	Planning Policy Wales
PROW	Public Rights of Way
PV	Photovoltaic
RSPB	The Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SAM	Scheduled Ancient Monument

SLA	Special Landscape Area
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
TAN	Technical Advice Note
WG	Welsh Government
ZTV	Zone of theoretical visibility

DNS Application Ref: APP/G6935/A/16/3150137

Site address: Land on the Caldicot Levels to the south of the Llanwern Steelworks Site.

- The application dated 30 January 2018, was made under section 62D of the Town and Country Planning Act 1990 (as amended by the Planning (Wales) Act 2015).
- The applicant is the Gwent Farmers' Community Solar Scheme Ltd.
- The application was confirmed as valid on 5 March 2018.
- Site visits, all unaccompanied, took place on 16 May, 8 & 9 August 2018.
- Hearings were held on 7, 8 & 9 August 2018.
- The development proposed is the erection of a renewable energy hub with a net installed generation capacity and maximum export to grid of 49.9MW comprising of up to 245,000 ground mounted solar panels, underground cabling, grid connection hub, associated infrastructure, landscaping and environmental enhancements.

Secondary Consent Application:

- The secondary application was made under section 62F of the Town and Country Planning Act 1990 (as amended by the Planning (Wales) Act 2015).
- The development proposed is the erection of battery container storage units (200 units) to support the solar energy hub.

Summary of Recommendation: That planning permission be granted for both applications subject to conditions.

Procedural Matters

1. The battery container storage units are the subject of the secondary consent and I have, therefore, removed that element from the description of the main development in the heading above.

2. A Habitats Regulations Assessment (HRA) report has been undertaken, due to the proximity to European Sites, and is detailed later in this report.

3. A screening direction[1] concluded that, within the meaning of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, the proposed development was EIA development. Under regulation 2(1), therefore, the DNS application had to be accompanied by an Environmental Statement (ES).

4. When first submitted the applicant's ES omitted to provide all the information listed in Schedule 4 of the EIA Regulations and was assessed as not complete[2]. The amended ES was submitted at the end of January 2018 and confirmed as containing the level of information identified in Schedule 4 of the Regulations, and therefore complete, in March[3].

5. On the date that the ES was confirmed as complete, the period for determination of the application began. The application was publicised in line with the DNS regulations and interested parties were asked to submit representations. In all, twenty three representations were received, eleven of which were objections.

6. As a result of the consultation responses, in April the applicant notified its intention to vary the proposed development by including an additional section of hedgerow for screening purposes along the western boundary of the site. This would not constitute a substantial

[1] Planning Inspectorate to Savills, 31 August 2017
[2] *Assessment of Environmental Statement,* Planning Inspectorate, 23 November 2017
[3] *Assessment of Environmental Statement,* Planning Inspectorate, 5 March 2018

change in the nature of the development and its submission was thus acceptable. The DNS process was therefore suspended for an eight week period to allow firstly, time for the applicant to provide the amendment and secondly, for a three week consultation period on the submitted variation. The determination period resumed on 21 June 2018.

7. Having considered the representations made on the submitted DNS application, and on the basis of my own reading of the ES and other submitted documents, I decided that it was necessary to hold three hearings on the matters of:

    i. Protected species and habitat
    ii. Character and appearance of the landscape including the historic landscape
    iii. Flood risk, highway safety and conditions

8. I made a formal request for additional information from the applicant, the local planning authority (LPA) and Cadw under regulation 15(2) of the DNS regulations. In addition, those who were taking part in the hearing submissions were invited to provide additional hearing statements. Such statements were submitted by the applicant, Glamorgan-Gwent Archaeological Trust (GGAT), RSPB (Royal Society for the Protection of Birds) Cymru and Gwent Wildlife Trust although, due to staff changes, the latter was unable to attend the relevant hearing.

The Site and Surroundings

9. The application site, which in total covers about 130 ha, is distributed amongst four parcels of land, two of which are themselves in separate parts. The site and surrounding area, which is currently in agricultural use and undeveloped, is close to the coast of the Severn estuary, has been reclaimed over several centuries and, consequently, is low-lying and fairly flat. The site is close to the outer edge of Newport; to its north is the former Llanwern steelworks which has been redeveloped with new industrial and commercial uses.

10. The area is rich in ecology and history and has a distinctive, attractive landscape. It is designated accordingly and falls within:

    - The Nash and Goldcliff, and Whitson Sites of Special Scientific Interest (SSSIs);
    - The Gwent Levels Landscape of Outstanding Historic Interest (LOHI);
    - The Caldicot Level Special Landscape Area (SLA).

11. In the area around the application site there are several listed buildings and scheduled monuments. The Severn Estuary is a Ramsar site, Special Protection Area (SPA), Special Area of Conservation (SAC) and RSPB Important Bird Area. The Newport Wetlands National Nature Reserve (NNR) is located in the estuary and on land around Goldcliff.

12. Several public footpaths and other public access routes run adjacent to the application site, crossing fields where the panels would be located in a couple of instances. The Wales Coastal Path, some circular walks running from it, and the National Cycle Route pass through the surrounding area.

The Proposal

13. The development proposed is a solar farm with arrays of solar panels set out in rows, mounted on frameworks which would be screwed into the ground. It includes supporting infrastructure comprising inverter cabins, transformers, grid connection hub, stock proof fencing, CCTV, underground cabling, temporary vehicle tracks, access and landscaping.

14. A secondary consent is being sought for 200 battery container storage units. The solar panel system and the battery system would, however, be electro-mechanically separated and locked to ensure that the two systems could not both export energy to the grid at the same time. It is not anticipated that the battery storage container units would be installed until after the proposed solar farm development has been completed. As energy storage technology is progressing rapidly, the method to be employed in this case has not yet been selected.

Planning Policy

15. National planning policy is set out in Planning Policy Wales (PPW), the current version of which is edition 9. Consultation on PPW edition 10 closed in May 2018 and the responses received are currently being reviewed.

16. Supplementing PPW are Technical Advice Notes (TANs) which provide additional policy and detail on a variety of topics. Those of particular relevance to this case include:

    - TAN 5, *Nature Conservation and Planning;*
    - TAN 8, *Renewable Energy*;
    - TAN 11, *Noise;*
    - TAN 14, *Coastal Planning*;
    - TAN 15, *Development and Flood Risk*;
    - TAN 24, *The Historic Environment*.

17. The development plan is the Newport Local Development Plan 2011-2026 (LDP) which was adopted in 2015.

18. The LDP policies, and parts of them, most relevant to the proposal are summarised below:

SP1	Sustainability
Requires proposals to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary.	
SP3	Flood Risk
Directs development away from areas where flood risk is a constraint; the risk of flooding must not be increased elsewhere.	
SP4	Water Resources
Requires development to minimise water consumption and protect water quality.	

SP5	Countryside
Permits development in the countryside, which is the area outside of the defined settlement boundaries, only where the use is appropriate in the countryside, respects landscape character and biodiversity and is appropriate in scale and design.	
SP8	Special Landscape Areas
Within designated SLAs, which include the Caldicot Levels, proposals are required to contribute positively to the area and demonstrate a clear appreciation of the area's special features.	
SP9	Conservation of the Natural, Historic & Built Environment
Seeks the conservation, enhancement and management of recognised natural, historic and built sites in all proposals.	
GP1	Climate Change
Requires development proposals to be designed to withstand predicted changes in the local climate.	
GP2	General Amenity
Permits development as long as it does not have a significant adverse effect on local amenity, the visual amenities of nearby occupiers, or the character or appearance of the surrounding area.	
GP4	Highways and Accessibility
Proposals should provide suitable and safe access arrangements, not be detrimental to highway or pedestrian safety, or result in traffic generation exceeding the capacity of the highway network.	
GP5	Natural Environment
Permits development subject to a number of criteria which protect and encourage biodiversity and ecological connectivity.	
GP6	Quality of Design
Seeks good quality design in all forms of development with the aim of creating a safe, accessible, attractive and convenient environment.	
CE4	Historic Landscapes, Parks, Gardens & Battlefields
Protects, conserves, enhances and, where appropriate, restores sites included in the register of landscapes, parks and gardens of special historic interest and identified historic battlefields, including their settings.	

CE6	Archaeology
Requires that an archaeological impact assessment is undertaken before a development proposal is determined within the archaeologically sensitive areas including The Levels.	
CE9	Coastal Zone
Does not permit development in the coastal area unless the development is required to be on the coast to meet an exceptional need which cannot reasonably be accommodated elsewhere	
CE10	Renewable Energy
Gives favourable consideration to renewable energy schemes, subject to there being no over-riding environmental and amenity considerations.	
T7	Public Rights of Way & New Development
Any public footpath, bridleway or cycleway affected by development proposals will require retention or the provision of a suitable alternative.	
T8	All Wales Coastal Path
Development proposals should protect and enhance the All Wales Coastal Path.	

Environmental Impact Assessment and Habitats Regulations Assessment

19. The salient information set out in the applicant's ES is summarised in the following sections.

Site selection and alternatives

20. The applicant assessed potentially suitable and available sites in order to minimise adverse effects on the environment and community[4]. The site's credentials are as follows:

- Proximity to a grid connection point - Llanwern and the surrounding area benefit from large scale electricity transmission assets which have considerable spare capacity. The ability to connect to the grid represents the foremost benefit of the site; it is not achievable in most other locations within the plan area or even at the national level.
- Topography and landscape - The site is low-level, flat and well-screened. It is also open and un-shaded by landscape features making it highly suitable for solar development.
- Agricultural land classification – The land within the application site is a mixture of grade 3b and 4 and is not, therefore, within the 'best and most versatile' classification. Its existing agricultural function would be maintained through being grazed by sheep.

[4] *Site Selection Sequential Test*

- Solar irradiation - the site is located on the coastal area along the Gwent levels which receives some of the highest amounts of sunshine within the country. This would allow for significantly more electricity generation than other site locations.

21. Other considerations include that the site is in a rural location where there is very little residential development or other land uses which would be incompatible with the proposed development. The villages of Whitson and Goldcliff are well separated from the proposed site areas by agricultural fields.

22. Policy CE10 (Renewable Energy) of the Newport LDP sets out that previously developed land should be explored first for the siting of solar farm schemes. Therefore, a desktop search of brownfield sites was undertaken. The two criteria were that the site area should be over 100 acres and within 100 miles of Goldcliff. Only two sites met these criteria: Westgate near Bristol which has planning permission for commercial use; and Central Park, Bristol which is a 600 acre warehouse and distribution park. Both sites had an established end-use and were located outside of Wales and the search area. No suitable brownfield sites were, therefore, available through the mainstream property market.

23. The former Llanwern steelworks is a potential brownfield location. The site no longer manufactures steel and now accommodates various uses including a business park, warehousing and distribution centres and also the Glan Llyn regeneration area which will include around 4,000 new dwellings. The site is close to the urban area of Newport and has good transport links via road and rail. As such it is ideally suited for a range of alternative development against which solar development cannot compete financially.

24. A solar farm will usually generate a ground rent of between £700 and £900 per acre for the landowner whereas for residential land it is typically between £350,000 per acre and £1,000,000 per acre. Employment development will usually generate about £125,000 for low value office or industrial space, £175,000 per acre for average industrial land and up to £1,500,000 per acre for retail[5]. Where there is alternative development potential offering a higher return, a landowner is unlikely to make land available for a solar farm which will offer a fraction of the return of alternative uses which are usually feasible on previously developed sites.

The need for the development

25. National planning policy makes clear that it is not necessary for the applicant to demonstrate the need for renewable energy projects to help tackle climate change. However, a review of recent energy statistics reveals that there is now an acute need for Wales to increase its delivery of such projects in order to achieve its targets and commitments made at an international level.

26. WG's target is to generate 7 Terawatt hours (TWh) of electricity by 2020. Statistics published by Department of Energy & Climate Change[6] show that Wales generated just 5.1 TWh in 2015, leaving a significant shortfall to be made up. Wales has consistently generated a lower proportion of its electricity from renewable sources than the UK average[7]. At a regional level the Renewable and Low Carbon Energy Assessment for Newport sets out projections that by the end of the LDP plan period (2026) electricity demand within the NCC plan area will be 863 GWh/yr. The study also identifies the

[5] *Site Selection Sequential Test*
[6] DECC (2016) Energy Trends March 2016
[7] *Site Selection Sequential Test* Figure 5

'Potential accessible resource' for all renewable technologies at 338 GWh/yr, comprising 17 GWh/yr from solar power.

27. Solar power thus has an important role to play as part of the mix of renewable energy sources required to meet national energy targets. Due to its scale, the application scheme has the potential to significantly contribute towards this target and to make a considerable difference in reducing CO_2 emissions.

Traffic and transport

28. The Transport Assessment took the form of a Construction Traffic Management Plan (CTMP) which explained the proposed vehicular access arrangements for the scheme and outlined the proposed mitigation.

Vehicular access arrangements

29. Vehicular access to the two westerly application parcels (described as Area A in the CTMP) would be taken from Broad Street Common or Chapel Road. The existing gateways would be used, some improvements to them being necessary and also the removal of short lengths of existing hedgerow. Where vehicles were required to cross existing culverts temporary bridge structures[8] would be put in place. In some circumstances it is likely that new internal access points would need to be provided.

30. The large, easternmost parcel (Area B) would be accessed from two existing, private, gated tracks which run south from North Row. The existing access points would need some minor improvements, for example realignment of the kerbline and widening. Vehicular access to the central, northern parcel (Area C) would be from an unnamed road (to the east of Broad Street Common) via an existing field access over a culvert.

31. Swept path analysis demonstrated that a 16.5 m max legal articulated vehicle and 7.5 t box van could safely access the northernmost part of Area A from Broad Street Common, Area B and Area C. The southernmost part of Area A could be safely accessed from Chapel Road by a 10 m rigid vehicle and a 7.5 t box van.

Construction traffic management measures

32. Prior to the construction phase the appointed haulage company would review all proposed routes to ensure that appropriate sized vehicles were used to deliver materials to the sites.

33. The existing weight limit restrictions on the local highway network have been confirmed by NCC not to be in force. To avoid confusion the weight limit signs could be obscured during the construction phase. A Traffic Management Plan would be produced to include details of the construction of the site access junctions and associated infrastructure. Temporary signage would be posted in the vicinity of the proposed site access junctions to advise drivers of the increase in HGV traffic during the construction period.

34. Construction would be likely to take place from Monday to Saturday between 07:00 and 19:00. Outside of these hours, works at the site would be limited to emergency works and dust suppression. The number of staff vehicles on the local road network would be restricted by encouraging car sharing. Information on the movements of construction traffic and the project programme would be provided to local residents and local media.

[8] CTMP, Appendix D

35. Vehicles would be cleaned by various methods before leaving the site. A road brush would be available should it be necessary to clean the highway. If mud or debris was carried out of the site, a professional road sweeping company would be appointed to keep the carriageway clear.

36. Dust generated during extended periods of dry weather would be suppressed by water bowsers damping down site entrances, access tracks and working areas. Other techniques to control dust include ensuring lorries leaving the site carrying debris were properly covered and not overloaded; and using a dust bag or water suppression where disk cutters were used.

37. If required, a road condition survey of the proposed construction routes would be undertaken. It would identify points where the carriageway is in poor condition and measures to protect those areas from further damage. It would be undertaken before and after construction, to ensure that any damage caused by construction vehicles is recorded allowing any damage to be rectified.

Cultural heritage

38. The ES sets out a large amount of information regarding the assessment of the potential effect on historic assets. This includes the assessment criteria and methodology, legislative context, planning policy and guidance, consultation carried out, and a detailed assessment of the baseline historic environment. The latter describes the historic landscape character of the area around the scheme as including:

    - major reens, both natural and artificial, and grips;
    - inland abandoned sea banks and sea walls;
    - bridges across the reens and roadways on embankments;
    - green lanes, both sinuous and straight; and
    - distinctive field patterns belonging to different phases of enclosure.

39. Statutory and local historic designations include the Gwent Levels Outstanding Landscape of Historic Interest which is divided into a number of Historic Landscape Character Areas (HCLAs), five of which would be directly affected by the scheme. The Historic Environment Record describes the Gwent Levels historic landscape as "the largest and most significant example in Wales of a 'hand-crafted' landscape… entirely the work of man, having been recurrently inundated and reclaimed from the sea from the Roman period onwards."

40. In the area around the application site there are two grade II* listed buildings, eight grade II listed buildings[9] and three scheduled monuments at Grangefield Moated Site, Goldcliff Moated Site and the Churchyard Cross, St Mary Magdalene's Church, Goldcliff.

41. Non-designated heritage assets recorded within the study area include the remains of L-shaped and T-shaped structures, two rectangular features, two footbridges, the site of a former medieval church at Porton, and various features associated with the domestic and agricultural use of the area dating from the medieval period to the present.

[9] These are listed in Cadw's representation (paragraph 162 of this document).

Archaeological and historical context

42. This section of the ES Cultural Heritage chapter describes human activity on the Gwent Levels; there is evidence that it has taken place for at least 6000 years. There is also evidence of a complex history of land reclamation from the Roman period onward. In summary the section refers to archaeological remains and historic assets and features including:

    - A Mesolithic site at Goldcliff, including late Mesolithic footprints; material from the prehistoric periods including cattle hoof prints, roundhouses and post-settings, flint, bone, pottery scatters, timber fish traps and temporary shelters;
    - Two Iron Age settlements, with wooden buildings, at Goldcliff and a network of Iron Age brushwood trackways;
    - Medieval and post-medieval drainage ditches and channels dug at the time that the landscape on Caldicot Level surrounding the scheme was largely reclaimed;
    - Evidence of the only medieval monastery to be built in the area, the Benedictine priory at Goldcliff. The monks carried out a reclamation scheme by excavating the major reens on the Levels, the names of which indicate their origins - Monks Ditch, Chapel Reen and Monkscroft Reen;
    - The present seawall which is probably a late medieval feature;
    - The common meadows in Nash, Goldcliff and Whitson which, during the medieval and post-medieval periods, were divided into strips, in some cases by ditches;
    - The grade II* listed building at Whitson Court which was built in the grounds of a medieval tithe barn in the late-18th century and attributed to the architect John Nash.

43. Throughout the 20th century historic maps show little change across the landscape, apart from a decline in the number of orchards. Aerial photographs taken during the 1950s and 1960s show the gradual industrialisation of the Gwent Levels such as the development of the Llanwern steelworks and associated electrical infrastructure (substations and power-lines), coupled with the urban sprawl of Newport.

Design Mitigation

44. The inherent elements of the design mitigation for the scheme are:

    - Application parcels of land being set back away from roads, cycle routes and footpaths to minimise visual impact for those experiencing the historic landscape;
    - Panels aligned inside field boundaries to prevent the removal of vegetation and to retain the inherent historic landscape field pattern;
    - Panels located within field boundaries and largely screened from designated heritage assets to minimise visual intrusion;
    - Access to field plots via existing field gateways and thus no impact to the existing field pattern or removal of historic hedgerows. Stock-proof fencing offset from hedgerow canopy edges to ensure existing vegetation is not damaged or disturbed;
    - Grid yard and battery storage area screened with additional hedgerow planting to reduce the impact on the setting of the historic landscape;

- Battery storage container units painted green to sit within the landscape, minimising any impacts on the historic landscape and visual intrusion;
- Cabling to be bored under ditches and reens at 1.5m depth below the base of the ditch/reen and under hedgerows to avoid disturbance of sensitive landscape elements and use of cabling bridges.

Potential Environmental Impacts and Effects

Direct impacts

45. Whilst the screws/piles fixing the panel framework to the ground would create a direct adverse impact on buried archaeological deposits, the impact from this method of construction is typically less than 1% of the Scheme area. The battery storage area would be ground mounted and cause little or no disturbance to the present ground level. Inverter cabins and transformers would be set on discrete small concrete slabs to cause minimal disturbance to any archaeological deposits.

46. Any direct impacts to buried archaeological deposits, which would amount to their destruction, would comprise a high magnitude of change (impact) on the basis that the historic environment is an irreplaceable resource. Although this could be mitigated it requires suitable justification for the level of harm.

47. There is moderate potential for prehistoric activity within the application site, which, if discovered, would be likely to be of medium, regional importance. Prehistoric sites at the mouth of the River Usk and Goldcliff have, however, yielded remains of high significance. Any direct impacts to Neolithic, Bronze Age or Iron Age remains would result in a moderate to major adverse significance of effect.

48. There is a moderate potential for encountering Romano-British remains at the site; any such archaeological finds and features would be of medium regional importance and would result in a moderate to major adverse significance of effect.

49. There is a high potential to encounter medieval and post-medieval remains. Any finds or features from these periods are likely to be of medium, regional interest value and historic importance. Therefore any direct impacts would result in a moderate to major adverse significance of effect. If no remains are encountered, the effect of the proposed development would be negligible.

50. Direct impacts to the six HLCAs affected by the proposals have been assessed in terms of the proportion of the surface area that is directly affected. The key elements and characteristics which comprise these HLCAs (such as reens, field patterns, sinuous lanes) would not be removed or destroyed but would be concealed by the panels. The overall magnitude of direct impacts is judged to be moderate based on the three parts of Stage 2 of the ASIDOHL2 process (ie in absolute, relative and landscape terms).

51. The principal direct impacts would be to buried archaeological deposits, which would be moderate to major adverse without mitigation and minor adverse with mitigation, or negligible if no archaeological features are present. There are no scheduled buried archaeological deposits within the application land parcels, and therefore any archaeological remains present are graded as Category B: Sites and Monuments of Regional Importance.

52. The impact to archaeological deposits from the construction of solar arrays is typically less than 1% of the site area, and therefore it has been graded as 'Very Slight' with a 1% permanent loss or removal, as per the ASIDOHL2 methodology.

53. As possible archaeological remains are unknown, and not largely visible, they are considered to make a low contribution to the historic landscape character of the HLCAs affected by the scheme, as it is the upstanding historic character remnants (reens, ditches, hedgerows, footbridges, field pattern, etc) which make the most significant contribution to the landscape value.

Indirect impacts and effects during construction

54. Indirect impacts to the settings of designated earthworks and designated assets within Whitson and the surrounding area during construction will be low-medium, largely arising from the disturbance to tranquillity. There will be changes to their settings as a result of short-term noise, increased vehicle movements and visual intrusion resulting in a temporary minor to moderate adverse significance of effect.

55. The present landscape is of high importance on the basis that it has considerable coherence and time-depth. Its setting is considered to make a high contribution to its importance. However the scheme would have a low-medium magnitude of change (indirect impact) to the overall historic character of the various HLCAs of the Gwent Levels during the construction phase as there would be limited change to the attributes of the setting. The key components characterising this landscape (e.g. field pattern, hedgerow, reens, etc.) would remain intact. There would be some short-term disturbance to the tranquillity of the HLCAs resulting in a temporary minor to moderate adverse significance of effect.

56. Indirect impacts on the existing historic character of the area with regard to the form and appearance of the scheme have been assessed as very slight due to the well-screened nature of the scheme and lack of visibility between the application parcels of land.

Impacts and effects during operation

57. No further direct impacts to buried archaeological remains are anticipated during the operational phase of the scheme, and therefore the significance of effect of the scheme in its operational phase, without mitigation, will be negligible.

58. During the operational phase of the scheme, if there was no mitigation there could be some limited visual intrusion from the proposed development on those designated heritage assets which are potential sensitive receptors and their settings.

59. The only area where visibility of the solar panels will be unimpeded is along Chapel Road. The Scheduled Monument (HA06) to the west of Chapel Road is concealed entirely by the intervening hedgerow and buildings. There is no intervisibility between the asset and the panels nor a shared view containing them both. Despite the close proximity there is not considered to be any impact on the setting or significance of this monument.

60. For the remaining historic assets there will be little or no visibility of the solar panels or shared views of the assets and the development. Overall, there is likely to be negligible impact on the settings of these heritage assets.

61. In terms of operational impacts on the historic landscape character, the score for the overall significance of impact of development on the Historic Landscape Area, as calculated by combining the results of Stages 2, 3 and 4 of the ASIDOHL process, is set out in the table below:

ASIDOHL2	Stage 5 Summary of the overall significance of the impact of development on the landscape of historic interest					
HLCA No.	Name	Value of HLCA (based on Stage 4 results)	Impact of Dev. (based on results of Stages 2 and 3)	Reduction of Value of the HLCA on Register	Total Score	Overall significance of impact
01	Nash/Goldcliff coastal zone	Very High - 9	Low - 2	Low - 2	13	Fairly Severe
02	Christchurch/NashWhitson back fen	Medium - 6	Low - 3	Low - 2	11	Moderate
03	Whitson	High - 8	Medium - 6	Low - 2	16	Fairly Severe
04	Porton	High - 8	Medium - 6	Low - 2	16	Fairly Severe
08	Northern Redwick	Medium - 6	Low - 2	Low - 2	10	Moderate
	Average Score for all HLCAs combined		13.2	Grading	Moderate	

62. In total, during the operational phase of the scheme, without further mitigation, the significance of effect on the historic landscape would be slight, i.e. minor to moderate adverse.

Additional Mitigation, Compensation and Enhancement Measures

63. During construction, an agreed programme of archaeological works can be conditioned as part of the planning consent comprising an archaeological watching brief with contingencies, with all archaeological work carried out in accordance with the standard and guidance laid down by the Chartered Institute for Archaeologists (CIfA). Such measures should reduce the impact of the proposed development on the archaeological resource from 'Major' and 'Minor' to 'None'.

64. When the scheme is in operation the overall effect of the development could be mitigated by the use of screening to limit the visual impact of the development. Additional hedgerow planting is proposed to mitigate visual impacts and strengthen the historic landscape pattern. It would mature over the course of the operational phase, resulting eventually in a minor beneficial effect. Sheep would be grazed between the panels providing an additional income for the landowners and maintaining the grassland to retain the agricultural setting of the landscape.

65. The retention of existing site vegetation and proposed additional planting along the boundaries would integrate the scheme into the wider historic landscape, and as such the

significance of effect on designated heritage assets within close proximity to the site will be negligible.

Cumulative Effects

66. The embanked Relief Road would add a significant built element into the historic landscape which would have a permanent direct and indirect impact on historic landscape character of far greater magnitude that the proposed scheme and its associated infrastructure, all of which is temporary and reversible unlike the new stretch of motorway.

67. Two tidal lagoon projects are currently proposed (Swansea and Cardiff bays), which may impact the visual experience of the Gwent Levels historic landscapes. Given the lack of intervisibility from the coast (Sea Wall) towards the proposed solar scheme, and the lack of any likely shared views of both the solar array and the tidal lagoons, these developments are not considered to result in any cumulative impact. The settings assessment conducted as part of the impact assessment confirmed that intervening vegetation, hedgerows and built environment heavily restricts views from ground level across the area.

Response to Glamorgan-Gwent Archaeological Trust

68. The appellant later responded to GGAT's objections. The technical errors in the ASIDHOL2 assessment were acknowledged although it was noted that there was agreement regarding the levels of impact posed by the scheme. Mitigation measures would be devised in liaison and agreement with Cadw and GGAT. The results of the ASIDHOL2 therefore reflected the impact without mitigation.

69. A series of boreholes excavated in the area immediately to the east of the Scheme in 1993 had determined that the basic geology of the area was uniform. Topsoil was approximately 0.5 m in depth; underlying geology was a slightly silty clay underlain by the dominant strata covering the whole site, a soft silty clay. There was no evidence of a peat layer at 1.2 m.

70. Any direct impacts to buried archaeological deposits were judged to result in a high magnitude of change (impact) on the basis that the historic environment is an irreplaceable resource. Direct impacts to buried archaeological remains involves their destruction, which although it can be mitigated, requires suitable justification for the level of harm to these heritage assets. The principal direct impacts would be to buried archaeological deposits, which would be moderate to major adverse without mitigation and minor adverse with mitigation, or negligible if no archaeological features are present. There are no scheduled buried archaeological deposits within the scheme land parcels, and therefore any archaeological remains present are graded as Category B: Sites and Monuments of Regional Importance.

71. It is likely that any substantial archaeological remains, should they be present, would have been detected by the geophysical survey. The limitations of geophysical survey to identify archaeological deposits have been taken into account and the results of the report provide appropriate additional data to be considered alongside the desk-based work submitted.

72. The methodology for any further archaeological work should be designed in response to the fact that the buried archaeological resource is not fully known. Proposed mitigation has therefore included the minimisation of any intrusive groundwork where feasible. The physical impact on the water and land management system of fen banks, gouts, pills, reens and grips could be mitigated partly by an earthwork survey and recording of the area. There is sufficient understanding of the extant earthworks and water management features in the area not to warrant further survey. Any additional recording required could

be undertaken via condition and pre-commencement of site works. The depth of the peats over the development area would need to be ascertained but boreholes undertaken within the area failed to identify a peat layer.

73. The submitted assessments provide a wealth of information upon which it is possible to make an informed decision regarding mitigation measures prior to and during construction phases. In accordance with standard procedures, following consent being granted a written scheme of investigation would be scoped, prepared and sent for approval prior to any site works commencing. Mitigation strategies including monitoring and recording would be sufficient to balance the impact on the historic environment resource when considered alongside the benefits of the proposed scheme.

Landscape and visual effects

LVIA methodology

74. The applicant submitted a Landscape and Visual Impact Assessment (LVIA) which was prepared in line with best-practice methodology[10]. It is illustrated by plans (at 1:35,000 and 1:20,000 scales) and photographs including landscape and heritage designations; biodiversity designations; public access designations; thematic evaluations for the five LANDMAP landscape types; visual appraisal; bare earth zones of theoretical visibility (ZTV) and ZTVs with screening features; viewpoint and assessment photographs; four viewpoint photomontages; a cumulative impact assessment; and landscape masterplan.

75. The LVIA established a baseline environment, a description and analysis of the existing landscape against which the effects of the proposed development were assessed. It was based on the reasons for including the area within various designations and LANDMAP data. In summary, the features/elements/characteristics identified as important or "key" to the landscape character of were:

- The network of reens, banks and surface drainage;
- The patchwork of small fields; sinuous in the west and rectilinear in the east;
- Hedgerow vegetation, which includes well cut hedges, scrubby hedges, mature trees and pollards; and
- Green lanes, sinuous with roadside waste in the west and straight without waste to the east.

76. An LVIA consultation exercise was carried out in accordance with the Statement of Community Consultation and included statutory and non-statutory consultees and members of the public. Feedback received during consultation was considered and incorporated where relevant in the design of the project and its assessment and presentation in the ES.

Landscape character

77. In considering the impact of the proposed development on the site and its context the most sensitive features in the landscape are the reens, hedgerows and the rural character of the area.

[10] *Guidelines for Landscape and Visual Impact Assessment* 3rd Edition published by The Landscape Institute and the Institute of Environmental Management & Assessment, 2013 (GLVIA3).

78. The layout of the development would retain the vast majority of vegetation within the site and around the site boundary. It would not be necessary to remove site boundary and internal vegetation except in minimal areas where access is required. Proposed planting on the eastern edge of the battery storage area would have a minor beneficial impact on the vegetation pattern and ecological connectivity of the site and its setting in the longer term resulting in impacts being not significant. Double hedgerows would be reduced where reens are overshadowed increasing the biodiversity within the reens which would have a long term minor beneficial effect on the vegetation pattern of the area.

79. The vegetation and hedgerows within and around the site boundary would retain the existing landscape pattern. During the operational period this would assist in integrating the development into the surrounding landscape and reduce the potential urbanising influence of the solar array frames, fencing, battery units, grid yard and telecommunications mast on the rural character of the site.

80. The potential indirect impact of the proposed solar farm on the public rights of way (PROW) and roads within the study area may include physical disruption and change to the character of the setting and its visual qualities. The public footpaths within the area surrounding the site would experience a change in outlook in areas of relatively short duration, from an open agricultural landscape to a more enclosed area with additional infrastructure and built form elements.

81. There would be a moderate adverse visual impact on the setting of parts of public footpaths and cycle routes immediately adjacent to the site during and immediately following construction, relating to the dominance of the arrays in relation to the setting of the route. This impact would reduce following construction to minor adverse, and to minor adverse-negligible following the establishment of buffer vegetation.

82. Vehicle travellers would perceive construction activities to a lesser extent than pedestrians. Open views of the panels would be possible from Chapel Road. Views from other roads would be glimpsed and filtered by existing vegetation. Elements of the grid yard and adjacent battery storage container units would be apparent in the middle distance, but would be mostly screened by intervening vegetation. The effect on roads within the study area would be minor adverse - negligible following construction and establishment of buffer vegetation for near routes, and none for more distant routes.

83. The impact on the setting of residential properties is minor adverse or none as the solar panels would be largely screened by existing vegetation and separated from residential properties by distance. The effect of the development on residential amenity would be minor adverse during construction for a very limited number of properties reducing to negligible following the construction period and entering the operational phase. Furthermore, the proposals are fully removable after 30 years, with some minor adverse effects during decommissioning, following which the land would be reinstated resulting in impacts being not significant.

84. Overall the development would have an initial moderate adverse impact on the immediate rural character of the site context, within 100 m. Between 100-500 m away the change would be minor adverse. Views of any part of the development would be limited beyond 500 m away and the impact would be negligible as elements of the development would be absorbed within the overall context of built form across the study area. Within the immediate context the development would have a significant effect on the local character area; however, within the wider context the impacts are reduced and not significant.

85. There would be a change from agricultural land to the built landscape of the solar farm The landscape already has a number of built forms within it, including wind turbines and the electricity pylons which form dominant features within the landscape. The development proposals are fully reversible and features of the landscape assessed as of high sensitivity would be retained.

86. The proposed development would have a negligible impact on the landscape setting of the LOHI and the corresponding Special Landscape Area as it would not be a widely perceptible element from within the wider landscape. Impacts on listed buildings and scheduled monuments are considered to be negligible-none.

Visual impact

87. With regard to visual amenity, the sensitivity of viewers is affected by their susceptibility to changes in views and visual amenity and the value attached to particular view locations and views. The context of the location contributes to susceptibility; people viewing from residential properties or from a valued landscape are likely to be more susceptible than people viewing from an industrial context.

88. ZTV mapping was generated by computer to identify the geographic extents within which views of the proposed development may be available. The predicted bare earth extent of the ZTV was based on a digital terrain model generated from an Ordnance Survey dataset. The ZTV was calculated to 2.8 m proposed solar panel height, 2.8 m proposed battery storage container units, 16.6 m proposed telecommunications mast and the viewer height of 2 m.

89. An additional ZTV takes into account the screening effect of buildings and woodland. For this buildings were given a height of 7 m and the woodland a mean average height of 10 m but screening effects of other surface features such as individual trees and hedgerows could not be taken into consideration. Potentially sensitive visual receptors include people visiting areas covered by landscape designations, areas or sites of historic interest, public footpaths, bridleways and cycle routes, and visitor attractions.

90. For the viewpoint study a total of 23 views were taken to illustrate the site and its appearance in publicly available views. From the viewpoint studies, a representative selection of five views was taken forward to the visual impact assessment, also having a winter view description. A further four views were developed as photomontages to indicate the change in view between the current and operational status of the development.

91. The visual impact assessment of the five representative views is tabulated in the LVIA[11] as follows:

[11] ES Chapter 10.0 Landscape and Visual Effects, Table 10.13

Photo ref	Sensitivity of receptors	Location	Magnitude of change	Significance (of effects during construction)	Short-term effects Significance (of effects after construction): Long-term effects
02	Cycle route users – moderate; road users - lesser	View south from minor road to N of study site	Small, construction and operation	Minor adverse Not Significant	Minor adverse-negligible Not Significant
05	Local residents – moderate; road users - lesser	View N-E from Whitson Common Road adjacent to properties	Small – construction; none - operation	Negligible Not Significant	Negligible Not Significant
07*	Road users -lesser	View S-E from minor road adjacent to site boundary	Great – construction; small - operation	Moderate adverse Significant	Moderate adverse Not significant
12	Footpath users - moderate	View N from Wales Coast Path at junction with Llanwern steel works pipeline	Small – construction; none - operation	Minor adverse Not Significant	Negligible Not Significant
16	Footpath users - moderate	View S from public footpath in the Llanwern Hills	None	Negligible Not Significant	Negligible Not Significant
* NB the impact on viewpoint 7 was reassessed[12] following the amendment to provide screening hedgerow along Chapel Road. The amended assessment is included in this table.					

Mitigation

92. The potential for adverse effects on landscape and visual amenity has been recognised and mitigation measures incorporated into the scheme to avoid or reduce adverse effects or to offset or compensate for unavoidable adverse effects. The measures incorporated in the scheme proposals include:

    - Retention of existing vegetation along field boundaries;

[12] LVIA Addendum Statement

- Reduction of hedgerows where doubled on either side of reens to stop overshadowing of reens;
- Additional hedgerow planting to provide screening to the battery storage container units;
- The proposed security fence will be a 2 m high stock fence to reduce its potential visual prominence.

Cumulative impact

93. The LVIA included a cumulative impact assessment which took account of the effects of similar developments and considered the solar farms which were either operational, in planning or with planning permission within the study area and a wider area beyond this. It concluded that these solar farms were located at a too great a distance to have any significant effect when combined with the proposed scheme due to the lack of intervisibility and the lack of sequential effect. The effects were therefore considered to be negligible.

94. There are seven wind turbines within the study area of the site with a further two with planning approval but not yet constructed. The turbines have a 100 m blade tip height and lie to the east and west of the proposed development. Though they are distinct features within the landscape they are not dominant within the majority of views around the site with the exception where the wind turbine is seen as a focal point on the horizon. For the remainder of the views the electricity pylons within the study area are in comparison much more apparent and a prominent part of the overall views within the study area.

95. The potential development of the M4 Relief Road for Newport (M4CaN) has been taken into account in relation to the solar farm. It would be on an embankment, forming a prominent, dominating element within views. The juxtaposition of the solar farm with the road would result in views of the solar farm being available from the new relief road. The extensive constructed element of the relief road would introduce a major infrastructure feature into a mainly rural landscape; being in such close proximity to the solar farm the combined effect would be to increase built form in a sensitive area. The scale of the relief road development however would outweigh the scale of the solar farm and the visual impact of the relief road would be extensive and significant across the Gwent Levels. The cumulative effect of the proposed solar farm with other existing and potential renewable energy and other infrastructure is thus assessed as negligible.

96. The proposed development, therefore, complies with LDP Policies CE10, Renewable Energy; SP5, Countryside; GP6, Quality of Design; and SP8, Special Landscape Areas. There would be no adverse impacts on the setting of scheduled monuments or listed buildings consistent with Policy SP9. The impact on the setting of the LOHI and the corresponding Special Landscape Area is considered to be negligible in line with Policies CE10 and SP8.

Ecology and nature conservation

97. This chapter of the ES sets out the legislative context and national and local planning policy in relation to ecology. The assessment criteria and methodology are described, the first stage being the collection of baseline data. This was derived from the characteristics of designated sites, particularly the two SSSIs, habitats and protected and key species. Records of habitats and species were provided by the South East Wales Biodiversity Records Centre (SEWBReC).

Designated sites

98. The SSSI's are considered to be of importance to nature conservation at a national level particularly for the reen and ditch habitat. The Nash and Goldcliff SSSI citation notes that it is of particular botanical interest as the only area in Wales for the rootless duckweed and that there is an interesting community where two species of hornwort grow together. Shrill carder bee is also a qualifying feature of this SSSI. The Whitson SSSI citation states that is of particular importance for its large number of nationally rare and notable invertebrate species. A total of 65 of these rare invertebrates have been recorded including Shrill carder bee.

Habitats

99. The dominant habitat in the area is Coastal and Floodplain Grazing Marsh which is a Priority Habitat of importance at a regional level. The application site includes approximately 69 ha of Semi-Improved Grassland which is assessed as being of intrinsic importance to nature conservation at a local level. The application areas also include approximately 57 ha of Improved Grassland which is locally important. However, as components of Coastal and Floodplain Grazing Marsh and considered in combination with the reens and ditches, the value of Semi-Improved and Improved Grassland is greater. Field margins are of local importance.

100. The network of reens, ditches and field drains within the application area links to a much larger network across the wider area. Many of the ditches are suffering from a lack of management; hedgerows have been allowed to grow up on both sides shading the watercourses, causing siltation and preventing management[13].

101. The watercourses are a fundamental component of Coastal and Floodplain Grazing Marsh, a Section 7 and LBAP Priority Habitat. The reen/ditch network as a whole supports a wide variety of aquatic plants and invertebrates and is the primary reason for the designation of the two Gwent Levels SSSIs. Therefore, the reen/ditch network across the application site is of importance to nature conservation at a national level.

102. A total of 94 hedgerows are present within the application area[14], most of which are species-poor. Access routes for farm machinery and gates for livestock are present throughout the hedgerows. The size of hedgerows ranges from 1 m to 6 m tall and 1 m to 4 m wide. Standard trees within the application area are predominantly associated with hedgerows and field boundaries and include mature specimens of willow, oak, ash and horse chestnut. All hedgerows are habitats of principal importance under Section 7 of the Environment (Wales) Act 2016 and LBAP Priority Habitats as they comprise over 80% native species.

103. The hedgerows and trees within the application area form an extensive network with hedgerows in the wider landscape and would normally be considered to be of importance to nature conservation at a regional to national level. However, the double line of hedgerows alongside many field drains is likely to be a disadvantage to nature conservation in the area because they shade important water courses, reducing their value and preventing ditch and reen management. Individual hedgerows and mature trees within the application site are therefore assessed as being of importance to nature conservation at the local level.

[13] Full details are provided in ES Appendix 11.11
[14] ES Appendix 11.2

Protected and Key Species

104. There are records for several protected and key species on and around the site. The nature conservation value of these species as well as the designated sites and habitats is summarised in the table below.

Ecological feature	Nature Conservation Value (Geographic Scale)
Nash and Goldcliff SSSI	National
Whitson SSSI	National
Other SSSI's associated with Gwent Levels (linked via reen system)	National
Coastal and Floodplain Grazing Marsh	Regional
Semi-improved neutral grassland	Local
Improved grassland	Local
Field margins	Local
Water courses	National
Hedgerows and scattered trees	Local
Dense scrub	Zone of influence
Tall ruderal vegetation	Local
Invertebrate assemblage (terrestrial and freshwater)	National
Shrill carder bee	National
Amphibians	Local
Reptiles	Local
Dormouse	Regional
Badgers	Local
Bats (foraging and commuting)	County
Otter	County
Water vole	County
Brown hare	Local
Hedgehog	Zone of influence
European eel	Regional

Inherent Design Mitigation

105. Features designed into the scheme to protect the ecology of the site would include:

- The use of existing farm access tracks and watercourse crossing points, and minimising loss of hedgerows and vegetation;
- Anchoring panels to a metal frame fixed to the ground with no substantial areas of concrete;
- Inclining the panels and having large gaps between rows so that bats do not mistake them for water;
- Retaining 7m buffers from ditches/field drains, 12.5m buffers from reens to prevent impacts to water vole, otter, reptiles and amphibians;
- No obstructions to watercourses allowing fauna to commute freely;
- No lighting adjacent to watercourses to prevent impacts to invertebrates and bats;
- No land take of field margins;
- The solar arrays would be partially transparent allowing vegetation to grow beneath;
- Planting of new native hedgerow providing habitat for terrestrial invertebrates, nesting birds and other terrestrial species;
- Gaps left under security fencing to allow small mammals to move freely.

Potential Environmental Impacts and Effects

106. Overall, the applicant does not anticipate that the scheme would result in impacts to nature conservation beyond the zone of immediate influence, assuming the proposed mitigation stated is implemented. The value of the affected area in combination with the proposed ecological enhancements, such as the enhanced reen management and planting of species-rich grassland areas, would mean that the scheme has the potential to have a net benefit to biodiversity during the operational phase. It would also be easily reverted to the original habitat after decommissioning with a legacy of improved biodiversity.

Cumulative effects

107. It is not considered that any cumulative impacts would arise in connection with other developments including the M4CaN project. The assessment of ecological impacts has found that there are likely to be no residual effects resulting from the proposed development and that the measures detailed within the Landscape Environment Management Plan (LEMP) would bring about beneficial effects to the two SSSIs. An Environmental Impact Assessment has also been completed in respect of the M4CaN project and appropriate measures have been planned to mitigate the entirely separate impacts of that scheme. The proposed development would not prevent or hinder the proposed mitigation measures of the planned M4CaN scheme and it follows, therefore, that there would be no negative, in-combination impacts with the project.

Monitoring

108. A programme of ecological monitoring would be undertaken during the lifetime of the project to document the effects (positive and/or negative) on ecological features present on site. This would include bats, breeding and winter birds (see Chapter 12), aquatic invertebrates and shrill carder bee. In addition, there would be inspections of mitigation measures e.g. bat boxes and habitat piles. Wildflower meadow areas would be checked to ensure they are developing properly.

Ornithology

109. The ornithology chapter of the ES follows a similar format to the ecology chapter setting out the legislative context and national and local planning policy in relation to birds and their habitat. It also describes the ornithological surveys that were carried out, the assessment methodology and consultation carried out.

Designated sites

110. The designated sites are as described in the Ecology chapter of the ES. Of particular importance for birds are proximal designated sites which include the Severn Estuary Special Protection Site (SPA), Ramsar site and SSSI; the Newport Wetlands SSSI and National Nature Reserve (NNR); and the Nedern Brook Wetlands SSSI. Between them these sites support significant populations of species of European importance; the designated sites are of international and national importance.

111. For the desk study, information provided by SEWBReC showed that 93 priority and protected bird species were recorded within the 5 km search area. Of these, 48 species were considered as having reasonable potential to occur in the application area. The list provided some context for the design of the on-site surveys although it was clear that the presence of all these species on site was highly unlikely.

112. The ornithological baseline of the area is summarised in the table below.

Feature	Conservation Value (Geographic Scale)
Winter	
SPA Qualifying & Assemblage Species	Local
Lapwing	Local
Snipe	Local
Schedule 1 Birds (Cetti's Warbler/Barn Owl)	Local
Starling, redwing and fieldfare	County
Other Winter Resident and Migratory Species	Local
Breeding	
Breeding Bird Assemblage	Local
Lapwing	National
Common Crane	National
Schedule 1 Birds (Cetti's Warbler/Barn Owl)	Local

Inherent Design Mitigation

113. Features designed into the scheme to protect the birds of the site would include:

- Construction would take place outside the core breeding season for most species of birds to minimise impacts to breeding birds;

- The use of existing farm access tracks and watercourse crossing points, and minimising loss of hedgerows and vegetation;
- Planting of new native hedgerow providing nesting and foraging habitat for nesting birds;
- Anchoring panels to a metal frame fixed to the ground with no substantial areas of concrete, preventing unnecessary land take and impacts on grassland bird foraging and breeding habitats;
- The solar arrays would be partially transparent allowing vegetation to grow beneath;
- Inclining the panels and having large gaps between rows so that birds do not mistake them for water;
- 7 m buffers from ditches/field drains, 12.5 m buffers from reens would be implemented; no land take of field margins;
- no obstructions to watercourses, therefore allowing any fauna to commute freely;
- no lighting adjacent to any watercourses to prevent impacts to nocturnal fauna.

Potential Environmental Impacts and Effects

114. The potential effects and impacts on the site's ecological features are summarised in a table set out in Appendix 4 of this document.

115. The ornithological assessment shows that a suite of bird species use the site throughout the year, for breeding and winter foraging, shelter and roosting. This includes some species with enhanced statutory protection and species of conservation concern. The application area does not form a core area for any SPA species, with no significant numbers of any individual species identified although large numbers of lapwing have been recorded in adjacent areas and would be considered regionally significant.

116. The construction of the arrays would not impact on the integrity of the SPA/Ramsar site or the component SSSIs. The majority of ornithological interest on the application site is of site or at most local value and the proposed development would not result in effects of greater than local level importance. A number of land management proposals associated with the development can result in positive impacts for both wintering and breeding species.

Cumulative Effects

117. No significant adverse effects have been identified on ornithological features from the proposed solar farm and it is unlikely that any in-combination effects are present, taking account of other existing schemes in the area. Under the new EIA Regulations 2017, projects which are not consented or existing and still within the planning process are not required to be assessed within cumulative effects. Significant projects that are not yet consented are:

- Cardiff Tidal Lagoon
- Newport Tidal Lagoon
- M4CaN

118. Nevertheless, the M4CaN has been considered in cumulative impacts in the HRA screening report[15]. Through this assessment there were found to be no residual effects identified in relation to the M4CaNon any features of the Severn Estuary SPA, SAC, or Ramsar site, provided that the proposed mitigation is implemented.

119. No LDP Allocations have been proposed on the site and the proposals will not influence or affect any nearby allocations for other development. The Shoreline Management Plan is a high level non-statutory policy document designed to assist coastal flood and erosion risk management planning. The proposed development would not conflict with the aims of the plan nor bring about any cumulative impact with any development supported by the plan.

Monitoring

120. To monitor the effects of mitigation measures/compensation and the effects of the solar farm on ecological features including birds, a monitoring plan will be undertaken. This will include breeding lapwing and crane surveys periodically through the life time of the project. This is detailed in the LEMP.

Flood risk and water resources

121. The first step in considering whether the proposed development would comply with TAN 15[16] is to clarify which category it falls within. Especially vulnerable industrial development, including power stations, is categorised as Highly Vulnerable[17]. TAN 15 was, however, written in July 2004 predating large-scale solar farm development. The reference to 'power stations' was not, therefore, intended to cover this type of renewable energy installation.

122. TAN 15[18] explains that 'Highly vulnerable' describes development whose occupants have a limited ability to decide whether they wish to accept the risks of flooding, or to manage the consequences of such a risk. It also includes industrial uses where there would be a risk to the public and the water environment should the site be inundated.

123. The proposed development would be unmanned with no occupants. The panels are inert and would not be a safety risk if the site did flood. The development could be easily disconnected from the grid and would not involve the use of toxic or hazardous substances. In addition, solar farms have a proven record of safe operation in flood zone locations and are compatible with them. Given its characteristics, it is thus appropriate to classify the proposed development as a 'Less Vulnerable' or 'Other' form of development. This would be consistent with the 'Less Vulnerable' classification of development such as general industrial and utilities infrastructure.

124. 'Less Vulnerable' or 'Other' forms of development should only be permitted within zones C1 and C2 if they are justified in these areas[19]. The submitted 'Site Selection Sequential Test' document provides a thorough explanation as to why the proposed development must be sited in this location. If the proposed development is justified in its location a Flood Consequences Assessment (FCA) must be undertaken to establish whether mitigation

[15] ES Appendix 12.1
[16] TAN 15 paragraph 6.2
[17] TAN 15 Figure 2
[18] TAN 15 paragraph 5.2
[19] TAN 15 paragraph 6

measures can be incorporated to ensure that the proposed development is sufficiently safe[20].

125. The submitted FCA[21] has utilized the most up-to-date climate data and an appropriate methodology agreed with Natural Resources Wales (NRW). It has found that there is unlikely to be flooding in the site area under current or future projections of climatic conditions. The hydrology and runoff from the proposed development will not fall outside of the range expected from its current agricultural use.

126. Furthermore, the FCA found that if the existing, robust flood defences were to be breached sufficient warning could be given to any visitors of the development (for maintenance etc.) to avert potential danger.

127. The applicant's FCA also concludes that the change in use of the fields from arable to a solar farm would have advantages including:

- It would be an important and significant source of renewable energy for the community;
- Sea level rise is not predicted to be significant during the 30 year lifespan of the solar farm;
- The site is not predicted to be at risk from tidal flooding in an undefended scenario;
- Even in the worst scenario the site is only predicted to flood a maximum of 800mm, which is below the level of the arrays;
- There would be no risk to visitors from flooding or excessive surface water flows;
- The equipment and associated infrastructure would be robust, resilient to wet weather and will not cause pollution;
- The high levels of runoff carrying silt, which can arise from ploughed arable fields, would be eliminated;
- The elimination of intense grazing would allow the soil to improve and absorb more rainwater;
- The water quality would improve through eliminating the application of pesticides and fertilizers;
- The creation of a species-rich meadow environment would provide major improvements in soil quality, infiltration and evapotranspiration;
- The improvement in soil structure through the changed ecology would be beneficial to the hydrology;
- The flat land prevents channelling and streaming and intense overland surface flows will not occur;
- Tracks would be permeable and likely to grass over adding to biodiversity;
- The heavy machinery associated with farming will be eliminated preventing further compaction of the soil and improving its quality.

128. The site would therefore be safe for people and property. The proposed change of use would bring significant overall benefits to the environment and comply with the guidance given in TAN 15 and the Local Biodiversity Action Plan.

Glint and glare

129. The report assessed the potential glint and glare impacts of the proposed solar development on residential amenity and road safety. The report modelled reflections

[20] TAN 15 paragraph 7.1 advice on carrying out the assessment is provided in TAN 15 Appendix 1.
[21] ES Appendix 13.1

throughout the year towards dwellings and road user locations within one kilometre of the proposed panel areas.

130. There is limited formal guidance for the assessment of glint and glare in the UK. The consultant carrying out the survey (Pager Power) had published a recommended methodology based on international guidance, independent studies and consultation with industry stakeholders including aviation authorities.

131. The conclusions of the study were that all potential effects have a 'Low' impact significance which does not require mitigation. Based on computer modelling and a conservative desk-based assessment of available views reflections would possibly be seen at 24 dwelling locations. Residents who observed glare when looking towards a reflecting panel would also be looking towards the sun; direct sunlight is significantly more intense than a reflection from a solar panel.

132. Reflections would also be possible towards three separate stretches of local road running adjacent to the panel areas. Drivers would have to look away from their direction of travel to view a reflecting panel and the effects would be fleeting. In some or all cases, the visibility of panels would be partially obscured by vegetation.

133. The survey did not recommend any mitigation requirement as the potential impacts would be small. Effects could be reduced further through the provision of additional or enhanced screening at the site boundaries.

Noise

134. The noise report assessed the significant effects associated with the proposed solar farm scheme. It included the result of the baseline noise survey, provided noise criteria for the development in accordance with British Standard 4142:2014 and undertook an indicative assessment based on noise from plant at existing solar farms.

135. Modelling based on data gathered from existing solar farms was undertaken to predict the noise impact. The predicted rating sound level from the site at the most exposed residential dwelling was used to assess noise emission in accordance with British Standard 4142:2014. This was based on the predicted cumulative noise level from all items of plant operating simultaneously and constantly.

136. Based on the noise predictions undertaken it was demonstrated that the British Standard 4142:2014 assessment 'difference' can be no more than -4 dB. This was an indication that noise from the plant would be of low impact on the noise-sensitive receivers in the area and the proposals would not have any significant impact on nearby noise sensitive receptors.

137. On the basis of the assessment and with a suitable noise-limiting condition imposed on the scheme, noise can be controlled to acceptable levels and will have no adverse impact upon nearby noise sensitive dwellings.

Additional assessments

Agricultural land quality

138. A combination of local factors, including soil type, depth and surface drainage restricts agricultural production on the site to temporary grass in some fields or permanent pasture for mowing or livestock grazing.

139. Welsh Government's (WG) Soil Research Department conducted a thorough desktop exercise as part of a review of the agricultural land classification grading and the submitted survey report. This determined a 'predictive grade' of land quality finding that the site is likely to comprise a mosaic of agricultural land classification Grades 3b, 4 and 5. The presence of 'Best and Most Versatile' agricultural land was thus determined to be highly unlikely and it was not recommended that any further survey work be undertaken.

Tree survey

140. The Arboricultural Impact Assessment[22] [23] included

- a survey of all trees on the application site;
- an assessment of the impact of the proposed development on the surveyed trees.

It resulted in the production of a Tree Survey Schedule, giving details of trees and proposed remedial works, and an Arboricultural Method Statement providing details of proposed working methods to ensure the protection of retained trees.

141. The assessment found that the proposed development would have a moderate impact on the existing tree resource; there has been little intervention and many trees are in poor condition with poor vitality. Elements of the proposal, such as cabling, fencing and in one case a solar panel, would affect the root protection areas (RPA) of 21 trees and hedges. In these instances the Arboricultural Method Statement requires that infrastructure is installed within RPAs using hand excavation techniques.

142. About sixteen trees would be removed as well as part of a group and a hedge. These removals are necessary due to the poor condition of trees or as a result of development works. The latter include the installation of a power cable, to make room in fields for the solar panels, and for the widening of access points.

143. Most of the features to be removed are in the latter phase of their natural cycle and make a reduced contribution to amenity, the landscape and the environment. Furthermore the resultant debris and cuttings would be stacked on site as habitat piles. The removed trees would be replaced with appropriate species to ensure the continuity of tree cover. The assessment thus concludes that the loss of these features does not constitute a considerable loss in amenity, arboricultural merit or biodiversity.

Population and human health

144. The applicant considers that the following four issues are relevant to this matter:

Potential of increased health and safety risk associated with reens and ditches

145. A stock proof fence would be erected around the edge of each field boundary, separating the panelled areas of the site from the ditches and reens. Access to these watercourses would be via one of the field gates shown on the plan or through an adjacent watercourse only. Therefore the accessibility of the reens and ditches would be reduced.

146. There could be a risk to workers undertaking maintenance by i) restricting access to any injured parties in the event of an emergency, or ii) from a clash between a new built feature and the heavy machinery used to cut the vegetation along the banks. Although

[22] In accordance with BS5837 (2012) 'Trees in Relation to Design, Demolition and Construction, Recommendations'
[23] ES Appendix 14.2

this arrangement may cause a slight delay in accessing the reens it is felt that this delay would be minor and would not cause a significant increase in any health and safety risk. It would be possible to reduce the risk by introducing additional gates along the fence line.

147. The proposals allow for a development-free buffer zone of 7 metres either side of all ditches and reens. This would provide ample space for the safe, unhindered use of machinery for maintaining the vegetation around the reens and ditches.

Potential increased health and safety risk caused by heightened flood risk

148. Some respondents to the pre-application consultation were concerned that the proposals would increase localised flood risk resulting in a risk to the safety of local residents and people using the footpaths around the site.

149. The likelihood of flooding being caused by the proposed development has been assessed by the FCA which included projections of flood events over the 30-year duration of the scheme. The assessment notes the modern and robust state of the flood defences and considers that *"there is no risk to visitors from flooding or excessive surface water flows".*

Potential risk of injury caused by electric shock (associated with transmission and storage of electricity)

150. The proposed development has the potential to generate and store a large amount of electricity. Some respondents to consultation queried whether the generation of electricity would be safe in an identified flood risk area.

151. The proposed development would be installed by a qualified contractor in accordance with the appropriate guidance and regulations required for an electrical installation of this scale. The details of the installation itself would be specified within a Construction and Environmental Management Plan (CEMP) to be agreed with the LPA prior to the commencement of any development.

152. Once operational, the development would be set behind the physical boundaries of the surrounding reens and the stock proof fencing in order to prevent unauthorized access. Appropriate warning signage will also be provided to deter any intrusion. The panels themselves are inert and the power generated by each array would be transmitted through insulated cables buried below the ground. The batteries, transformers and inverters would be housed in sealed, safe containers mounted above the ground.

153. In addition to the inherent protection afforded by its design, the scheme could also be controlled remotely so that the transmission of electricity could be quickly disabled if any immediate health and safety concerns should arise.

Potential injuries caused during construction phase – including risks from site traffic

154. The roads around the site are fairly narrow. Concerns have been raised that the additional traffic movements, including the use of the roads by HGVs for the delivery of components, would be unsafe to local road users (including cyclists and pedestrians).

155. A detailed Construction Traffic Management Plan (CTMP) has been prepared which explains how deliveries to the site will be managed. Under this plan there will be four site compounds at different locations around the site. Panels and equipment will be delivered to these compounds and will then be decanted into smaller vehicles and distributed around the site. The management of construction deliveries will be handled within the confines of the site (or land immediately adjacent) and away from the public highway.

156. Deliveries will be spread over the duration of the construction period and the number of HGV's accessing the site at its peak is anticipated to be a total of 20 per day. The deliveries would follow two separate routes, depending on the part of the site to which the deliveries were being made. This means that that the total amount of site traffic is distributed around the road network, significantly reducing any impacts resulting from site traffic.

157. The access points to the site have been robustly modelled. Measures would be put in place to ensure that HGVs could access the site directly without needing to complete complicated manoeuvres in the road. Suitable road signage and a banksman at the point of access would provide an additional degree of safety.

Consultation Responses

158. On confirmation that the application was valid the Planning Inspectorate undertook the required consultation and publicity measures, and eleven letters of objection and twelve other representations were received. The main points are summarised below.

Cadw

159. Cadw was mainly concerned with the adverse impact that it considered the proposed development would be likely to have on the registered Gwent Levels LOHI. Additional mitigation was recommended including additional planting to screen the arrays; a reduction in the number and height of the approximately 60, 5m high CCTV points; and mitigation around the height of the telecommunications tower, inverter cabins and the transformers.

160. Cadw's more detailed observations were that intervening vegetation between two scheduled monuments[24] and the proposed development would block all views and prevent damage to their settings. There were some technical errors in the submitted Assessment of the Impact of Development on Historic Landscape *(*ASIDOHL*)*[25] but Cadw agreed with its conclusions that the proposed development would have a 'fairly severe' impact on two HCLAs, and a 'moderate impact' on a further three. Cadw also considered that the scheme would not be temporary.

161. In response to a request for further information, Cadw provided its assessment of the effect on listed buildings in the area. Due to the large scale of the proposed development and the existing landscape and vegetation of the Gwent Levels, it was considered that the solar arrays and infrastructure would be visible to some of the listed buildings and structures within the area and further afield, having an adverse effect on their setting.

162. It was possible that there would be a significantly adverse impact on the settings of:

- Whitson Church (grade II*)
- Whitson Court (grade II*)
- Whitson Lodge (grade II)
- Whitson Farm (grade II)
- Little Porton Cottage (grade II)
- Little Porton Byre (grade II)

and a moderate effect on:

[24] Grangefield Moated Site (MM205) and Goldcliff Moated House Site (MM092).
[25] ES Appendices 9.2 and 9.5

- Barn at the Barn Farm (grade II)
- Barns at Great Newra (grade II)
- Church of St Mary Magdalene (grade II)
- Samson Court (grade II)

Campaign for the Protection of Rural Wales (CPRW)

163. CPRW objected to the proposed development on the grounds that it would damage the landscape and wildlife of the Gwent Levels and was incompatible with the statutory designations, particularly the LOHI and the SSSIs.

164. The scheme would only be appropriate in this location if alternative sites on undesignated land, including brownfield sites, were unavailable. Given the amount of land already classified as brownfield surrounding Newport, including several former steel working and other industrial plants, this is not the case. CPRW pointed to Policy GP5 of the Newport Local Development Plan which states that 'The developer must demonstrate the case for development and why it could not be located on a site of less significance for nature conservation'. It considered that the scheme would not meet this test.

165. CPRW noted that the ES admits that the proposal would have a severe impact on the Gwent Levels LOHI. It also considered that comparisons with the Hazel Farm, Langstone solar farm are erroneous and that claims that the footprint of the scheme would be minor were not credible.

Glamorgan-Gwent Archaeological Trust (GGAT)

166. GGAT noted that the submitted documents did not fully take account of the buried archaeological resource particularly the nature of the reclaimed and buried land surfaces, and the impact of the ground screws or piling. As the assessment was not based on details of the depth of the buried land surfaces, or detailed plans of the length and diameter of the ground screws or piles, it had not assessed the impact of the proposals on the historic environment. No written scheme for a desk based assessment was received. Therefore GGAT was not in a position to suggest informed mitigation for the impact of the development.

167. GGAT was also concerned that the significance of impact had been reduced by stating that the scheme would be temporary and reversible at the end of its 30 years' lifetime. The impact, particularly on the buried landscape, would be neither reversible nor temporary. A pincushion effect would be created having a physically wider effect than the width and depth of the screws. It could have a direct impact on the buried archaeological sites and also, by introducing oxygen into the anaerobic conditions that are currently preserving organic material, could cause significant long-term damage. Considering the sealed aspects of the peats it was GGAT's view that there would be a more significant adverse impact.

168. Current Government advice is that archaeological deposits should remain preserved in situ, unless the need for the development outweighs the importance of the archaeological resource. In such cases the requirement will be preservation by record.

169. GGAT was concerned at the use of geophysical survey as, on areas such as the Levels where there is known to be a depth of alluvial deposits, this type of survey is not always accurate. Alluvial deposits can mask archaeological deposits which in this environment are often organically based. There is no acknowledgement in the reports that, due to the depth of alluvial deposits, the results of geophysical survey on the Levels may not be accurate.

170. The depths and level of the peats, and the detailed nature of the ground intrusion works, must be ascertained for any impact to be understood and mitigated. Until this is undertaken GGAT would not be in a position to make an informed decision regarding the impact of the development.

171. The physical impact on the water and land management system of fen banks, gouts, pills, reens and grips could be mitigated partly by an earthwork survey and recording of the area. Detailed analysis of the drainage system and dating would involve sampling of wet peat deposits. If mitigation was by the preservation by record this would have to meet the current professional Standard and Guidance of the Chartered Institute for Archaeologists and be undertaken by a registered organisation or accredited MCIfA level member.

Goldcliff Community Council

172. The Community Council considered that the proposed development would run counter to the significant effort and investment being devoted to maintaining and promoting the local environment. It noted that the scheme would be within SSSIs, as well as close to other designated areas, and that the special interest of the SSSIs was dependent upon the quantity and quality of the water resource. This might be adversely affected by the proposed development with consequent harm to the ditch habitat and flora and fauna of the area.

173. Other matters of concern to the Community Council included the impact on landscape and views, including from footpaths and bridleways; the bird life of the area especially in the light of proximity to the RSPB bird and wildlife sanctuary; traffic with local roads being unsuited to large vehicles; and flood risk. The Community Council drew attention to the Living Levels initiative which had attracted funding in the region of £3m towards conserving, restoring, improving and promoting the unique character of the Gwent Levels. It also considered that a community benefit scheme should be established.

Gwent Ornithological Society, Gwent Wildlife Trust and RSPB Cymru

174. Whilst acknowledging and supporting the use of renewable energy to reduce greenhouse gas emissions, and therefore the threat to biodiversity from climate change, these organisations objected to the scheme on the grounds of the potential harm which would be caused to the rich, and sometimes rare, wildlife resource of the area. Gwent Ornithological Society's overall view was that the proposed development would have negative impacts on breeding cranes, nesting lapwing, barn owl, grey heron, little egret and lesser spotted woodpecker. It would not, therefore, be in harmony with those birds or nature in general, particularly when considered in combination with the potential impacts of the proposed M4CaN and other potential developments affecting the SSSI, the Severn Estuary SPA, the SAC and Ramsar site.

175. Gwent Wildlife Trust took issue with several aspects of the ES including whether the proposed development would be temporary; the effect on ecology, nature conservation and ornithology, which it considered would be harmful; the effect on the Gwent Levels LOHI were again considered to be too great; and considered that there was no demonstration of why the scheme could not be located on a site of less significant ecological value.

176. The Wildlife Trust noted that, as a result of the speed with which solar farms had become widespread there was a lack of research into their environmental impacts on sites. It drew attention to the findings of several research papers and also to the Rampisham Down proposal which was called in and then permitted on an alternative, undesignated site.

177. Gwent Wildlife Trust cited many other grounds for objecting to the scheme including:
    - A scheme of this scale is placing the Gwent Levels SSSI at high ecosystem and 'landscape scale' risks from unknown and/or inadequately researched impacts of solar schemes;
    - The scheme would detract from the enjoyment of the Gwent Levels landscape and local environs by local residents, users of the PROW and visitors to the area;
    - It would be a substantial man made intrusion in a largely rural landscape;
    - The proposals should not be located in SSSIs where the priority should be for land management for nature conservation;
    - The development would have a significant impact on habitat availability for a significant number of breeding and wintering birds including Lapwing and Common Crane. The total land area available to bird species with a preference for open grazing marsh and grassland habitats on the Gwent Levels SSSI would be significantly reduced and disproportionately reduced on Whitson SSSI;
    - There would be a risk of pollution impacts from the installations during flood conditions, particularly if the infrastructure was damaged, which could impact on soil, reens, ditches, grazing marsh and associated species. There was also a risk of chemicals and heavy metals leaching from the installations as the scheme aged;
    - The scheme would have local climatic effects which would impact on a wide range of species and the whole ecosystem of the fields and surrounding reen habitats;
    - The construction of the scheme would result in the extensive disturbance of soils across all the fields due to installation of the panels and burying of electrical cables. This would impact on vegetation and drainage and, potentially, favour invasive weed species;
    - References to the solar panels having a 'small footprint' and 'minimal land take' are misleading;
    - No assessment had been made of the impact of the scheme on the 'grips' and their associated ecology;
    - The proposed large scale use of fencing is out of character in the Gwent Levels landscape will have significant impacts on its ecosystems;
    - The consideration of cumulative impacts was inadequate;
    - Otter surveys had been inadequate in terms of survey area coverage and quality;
    - The assessment of negative impacts of the scheme on invertebrates was inadequate such that no balanced conclusion of the overall impacts of the scheme on invertebrates could be made.

178. Overall the perceived inadequacies of the ES led the Wildlife Trust to conclude that the scheme should not proceed.

179. The RSPB response noted that the lapwing is Red listed in the 2015 UK Birds of Conservation Concern (BoCC) 4 and BoCC 3 (Wales) owing to severe short-term and long-term decline of the breeding population and is a priority species under Section 7 of the Environment (Wales) Act 2016. It was not clear how many pairs remained and there was no evidence of the improved breeding success that is needed to bring about population recovery. The Gwent Levels are important at both a regional and national level for the species

180. Lapwings require open habitats to breed and forage, including lack of barriers between nesting and chick-feeding areas and low frequency of potential predator vantage points such as field boundaries with trees. They nest on short grassland and require pasture with short sward, high spring water levels and an open vista, managed by appropriate grazing (preferably cattle). Cattle should be removed or reduced in number during the breeding season, to avoid the risk of nest trampling. Lapwings generally feed in grazed pastures

with abundant invertebrates. Wet grassland is a particularly important source of food. Arable nesting birds often walk their chicks onto grazed pasture to feed. The habitats within the application site are suitable lapwing breeding and foraging habitat.

181. The RSPB had concerns with regard to the adequacy and findings of the applicant's survey work. These were sub-optimal and may have under-recorded the lapwing population using the site and adjacent area. The lack of a 2016 survey represents a missed opportunity to ascertain a more robust population estimate. The ES consistently underestimates the breeding lapwing population dependent on the application site and adjacent land. Based on the applicant's own information, the RSPB concludes the application site and adjacent fields support between 8 pairs and 18 pairs.

182. The potential impacts of the development would be:

- Human disturbance: if construction carried out during the breeding season (mid-March-late-July).
- Disturbance from scheduled/emergency maintenance of the solar farm.
- Direct loss of open grassland habitats utilised for breeding and foraging habitat
- Combination of fencing, the solar farm itself, and the modification of the grassland through reduced grazing, would fragment the landscape used by lapwings and reduce the foraging area available.
- Increased potential of predation of nests and young in adjacent fields due to additional predator vantage points on ancillary structures including security fences.

183. The RSPB welcomed the commitments set out in Table 2 of the LEMP but noted inconsistency between the timing options. In addition, the timings did not address late broods of lapwing into late July and the crane chick rearing period which extends into mid-September. It proposed a preferred construction period of mid-September to mid-February.

184. The ES accepts that lapwing are unlikely to occupy the solar array site post-construction owing to the enclosed nature of the development but argues that lapwing are likely to find alternative habitat in the area. This fails to consider where the birds will be displaced to and whether it will be sub-optimal habitat, and the loss of foraging habitat for those lapwing nesting in adjacent fields. The ES does not address the significant increase in vantage points for predatory birds created by the security fence network abutting fields occupied by lapwing.

185. The ES states that suitable habitat for lapwing compensation has been identified in the Whitson and Half-Acre areas. These comprise 13 fields in 3 blocks to the west and south, selected by 'suitability' and ownership. These are located within the Nash and Goldcliff SSSI and Whitson SSSI. Section 8 (LEMP) implies that wildlife habitat created will be retained in perpetuity but this is not explicit and needs to be legally secured.

186. The lapwing management measures (LEMP) are satisfactory. However, there is limited information on the suitability of the fields as lapwing compensation:

- no baseline ecological surveys to establish current nature conservation value;
- incomplete breeding lapwing survey;
- no assessment of impacts of lapwing management measures on existing nature conservation interest; of fragmented compensation provision; of impassable barriers

between nesting and chick-feeding areas; of presence of man-made/natural predator vantage points;

- whether compensation habitat will be fully functional before construction begins.

187. The RSPB could not, therefore, be confident the proposed lapwing compensation would effectively offset the scheme's impacts.

188. The crane is amber listed in BoCC 4 and has Annex 1 status under EU Directive (2009/147/EC) on the Conservation of Wild Birds. This requires Member States including the UK, 'to take special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution'. This includes taking appropriate steps to avoid deterioration of habitats or any disturbance affecting the birds. In situ conservation of breeding crane habitat is the best way to achieve this objective.

189. In 2016, a pair of cranes bred at an undisturbed, sensitive location on the Gwent Levels where they fledged a single chick. This site has all the critical habitat elements of a favourable breeding location. They were present in the area until mid-September. This was the first successful breeding by cranes in Wales since at least the 1600s. The pair nested (unsuccessfully) in 2017 and 2018.

190. The Gwent cranes successfully fledged a chick at their first attempt, despite being inexperienced parents. They are part of the larger, but still small, UK crane breeding population of 44 territorial pairs in 2017. Cranes are site faithful and will return to the same nesting site year after year.

191. The overall breeding site needs to offer secure nesting and roosting areas, productive foraging, and an absence of disturbance. Cranes require insect rich-grassland that offers productive foraging. Young cranes are fed by their parents on a range of prey items, notably invertebrates taken from surrounding vegetation, as well as grass seed. As crane chicks get older and stronger, adults take chicks to larger foraging areas further from the nest. It is essential to limit the potential for disturbance from humans and grazing cattle (cranes avoid the latter).

192. A 2017 survey observed cranes in the vicinity of Area C and the winter survey confirmed that one of the breeding pair was present within the application site in March 2017. This corroborates anecdotal observations by RSPB staff who heard cranes calling from fields to the west of the pump station. The lack of survey coverage during the successful 2016 season means there is not a complete picture of how foraging cranes use the area. However, incidental records suggest use of the application site by breeding cranes and their young cannot be ruled out.

193. The potential impacts of the development can be broken down as follows:

- Human disturbance if construction carried out during the breeding season (late February-mid-September);
- Loss of access to potential foraging areas: the development will be fenced off which will prevent birds walking into or beyond the site to feed chicks;
- Loss of potential foraging areas;
- Disturbance: scheduled/emergency maintenance of the solar farm;
- Fragmentation of foraging habitat.

194. Overall it is the RSPB's view that the scheme alone will result in degradation of the area for breeding/foraging cranes due to a combination of habitat fragmentation, loss of transit/foraging areas and increased risk of disturbance. These cannot reliably be addressed by the (welcome) mitigation measures regarding construction timing and provision of additional foraging habitat. It is difficult to predict the actual response of the breeding cranes to placement of a significant industrial development in proximity to a breeding territory. As a minimum, it is likely to compromise future breeding success.

195. In conjunction with the M4CaN, the solar farm will make a bad situation worse by exacerbating impacts on breeding cranes and lapwings.

196. The RSPB considers the solar scheme does not comply with:

- Regulation 10(3) of the Conservation of Habitats and Species Regulations 2017 (cranes);
- Section 7(3) of the Environment (Wales) Act 2016 (lapwing);
- The objectives of the Nature Recovery Plan for Wales (2015) (lapwing/crane);
- Paras 2.1 and 2.4 of TAN 5 Nature Conservation and Planning (2015) (lapwing/crane);
- Policy CE10 and para 4.51 of the Newport LDP 2011-2026

Keep Us Rural

197. This organisation objected to the proposed scheme on several grounds. It considered that no overriding need had been demonstrated and that the contribution towards the reduction in greenhouse gases was not sufficient. Additionally, securing the financial viability of the farms involved was not a planning matter. For similar reasons to those cited by others [26] it was concerned at the potential damage that the proposed development could cause to the historic landscape.

198. Keep Us Rural found it hard to believe that such development on SSSIs could be seriously considered. It was inconceivable that the natural habitat of so many and varied species should be threatened. The wrong technology was being proposed in the wrong place; in a coastal region such as this the tidal power of the sea should be harnessed.

199. The organisation raised the matter of flood risk and whether it was sufficient to rely upon the existing protection. It questioned why the temporary period of 25 years, applied to previous development, had been extended to 30 years in this case. Given the scale of the project and the prolonged period of its existence it considered that it would probably be beyond the ability of anyone to restore the site to its previous state. With regard to agricultural land classification this was based on outdated maps and a visual examination of reens and field gate entrances. No soil samples were taken and thus the scientific basis of the survey was questioned.

200. Keep Us Rural stated that ground mounted solar panels were not pleasing to look at and that the scale of the proposal would result in an unending, unvarying, alien presence in a rural patchwork of fields and hedgerows. It would therefore blight the lives of residents and spoil their visual amenity. Finally the organisation considered that the scheme would add intolerably to the cumulative impact of existing solar farms and wind turbines. The

[26] Eg Glamorgan-Gwent Archaeological Trust

financial and ecological cost of all these developments would be borne by the energy consumer who had no choice in the matter.

Natural Resources Wales (NRW)

201. NRW's main concerns were with the surveys of protected species. It requested further information on great crested newts, bats, and dormice. In respect of otters and water voles, additional provisions by way of conservation strategies for these mammals were required in the CEMP. To protect surface water a condition testing and monitoring its quality was recommended. For clarification the correct widths of the buffer zones between reens and ditches should be added to the LEMP. NRW recommended that the LEMP should cover the lifetime of the proposed development and be reviewed at periods throughout this. Additional information on planting, crossing points and cattle grazing should also be added to the LEMP.

202. In order to avoid any negative effect on birds, including the common crane and lapwing, mitigation measures for these species were required in the LEMP.

203. On the matter of flood risk NRW referred to the relevant tests and provisions set out in TAN 15. It questioned the length of the development lifetime used when considering the allowance for climate change predictions. Its advice was that, if a 30-year life time of development was acceptable, all site infrastructure should be set at 6.025m AOD to reduce the risk of flooding. This should be secured through a suitably worded planning condition. Concerns with the secondary consent for the battery store could be similarly addressed.

204. NRW also provided a response to the minor amendment and further information provided by the applicant. It found that the possibility of a small population of great crested newts being on site could not be ruled out but that this could be addressed through the inclusion of a method statement in the CEMP. The possible presence of dormice in hedgerows could be dealt with in the LEMP, as could mitigation for common crane and lapwing.

205. Subject to the additions and changes to the CEMP and LEMP, and other measures, NRW did not object to the proposed scheme.

Other representations

206. Dianne and David Roberts, who are residents of the area, have objected on several grounds including as follows:
    - The proposed development would be on an industrial scale within designated SSSIs and an area of ancient and historical significance, and on greenbelt and agricultural land;
    - The erection of lights and high fencing would not be in keeping with moorland and, overall, it would have a considerable detrimental visual impact on the landscape;
    - Drainage within the area is very sensitive and this proposal would increase flooding;
    - The effect on health of electromagnetic fields is unproven to date;
    - Properties would be surrounded by the proposed development which would be totally out of character with the rural environment;
    - Property devaluation;
    - The area is already under threat from the M4CaN;
    - It would devastate a small and increasingly marginalised beautiful area which many visitors from surrounding built-up areas enjoy through various healthy activities;
    - There was no meaningful consultation with the local community as most questions posed were not answered at the time of the consultation;
    - It would be impossible to understand and digest the huge amount of information on solar farms;

- Farmers' need to diversify is understood but this mammoth scheme in this very small part of east Gwent weighed against the benefits in that electricity generated would only be an income-driven scheme for those concerned.

207. Roy, Gwen and Janet Hurford raised similar issues in their objections, providing more information on the matters of flooding and the loss of grazing land, and thus the implications for sustainable food production. They were also concerned with the potential impact on PROW. Finally they stated that the area seemed to provide development and facilities, such as the power station, water treatment works and recreational routes, for the whole of Newport without getting any local benefit.

208. Other residents, including David and Julia Waters, Mr and Mrs Ward, Bryan Cork and John Small repeated these fears and, in some cases, were also concerned with the visual impact on their properties, considering that there would be insufficient screening. In addition Martyn Kellaway was concerned about the battery storage and whether there would be leaks into the surrounding area. He also questioned what assessment had taken place with regard to the cumulative impact of the M4CaN and other developments including a tidal lagoon. Alongside other concerns, Laurence Lowe did not think that the proposal would be in line with the Wellbeing of Future Generations Act.

209. Pontypool Park Estate (PPE) owns and looks after land adjacent to the application site. It is committed to maintaining the unique heritage, ecology and landscape that make the Gwent Levels an environment of national and internationally recognised standard. PPE objected to the application on several grounds, the first being that it did not consider that the applicant had undertaken a meaningful assessment of alternative sites. In particular, this was not consistent with the Renewable and Low Carbon Energy Assessment.

210. PPE thought that the ES offered limited commentary on the historic landscape and was critical of some aspects of the assessment. It agreed with GGAT that the impact of the proposed development, particularly on the buried landscape, would not be reversible or temporary, and shared other concerns such as the cumulative effect with similar developments. PPE also voiced fears with regard to ecology and visual impact as raised by other objectors. Its conclusion was that the site had been promoted without proper consideration of alternative locations or solutions. The only justification for selecting the application site, with the significant landscape, ecology and heritage constraints, appeared to be that it was the only site that the applicants controlled and that there was a potential grid connection. Those reasons did not present 'exceptional justification' for impacts on interests of acknowledged international and national importance.

Local Impact Report (LIR)

211. Newport City Council (NCC) records that the LIR is a factual document, the purpose of which is to assess whether impacts would be positive, negative or neutral. Its LIR does not, therefore, attach weight to evidence or make recommendations.

Local Planning Policy

212. The LIR sets out the wording of the twenty one LDP policies the Council considers to have most relevance for the proposed development. It also refers to four Supplementary Planning Guidance documents which cover wildlife and development; archaeology and archaeologically sensitive areas; trees, woodland and hedgerows; and air quality.

Location of the development

213. The site is a wetland, coastal zone with significant designations including two SSSIs (Whitson and Nash & Goldcliff). It is an archaeologically sensitive area; an SLA; is included on the Register of Historic Landscapes; contains listed buildings; is designated as Natural Accessible Greenspace; and contains important recreational routes such as National Cycle Route 4, the All Wales Coastal Path and other PROW. The site is also adjacent to other statutory designations with significant bird interest, namely the River Severn Estuary (Marine SAC / SPA & Ramsar Site) and Newport Wetlands (NNR).

214. The site is within Flood Risk Zone C1 and its Agricultural Land Classification is 3b.

Landscape and visual impact

215. Consideration should be given to the effects of the proposal on Landmap Character Areas; the users of PROWs of varying importance; views from highways especially National Cycle Route 4; views from nearby dwellings; and the settings of Listed Buildings and Scheduled Ancient Monuments (SAMs).

216. The Council considers that the Landscape & Visual impact of the proposal would be negative and notes the adverse assessments of the submitted LVIA. It also considers the impact on the Caldicot Levels SLA to be negative.

Ecological impact

217. The site lies within the Gwent Levels SSSIs. Its particular interest is the reen system and the assemblages of aquatic plants and animals living in the reens and ditches. The Council is concerned that, during construction and de-commissioning, sediment would be mobilised and increase the risk of pollutants affecting water quality. The operational phase could cause shading of the reens and restrict their maintenance.

218. The proposed development could have impacts on birds associated with the Severn Estuary SPA, SAC and SSSI and the Newport Wetlands SSSI. These will need to be considered as well as the effect on birds that habitually use the site at the current time. Subject to appropriate avoidance, mitigation and/or compensation measures the likely impacts will be neutral / positive. If avoidance, mitigation and/or compensation measures are not secured ecological outcomes will be negative. Conditions are suggested to secure appropriate outcomes.

219. The Council considers that national policy seeks ecological enhancements and such should be secured. In any event the proposed measures appear to fall squarely as avoidance /mitigation and compensation.

Historic landscape

220. The site is entirely within the Gwent Levels LOHI. An assessment of the impact of the development on the historic landscape using the ASIDOHL 2 methodology will be needed. Impacts on the historic landscape may be ephemeral but could be permanent dependent on how the proposal impacts on the field patterns and drainage system.

221. The Council notes that GGAT's Historic Landscape Assessment (March 2015) identifies a severe adverse impact on the Historic Landscape. It further notes the applicants' revised assessment that harm would be moderate. In any event it can be concluded the impact would be negative.

Archaeological impact

222. The site is within an Archaeological Sensitive Area. Impacts on the archaeological resource could be permanent and irreversible depending on the extent of ground intrusion; an assessment of potential impacts should be made. The Archaeological Desk based Assessment (March 2015) identifies some major and minor adverse effects (Paragraph 5) but notes these can be acceptably mitigated under a conditional regime. As such the anticipated impact on the archaeological resource is neutral, subject to conditions requiring a watching brief.

Flooding

223. The site lies within a defended floodplain (C1) as identified in the WG's Development Advice Maps. It will be necessary to show that the effects of tidal flooding can be acceptably managed on the site. TAN 15 requires that location of the development within the flood plain is justified.

224. The LIR quotes the test at paragraph 6.2 of TAN 15 which requires that the scheme is necessary in the proposed location. It implies that no other site is suitable or available and, as such, the site selection process should be clearly demonstrated as part of the submission. The site is not Previously Developed Land for the purposes of PPW and on its face the proposal cannot be justified in the chosen location.

225. The Council notes that the applicant has submitted a 'Flood Risk Justification Test' (September 2017) but this does not seem to engage with the justification tests within TAN 15. If the proposal is unjustified development within a flood plain then the impact would be negative. If the development can be justified then the submitted FCA shows a flood event is manageable but consideration should be given to the impact of power loss from the grid. Loss of storage capacity caused by the battery storage container units being raised is likely to be negligible. Subject to justification the impact of the scheme on flooding is likely to be negative due to the replacement of a less vulnerable use with a more vulnerable use.

Access and highways

226. The increased use of a limited rural road network during construction and de-commissioning is likely to have negative impacts. These could be mitigated by conditions. During the operational phase impacts on the highway system are likely to be neutral / positive given the possible displacement of some agricultural vehicles from the network although local agricultural traffic serving adjacent farmed land will continue.

Rural character/mitigation

227. Consideration should be given to any proposed mitigation to protect the rural character of the area. Proposed planting and use of materials in track ways should be considered. The scale and location of any structures to house switch gear etc. should be assessed and sited sensitively. Proposed lighting and signage should be fully cognisant of the site's rural location as should any work to improve access, for example opening of field gates or the improvement of visibility splays.

228. Mitigation secured under condition is likely to reduce adverse impacts but the proposal would result in a significant and prolonged change in the character of the area. This will be negative in landscape and visual terms. However large solar facilities are not atypical in rural areas and there is no presumption against them.

Agricultural land classification and reversibility

229. There is a policy presumption in favour of retaining the best and most versatile agricultural land. The land on the site has agricultural land values of grades 3b and 4. There is no policy protection for such grades. The impact of the proposal will be negative in terms of agricultural potential over the lifetime of the development as the land would be lost to most forms of agriculture other than low intensity grazing. Long-term impacts are likely to be neutral subject to effective site restoration which should be secured by condition.

Power generation

230. The scheme would generate 49.9MW of electrical power sufficient to power 15,000 homes and prevent the release of 21,000 tonnes of CO2 per year. This would be a positive impact.

Matters not in dispute between the main parties

231. There is no dispute that, in the interests of reducing the effects of climate change, WG has a commitment to facilitating the development of renewable energy sources and such schemes should thus be considered favourably.

Appraisal / Main Issues

232. I consider that the main issues in this case are the effect of the proposed development on:

- the ecology of the area in terms particularly of the special features of the designated SSSIs and protected species;
- the character and appearance of the surrounding area;
- the historic landscape; and on
- highway safety in the surrounding area, particularly during the construction phase.

A further main issue is:

- whether the proposed development would be consistent with national and local policy on flooding with regard to its location and the management of flooding consequences.

Ecology

233. PPW advises that the natural heritage and valued landscapes of Wales are not confined to statutorily designated sites; attractive and ecologically rich environments are important, both for their own sake and for the health and the social and economic well-being of individuals and communities. For those reasons WG's objectives for the conservation and improvement of the natural heritage include the promotion of the conservation of landscape and biodiversity; ensuring that statutorily designated sites are properly protected and managed; and safeguarding protected species[27].

234. The application site, which consists of four dispersed parcels of land, is within the Nash and Goldcliff, and Whitson SSSIs. These are designations of national importance for their ecological value. The Wildlife and Countryside Act, as amended by the Countryside and Rights of Way Act 2000, places a duty on all public bodies (including local planning authorities) to take reasonable steps to further the conservation and enhancement of the

[27] PPW paragraphs 5.1.1. and 5.1.2.

features by reason of which a SSSI is of special interest. There is a presumption against development likely to damage a SSSI[28].

235. The starting point for consideration of the effect of the proposed development on the ecology of the area is, therefore, the listed features of the SSSIs. The citations for both SSSIs state that the Gwent Levels are rich in plant species and communities, many of which are rare, and that the aquatic invertebrate fauna is very diverse with many nationally rare or notable species being present. Three special features are identified for both SSSIs: the reen and ditch habitat; insects and other invertebrates; and the Shrill carder bee[29].

236. The grassland on which the solar panels would be located is not of particular value and not a special feature of the SSSIs. I saw fields in several parts of the application site during my visits and noted that, in contrast to the reens with their lush and varied vegetation, they were generally species poor. This is unlike the position at Rampisham Down where the SSSI is protected for its rare acid grassland.

237. The reen and ditch system, which connects to a wider drainage network, supports and enables the majority of the valuable plant and invertebrate species, and is therefore an essential feature of the SSSIs. Many of the reens and ditches are bordered by hedgerows which contribute to the special wildlife interest of the SSSIs.

238. The proposed development would not cause any of the reens or ditches within the application site to be obstructed or filled in. The system would continue to look and function much in the way it does now. Indeed, various measures have been designed into the proposed scheme to protect and improve the reens, ditches and hedgerows. The solar panels would be set back from them providing buffer zones of 12.5m to the reens and 7m to the ditches and field drains; and ensuring no loss of field margins. New hedgerow, planted to increase screening and renew the existing stock, would be of native species providing additional habitat.

239. In addition a reen and hedgerow management programme, as described in the LEMP[30], would be implemented during the operation of the proposed solar farm. Objectives set out in the LEMP include:

- enhancing the biodiversity of the ditch/ reen system;
- maintaining the favourable status of the notified features of the SSSIs e.g. insects and plants;
- Managing hedgerows on a regular, rotational basis to promote structural and botanical diversity;
- Providing on-going management of standard hedgerow trees to promote mature trees, including dead-wood habitat;
- maintaining the connectivity of the site to facilitate the movement of wildlife through and across it[31].

240. Management measures would include the periodic weeding and de-silting of the reens and the control of aquatic plants to maintain open water. Hedgerows would be trimmed and

[28] PPW paragraph 5.1.3
[29] Gwent Levels: Whitson/Nash and Goldcliff SSSI *Your Special Site and its Future* NRW
[30] LEMP, May 2018
[31] Ibid paragraphs 6.3.1 and 6.4.1

cut, competitive weeds such as bramble and nettle would be controlled, and dead plants replaced[32]. The submitted FCA also describes some ways in which water quality would be improved on the site. Existing arable fields, for example, can cause high levels of silt-carrying runoff. Converting those where the solar panels would be located to pasture would reduce that whilst the move away from intense grazing would allow the soil structure to recover and manage rainwater better. Water quality would also improve through a reduction in the application of pesticides and fertilizers[33].

241. In places hedgerows border both sides of field drains which, through shading, can reduce water quality. Where it would not harm other ecological interests such as dormice or nesting birds, which would be ascertained through surveys on hedgerows proposed for removal[34], some of these would be taken out[35].

242. The Shrill carder bee, which is another special feature of the SSSIs, forages and nests on open, flower-rich grassland. Measures in the LEMP[36] would improve specific areas of grassland adjacent to the application site for Shrill carder bee. A condition would ensure that this mitigation was provided in a timely manner.

243. In ensuring the improvement of the reens, ditches, hedgerows and grassland, these maintenance and management measures would enrich the habitat of the SSSI upon which its special interest plant species and invertebrates rely and thus enable them to thrive. By reason of the design of the proposed development there would be no significant effect on the interest features of the SSSIs. The mitigation and management measures proposed, which are set out in detail in the LEMP and which would be ensured through conditions, would further their conservation and enhancement. There would be no harm, therefore, to the SSSIs in which the proposed development would be located.

244. With regard to protected species, NRW's main concerns were with the survey work on which the ES was originally based. The applicant carried out new surveys or submitted further information on great crested newts, otter, water vole, bats, hedge removal in relation to dormice, and mitigation for common crane[37]. Together with additional detail on such in the LEMP and CEMP, these measures have satisfactorily addressed matters raised by NRW.

245. The RSPB's objections focussed on the potential effect of the proposed development on lapwing and crane; the former is red listed (BoCC), and the latter amber listed (BoCC) as well as having Annex 1 status under EU Directive on the Conservation of Wild Birds. For both it was concerned at the impact of disturbance, if construction was carried out during the breeding seasons, and during maintenance; the loss of grassland used for breeding and foraging; and the fragmentation of the landscape reducing foraging habitat. In addition, the RSPB considered there was a risk of predation of lapwing nests and young from new vantage points particularly on fences.

246. In order to address these concerns the applicant proposes the provision of replacement fields for lapwing outside the application site[38]. A lapwing mitigation plan is incorporated

[32] Ibid 6.3.2 and 6.4.2
[33] ES Appendix 13.1, section 11
[34] Applicant's hearing statement, paragraph 2.4.2
[35] LEMP, May 2018, paragraphs 5.1.1 & 6.4.4, LM1.dwg
[36] LEMP, May 2018, paragraphs 5.1.3 & 6.5.3
[37] Applicant's response to F1 request, Additional Information Schedule
[38] LEMP, May 2018, LM1.dwg

into the revised LEMP and provides for the management of those fields, including detail on such matters as grazing, sward, wet features and the discouragement of predators. The lapwing mitigation plan would also be the subject of a condition which would allow additional requirements, such as a timetable for provision of the replacement fields, to be made. Mitigation for the common crane is dealt with similarly through provision in the LEMP and an additional, separate condition.

247. LEMP requirements of particular importance are that management of the replacement fields would be secured as part of the solar contract agreement, the landowner also owning an area within the scheme. The lapwing and crane mitigation fields would be monitored annually by an ecologist to check on breeding success or otherwise and to identify the need for any alterations to the management plan. Furthermore, the LEMP would pertain for the lifetime of the solar farm with, following review of the condition of the site, new management plans being produced every five years. The implementation of the LEMP would be through a condition.

248. A separate condition would require a construction method statement, which would govern all aspects of the construction process, to be approved by the Council prior to any work on the scheme taking place. It would include a timetable for each element of the works, none of which would take place during the bird breeding season. This is also set out in the LEMP which adds that low impact works will commence from mid-July but not in areas used by crane or lapwing; fields used by breeding ground-nesting birds would be avoided until all chicks were fledged[39]. Prior to such works taking place a check for ground nesting birds would be undertaken[40].

249. The RSPB maintained its objections in its hearing statement[41] which post-dates the revised LEMP and therefore takes that into account. My conclusion, however, and having heard the matters discussed at the hearing, is that the LEMP and conditions which would be imposed in the event of permission, would safeguard lapwing and crane on the application site and in the surrounding area. The monitoring and adjustment requirements of the LEMP would ensure that such protection continued during the construction, operation and decommissioning periods. I note that NRW have not expressed concerns with the crane and lapwing mitigation.

250. All things considered, the proposed development has been designed and would be managed to protect and encourage biodiversity and ecological connectivity. It would avoid, mitigate and compensate negative impacts, ensuring no significant adverse effects on areas of national conservation interest, the SSSIs, or local protected habitats and species. The proposed development would not result in an unacceptable impact on water quality or the loss of or harm to trees or hedgerows that have wildlife value. In all these respects the proposed development would comply with LDP Policy GP5. The explanatory text to this policy states that the developer must demonstrate the case for development and why it could not be located on a site of less significance for nature conservation. In my view the applicant's site selection case does this. As the requirement is expressed in the explanation and not the policy itself, however, it has limited weight.

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[39] LEMP, May 2018, Table 2, no. 2.9
[40] LEMP, May 2018, Table 1, no. 1.5
[41] Written Submission for The Royal Society for the Protection of Birds, 28 June 2018

Habitat Regulations Assessment (HRA)

251. Under Articles 6 (3) and 6 (4) of the Habitats Directive, transposed into UK legislation under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, there is a legal requirement to consider the impacts of a development proposal or plan on European Sites, that is, SPAs, SACs, Ramsar Sites or marine sites. The Severn Estuary is located approximately 900m to the south of the application site and is a SPA, SAC and Ramsar Site. It is designated as such for its large populations of over-wintering birds, particularly waterfowl, and the habitats which support these. It is a Ramsar site for its habitat features, unusual estuarine communities, its fish and birds.

252. The applicant has submitted a HRA[42] which identifies the potential threats from the proposed development and assesses the likely significant effects of these on the features for which the estuary is designated.

253. The HRA concluded that the proposed development has the potential to affect the conservation objectives of a number of features of the Severn Estuary SPA, through a reduction in the area of supporting habitat and that that had the potential to affect the peak population counts within the SPA. The ornithological surveys found, however, that the site was not important in maintaining the favourable conservation status of the features of European or International Interest.

254. On the basis of the numbers of birds recorded during the 2014/ 2015 and 2016/17 winter and breeding bird surveys, within and around the application area, land take associated with the proposed solar scheme was not considered likely to significantly affect any European designated sites, either alone or in combination with other plans or projects. In line with a recent judgement[43] likely significant effects were screened out without the inclusion of any mitigation. The proposed scheme was thus considered unlikely to have a significant effect upon any Severn Estuary Natura 2000 or Ramsar site and no further appropriate assessment (AA) was considered necessary.

255. I have no reason to disagree with any part of the HRA and consider, therefore, that the proposed development would not have a likely significant effect on the Severn Estuary European site. It does not, therefore, require an AA. I note that NRW has no concerns with the HRA.

Character and appearance

256. Landscape considerations are covered together with biodiversity in the PPW chapter *Conserving and Improving Natural Heritage and the Coast.* Attractive environments are important in themselves and for the contribution they make to the social and economic health of individuals and communities. The promotion of the conservation of landscape is one of the chapter's objectives[44].

Landscape character

257. The landscape within which the proposed development would be located has been reclaimed from the sea and has witnessed human activity over several thousands of years.

[42] ES, Appendix 12.1

[43] People over Wind, Peter Sweetman v Coillte Teoranta.

[44] PPW paragraphs 5.1.1. and 5.1.2.

It is a rural, agricultural and settled landscape. Its characteristic features are the reens and ditches which keep the land drained and productive; the structure of the fieldscape and the features demarcating it; and the buildings used by the rural community including dwellings, churches, and farms.

258. The field pattern is established by the means of dividing and enclosing the fields, that is to say, the hedgerows, reens, ditches, tracks and lanes. To my mind the open, undeveloped surface of the fields themselves is also an essential component of the overall field pattern and as sensitive as the reens, hedgerows and rural character of the area identified in the LVIA. As the solar panels would be mounted on the surface of the fields they would be more susceptible to change arising from the proposed development.

259. The width of each row of panels from front to back would be in the region of 6m and they would be separated one from another by gaps of slightly less than that[45]. Notwithstanding these open corridors between the rows and the buffers around the boundaries, the fields within the scheme would be quite densely packed with arrays. I thus agree with the findings of the LVIA that the change from a rural to built landscape within the fields could be classified as medium. The enclosing features, however, would be almost entirely retained and, in the main, enhanced by additional planting, hedgerow management and improved water quality in the reens. They would also be protected by the undeveloped buffers left between them and the solar arrays.

260. Whilst the positioning of the solar arrays on the field surfaces would have an impact this would be mitigated by their being fixed directly into the land. There would be no solid base under them and the use of concrete, for the inverter cabinet platforms for example, would be minimal. The erection of the solar arrays would result in a slight loss of grassland although, through management, the quality of this would be generally improved. Using the fields for the grazing of sheep would also ensure no significant reduction in the amount of agricultural land.

261. Where the panels were visible at some distance they would be likely to be seen as a uniform sheet or structure of synthetic material. Because of the flat topography; the screening properties of the many hedgerows and other vegetation; and the position of the proposed panels, there would be very few public places from which such views would be available. At closer quarters however, for example from footpaths passing close to areas of panels, it would be obvious that the panels were fixed above ground level and that the grass remained in situ beneath them. Despite being significant constructions covering a wide area, they would be apparent as temporary structures and considerably less solid and durable than traditional buildings. In my opinion, that perception would mitigate against a considerable or permanent change in the character of the landscape.

262. The grid connection hub, battery storage and telecommunications hub would all be removed at the end of the proposed development's lifetime but would appear as more substantial features. They would, however, be located in the northernmost part of the site, near to the existing electricity sub-station and underneath power lines in close proximity to several pylons. Furthermore, they would be well-screened and not conspicuous in the landscape from public viewpoints, including from National Cycle Route 4 which travels along the roads immediately to the north of the application site. Although located on land which is currently undeveloped and in agricultural use they would not, therefore, result in a significant change to the wider character of the area.

[45] Submitted plan PL04 Typical Details

263. The characteristic features of the landscape would be unaffected by the proposed development apart from the grassland itself which, in some views, would appear to be obscured by panels. The limited visibility of the panels and their temporary appearance would, however, reduce the change to the character of the landscape such that, overall, it would not be significant.

Visual impact[46]

264. The parcels of land making up the application site are spread over a wide area of a landscape which has a fairly consistent appearance. The land is low-lying and level; mainly in agricultural use; and divided into fields of varying shapes by hedgerows and the distinctive reens and ditches. The northern part of the site is closer to the fringes of Newport and associated development, particularly the former steel works at Llanwern and the electricity sub-station where the proposed solar farm would be connected to the grid. As such, and as shown in viewpoint photographs 3 and 4, this part of the site is influenced by views of industrial development and by associated features such as power lines and pylons.

265. The developed areas would be fairly densely packed with solar panels which would be fixed to a metal framework; slightly inclined, they would be about 2.7 m above ground level at the back and about 1m above at the front. Each area of panels would be enclosed within 2m high stock fencing and under the surveillance of CCTV cameras set on 5m high poles. The timber and mesh fencing, however, would of a type appropriate to a rural area, access within in it being gained through double, farm gates. The CCTV poles would be slender and the cameras small and these features would not be clearly apparent except at close quarters. There would be no lighting of the solar arrays once they were installed and in operation.

266. The nature of the landscape, particularly its flatness, field structure and vegetation, is such that wide ranging views are not publically available, either when within the application site or from outside it. The proposed development would be carefully located to capitalise on these features and make the most of their obscuring properties. The most extensive parcel, 2, would mostly be positioned remote from PROW and parcels 1 and 3 would generally be set back from the public highway. Although the slightly-elevated track along the pipeline gives views over parcels 1 and 2, it is not publically accessible. The pipeline itself, which is shown in the viewpoint photograph 01, rises perhaps 2m or more above ground level and acts as an impenetrable screen to any views into the site from the east.

267. In this landscape, the effect of distance is greatly enhanced by the widespread presence of hedgerows of varying heights and density. Viewpoint photographs which illustrate the visual mitigation provided by set-back and vegetation include 6, taken from Whitson Common Road; 9 (left), taken from Parish Reen towards the east; 10, taken from a footpath towards the north-west; 18, taken from Porton Road; and 20, taken from the public footpath south of Broad Street Common.

268. In a site of this size it would be almost impossible to avoid all close-up views of the proposed solar panels. A photomontage created for viewpoint 4, which is on a footpath between the two parts of parcel 3, envisages the view footpath users would have in this location. Although the panels and their frameworks would be clearly visible, being set

[46] All the viewpoint photographs, assessment photographs and photomontages referred to in this section are included in the LVIA, ES Appendix 10.1

under and in the vicinity of power lines and pylons, and against the line of mature trees on the horizon, their impact would be reduced. Viewpoint 8 (left and right) is on a public footpath within the application site where it would run adjacent to solar panels and fencing. They would be dominant in the view and, whilst pylons might be visible, these would be minor features and not perceived as significant detractors. Walkers would have the panels to one side only, however, and would not be surrounded by them.

269. Viewpoint 11 is on an access route that runs along Hare's Reen. The rows of panels and fencing would be clearly visible on the far side of the reen although, due to the buffer distance from it, they would not be so close as to be over-dominant for those walking along the route. The features which make the route particularly attractive are the reen, with its lush vegetation, and the hedgerow on the outer edge, neither of which would be negatively affected by the proposed development. Nonetheless, walkers along the route would notice a significant change and a depletion in its rural, pastoral character.

270. Additional elements of the proposed scheme would be the grid connection hub, the telecommunications mast, which would be more than 16m tall, and the 200 battery storage container units. This would be located in the northern part of parcel 1 where it would be close to the electricity sub-station. Views south from Bowleaze Common are quite open. The photomontage from viewpoint 2, however, indicates that in setting the connection and battery storage area back from the road, behind hedgerows, it would not be obtrusive in the landscape. Further mitigation features would be the several pylons in the immediate area, which the telecommunications mast would be much lower than, and the power lines running between them. In addition, there would be new native hedgerow screening between the battery units and the public highway; the battery units would be coloured brown or green to blend in with the landscape and vegetation.

271. As viewpoint photographs 7 (left and right) show, the view from Chapel Road across Chapel Reen, which acts as a barrier for grazing animals, is open. As such the solar panels in parcel 4 would be clearly visible from a significant length of Chapel Road. The applicant has amended the proposal to include native hedgerow screening along Chapel Road and the northern edge of the panels. This would take a few seasons to mature to a density sufficient to successfully screen the panels. It would change the nature of that part of Chapel Road, enclosing it between two hedgerows, but would not be an uncharacteristic or obtrusive feature. In addition, the existing pleasant openness of Chapel Road would be retained along its remaining stretches.

272. The greatest visual impact, therefore, would be on users of the public footpaths and other access routes which pass through or close to areas where panels are proposed. There would, however, be comparatively few lengths of these affected footpaths and routes; the hedgerows separating the fields would shield views causing the panels to slip in and out of sight quite suddenly and preventing them from being visible far in advance. Overall, I consider that the effect of the proposed development on the visual appearance of the landscape would not be significant.

273. No other solar development would be visible in views of the proposed development. There are some wind turbines but to my mind these are no more conspicuous than the pylons. I do not consider, therefore, that there would be a significant cumulative effect from the proposal together with other renewable energy development.

274. The application site is within the area protected by the Caldicot Levels SLA. A background paper prepared by NCC, consistent with PPW's requirement for a formal scientific assessment[47], describes this SLA as forming part of an extensive area of reclaimed marsh and wetlands and characterised by its network of drainage ditches (reens) which vary in form and character. It also notes that the eastern edge of the SLA is characterised by a regular, rectilinear [field] pattern, whereas around Whitson and Caldicot it is more sinuous[48]. In protecting those landscape attributes the proposed development would contribute positively to the area and demonstrate a clear appreciation of its special features. It would thus comply with LDP Policy SP8.

275. In respecting the landscape character of the immediate and surrounding area and being appropriate in scale and design, the proposed development would also comply with LDP Policy SP5. The proposed use and form of development would not be detrimental to the character or appearance of the surrounding area in line with LDP Policy GP2. Neither would there be an unacceptable impact on landscape quality, consistent with LDP Policy GP5.

Historic landscape

276. PPW states that it is important that the historic environment is protected, managed and conserved. Objectives for the historic environment which are particularly relevant to the development proposed here include:

- conserve and enhance the historic environment, which is a finite and non-renewable resource and a vital and integral part of the historical and cultural identity of Wales;
- recognise its contribution to economic vitality and culture, civic pride, local distinctiveness and the quality of Welsh life, and its importance as a resource to be maintained for future generations;
- contribute to the knowledge and understanding of the past by making an appropriate record when parts of a historic asset are affected by a proposed change;
- conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy;
- safeguard the character of historic buildings;
- conserve areas on the register of historic landscapes in Wales[49].

277. The Gwent Levels has a history of human settlement and activity stretching back several thousand years. Existing features including grips, ridge and furrow, the field pattern and drainage system, moated sites, and buildings especially churches, are all evidence of this rich past. The ES sets out the archaeological and historic context of the area which is varied, interesting and of sufficient scale and value for it to be included within the designated Gwent Levels LOHI.

Listed buildings and scheduled monuments

278. TAN 24: *The Historic Environment* advises that the setting of an historic asset includes the surroundings in which it is understood, experienced, and appreciated embracing present

[47] PPW paragraph 5.3.11
[48] ES, Chapter 4, paragraphs 4.7.19 – 4.7.21
[49] PPW paragraph 6.2.1

and past relationships to the surrounding landscape[50]. The ES[51] identifies ten listed buildings within 1 km of the application site; the proposed development has the potential, therefore, to be within the setting of some or all of these buildings.

279. Whitson Court is listed grade II* as a fine example of smaller country house and the value of Whitson Lodge (grade II), lying to its south, is as a picturesque lodge. Whitson Farm, on Whitson Common Road, is listed (grade II) as a well-preserved farmhouse typical of the Gwent Levels. Little Porton Cottage, a small, thatched dwelling, and Little Porton Byre are listed as rare survivals and for their group value. Nearby Whitson Church, is listed grade II* for its large amount of surviving medieval fabric. The two listed buildings at Great Newra are the farmhouse and a lofted barn, the first listed as a well-preserved example and the latter for its group value with the house.

280. The significance of all these buildings lies in their rural, often agricultural, origins and location within this historic, pastoral landscape which thus provides their setting. The application site and nearest solar arrays would not, however, be adjacent to any of the buildings; in most cases they would be separated from the scheme by at least one undeveloped field. The structure of the field pattern, created by features such as the reens, ditches and hedgerows, would be unaffected by the proposal. In addition, the solar panels within the fields themselves would not be clearly visible from the listed buildings. The proposed development would not, therefore, have a negative effect on the settings of the listed buildings around the application site and their significance would not be harmed.

281. Given its well-screened nature and distance from them, the proposed development would not have a harmful impact on the settings of Samson Court, the Church of St Mary Magdalene in Nash, or the latter's churchyard cross which is a scheduled monument. The listed barn at The Barn Farm, which is mentioned by Cadw as potentially being the subject of a moderate effect, is to the north of the former Llanwern Steel Works where it would be too distant from the proposed development to be adversely affected by it. In reaching my conclusion on the effect of the scheme on the listed buildings in the vicinity and their settings, I have had special regard to the desirability of preserving the buildings, their settings and any features of special architectural or historic interest they possess.

282. With regard to scheduled monuments, the moated site near Grangefield Farm, which is of national importance, is visually separated from the application site by the pipeline and track alongside it. Similarly, the Goldcliff moated house site, also of national importance, is separated from the proposed development by Chapel Road and the vegetation along it. In the past the surrounding landscape, including areas which are now within the application site, was clearly related to the moated sites. To my mind it remains part of their settings today despite the intrusion of the modern pipeline across the area to the west of the Grangefield moated site.

283. Both moated sites are well-preserved, their significance being as important relics of the medieval landscape. The character of the surrounding landscape would not be permanently or considerably altered by the proposed solar farm which, additionally, would not be clearly visible from either site. The settings of the two moated sites would not, therefore, be harmed and the significance of these historic assets would not be reduced.

[50] TAN 24 paragraph 1.25
[51] ES, Appendix 10.1, LVIA drawing LA.09-1

Archaeology

284. The remaining and visible historic features in the landscape indicate that there is a likelihood of buried features, remains and artefacts in the area. TAN 24 notes that archaeological remains are a finite and non-renewable resource, often highly fragile and vulnerable to damage and destruction. They are the only evidence of the prehistoric past and complement historic records from the last 2,000 years[52].

285. The battery storage container units would be ground mounted and thus would not necessitate any excavation. The inverter cabins in every field, which would have small footprints, would be set on concrete platforms. The main potential for any damaging impact on archaeological remains would therefore be the fixing of the solar panel framework into the ground. As well as the possibility of harmful physical contact, the fixings would puncture the ground, disrupting the anaerobic conditions which preserve organic material.

286. The ground area taken up by each of the legs of the solar panel framework would be negligible; it is quite possible that together they would only amount to a total area of approximately 1% of the application site. The frameworks, however, would be spread over most of the application area such that a large amount of land would be subject to the puncturing effect of the fixings. This impact would not be reversible or temporary and could not be undone when the solar farm was removed and the site restored.

287. A geophysical survey of the area did not indicate the likelihood of any significant archaeological remains. The applicant acknowledges the limitations of such surveys and, on the basis of other evidence, considers there is moderate potential for prehistoric activity within the site, and for encountering Romano-British remains; there is a high potential for finding medieval and post-medieval remains. Were such finds to be discovered during the construction of the proposed solar farm the impact would be adverse and of moderate to major significance.

288. TAN 24 states that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, that is, a presumption against proposals which would involve significant alteration or cause damage[53]. This is not the case here, however, where the nearest scheduled monuments are outside of the application site and, as described earlier, unlikely to be affected by the p3roposed development.

289. Instead there is a possibility that the proposed development might reveal, disturb or destroy archaeological remains which are currently unknown. In such cases TAN 24 stresses that it is important that the opportunities to record archaeological evidence are taken and that archaeological remains are not needlessly destroyed[54]. This is the approach to be taken in this case. A condition will ensure that a programme of archaeological work would be approved by NCC, which is advised on archaeological matters by GGAT, prior to development taking place. In my view this is a suitable and proportionate response to mitigate development in an area which does not contain scheduled monuments but where archaeological remains might exist and be revealed.

[52] TAN 24 paragraph 4.1
[53] TAN24 paragraph 4.2
[54] TAN24 paragraph 4.3

290. Mitigation measures have been built into the design of the proposed development. These would restrict the visibility of the solar panels and infrastructure so as not to obscure historic elements from those travelling through it. The existing field pattern, drainage features, gateways and hedgerows would largely be retained. Hedgerows would also be the strengthened with new planting to maintain the landscape pattern, hide the solar panels from the majority of public viewpoints, and integrate the scheme into its surroundings. The grazing of sheep would continue the historic agricultural use of the land.

291. The Gwent Levels LOHI would be protected, conserved and enhanced such that the proposed scheme would comply with LDP Policy CE4. The proposed development would also conserve, enhance and manage recognised historic sites, in line with LDP Policy SP9. An archaeological assessment has been undertaken in compliance with LDP Policy CE6.

292. All things considered, I conclude that the proposed development would not have a harmful effect upon the valued historic landscape of the area.

Traffic and Highway Safety

293. The great majority of traffic movements generated by the proposed development would be during the construction period. Traffic during the operational period would be limited mostly to the vehicles used by those maintaining the site; such visits are unlikely to be frequent. Concerns are mainly in respect of the amount and movements of traffic and the size of vehicle to be used, information on which is provided in the Construction Traffic Management Plan (CTMP)[55].

294. Given suitable conditions the construction programme, including test commissioning, would be likely to last twelve weeks. The three distinct tasks, ground works, mounting system construction, and panel fitting, would overlap with the most intensive activity taking place in weeks 8 and 9 and then weeks 10 and 11. At these times it is forecast that there would be up to 20 vehicle movements per day, 120 per week.

295. HGVs would use two completely separate routes, A and B/C, from the M4 to the different parcels of the application site. Traffic movements arising from the proposal would thus be distributed around the area and no one route or access point would bear the brunt of the transport activity. Less than half of all vehicle movements, therefore, would pass the dwellings located along Broadstreet Common[56], and no construction traffic would pass along Whitson Common Road or through the settlements of Whitson or Goldcliff.

296. Most of the lanes in this area are narrow and twisting but Chapel Road is particularly so. Construction materials and components needed at the the southern part of Area A (elsewhere known as Parcel 4), which is accessible only from Chapel Road, would therefore be delivered in a smaller vehicle as shown in the CTMP[57].

297. Area B is the largest application parcel generating the greatest number of forecast movements. It would be largely serviced from the wide track alongside the pipeline and another private route which threads through the fields to connect with the track along Parish Reen. With the exception of one to the south of Area B where it is accessed from the pipeline track, all the site yards are to the north of their respective areas. These

[55] ES Appendix 8.1
[56] ES Appendix 8.1, Table 2.2, HGV trips to Area A cf trips to Areas B & C
[57] ES Appendix 8.1, Appendix C *Vehicle Tracking Access Via Chapel Road*

measures would limit the number of HGV movements on the public highway in and around the application site and thus the amount of disturbance associated with them.

298. The CTMP does not include the traffic movements likely to be generated by the installation of the 200 battery units which are the subject of the secondary consent. That proposal is separate from, and not essential to, the construction and operation of the solar farm. If permitted, the secondary consent would be subject to a second CTMP based on the HGV movements likely to arise from the proposed battery storage development. It is not intended that the battery storage would be constructed at the same time as the main solar farm scheme.

299. The proposed development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network. It would provide suitable and safe access arrangements and, as such, would comply with LDP Policy GP4. Highway safety in the application site and surrounding area would not, therefore, be compromised by the proposed development.

Flooding

300. The applicant argued that since TAN 15 *Development and Flood Risk*, published in 2004, is elderly and predates the wide-spread installation of solar technology it carries less weight. I note also that PPW, the current edition of which was published as recently as November 2016, states that other than onshore wind projects, the most likely form of renewable energy installations to be considered through the planning system will be strategic scale biomass projects[58]; solar farms are not referred to.

301. Nonetheless, PPW, the TANs (and circulars and policy clarification letters) comprise national planning policy. National planning policy may be material to decisions on individual planning applications and will be taken into account by the Welsh Ministers and Planning Inspectors[59]. TAN 15 has not been withdrawn and still carries weight.

302. Once constructed, for the majority of the time there would be no-one present at the proposed solar farm. When personnel were required to carry out maintenance they would be able to program visits to avoid potentially hazardous conditions. In addition, the panels and other infrastructure would not present a risk to people or the environment if the site was flooded. Visitors to the proposed solar farm would, therefore, be able to decide whether they wished to accept the risks to life and property associated with flooding, and be able to manage the consequences of such a risk. There would be no risk to the public or the water environment should the site be inundated. Although power stations are cited as an example of 'especially vulnerable industrial development' the proposed development is clearly not such and not, therefore, highly vulnerable development in the terms of TAN 15[60].

303. The application site is in a low-lying, coastal location where it is protected from tidal flooding by man-made flood defences. As such, it is a C1 flood zone. PPW advises that development proposals in areas defined as being of high flood hazard should only be considered where new development can be justified in that location, even though it is likely to be at risk from flooding[61]. More detail is provided in TAN 15 which states that new

[58] PPW edition 9 paragraph 12.9.6
[59] PPW edition 9 paragraph 1.1.4
[60] TAN15 Figure 2
[61] PPW edition 9 paragraph 13.4.1

development that is not highly vulnerable should only be permitted within zones C1 and C2 if it is justified in that location. Development will only be justified if it can be demonstrated that:

i. 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**

ii. 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,

iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 4.4); and,

iv. 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[62].

304. The proposed development would not assist a regeneration initiative; it is not a development plan allocation or proposal required to sustain an existing settlement; it will not contribute to key employment objectives; nor is it previously developed land. In these respects the proposed development is not consistent with either criterion i) or criterion iii) and thus, on the basis of this test, not justified in its location.

305. In categorising the vulnerability of types of development, TAN 15 acknowledges that some uses are considered as exceptions to the rule because they are required in a fluvial, tidal or coastal location by virtue of their nature[63]. The examples cited include boatyards, marinas, work at mooring basins and canal-related development, none of which bear any resemblance to the development proposed in this case.

306. There are, however, robust reasons why the proposal needs to be located in this area. Foremost of these are the availability and proximity to a grid connection, and the high number of hours of sunshine. The former is not present in most other locations in the plan area or even nationally, and the highest and second highest average values for sunshine duration are nearly all in coastal locations[64]. In the absence in TAN 15 of any consideration of renewable energy installations, I consider these circumstances to present an alternative and strong justification for the proposed development's location in this area. Where there are exceptions to the general rule TAN 15 states that these will not be subject to the first part of the justification test but subject to the acceptability of consequences part of the test[65].

307. The applicant has submitted a full FCA based on site-specific flood data provided by NRW[66]. These predict that there would be a rise in sea level of 195mm by 2047 which would be, approximately, the end date of the proposed solar farm. The maximum elevation of the site is 5.83m AOD. NRW therefore requested that the base level of the structures on the

[62] TAN 15 paragraph 6.2
[63] TAN 15 paragraph 5.3
[64] Site Selection Sequential Test, sections 5.3 and 5.4
[65] TAN 15 paragraph 5.3
[66] ES Appendix 13.1, figures 24, 25 and 26

site[67] should be raised to 6.025m AOD; at that height they would not be submerged if the site were to flood. This would be the subject of a condition. Since the lifetime of the proposed development would be 30 years it is reasonable and sensible to use a 30 year development lifetime to assess the climate change allowance. Were an extension of the proposed solar farm's life to be sought, a fresh planning permission would be required, supported by up-to-date evidence including on flooding.

308. The FCA demonstrates, therefore, that the consequences of the proposed development flooding would be managed down to a level which would be acceptable for that type of development. It establishes that suitable mitigation measures would be incorporated to ensure that development is as safe as possible with: minimal risk to life; minimal disruption to people living and working in the area, minimal potential damage to property; minimal impact of the proposed development on flood risk generally; and minimal disruption to natural heritage[68].

309. I have explained above why I consider that the failure to meet the detail of the TAN 15 justification test is not a fundamental deficiency. All things considered, therefore, my conclusion is that the proposed development would be generally consistent with flood risk policy set out in PPW and TAN 15. In that respect it would also be consistent with LDP Policy SP3 which states that development will only be permitted in flood risk areas in accordance with national guidance.

310. In being designed to withstand the predicted changes in the local climate and to reduce the risk of flooding on the site and elsewhere, demonstrating that the risk and consequences of flooding could be acceptably managed, the proposed development would also comply with LDP Policy GP1. The pre-existence of flooding problems in the area does not weigh heavily against the proposal.

Other Considerations

Site location, selection and alternatives

311. The proposed development would lie beyond any settlement boundaries identified in the LDP and thus would be classed as being in the countryside. In being appropriate in the countryside, respecting the landscape character and biodiversity of the immediate and surrounding area, and being appropriate in scale and design, the proposed development would comply with LDP Policy SP5.

312. PPW states that local planning authorities should establish what the coast means for them and apply specific policies which reflect its characteristics[69]. In order to preserve undeveloped coastal areas TAN 14 requires the identification of a coastal zone and the control of development within it. The application site is within the undeveloped coastal zone identified within the LDP and where policy does not generally permit development.

313. The application site has been selected for several reasons including the high number of sunshine hours; that the agricultural land is not classified as 'best and most versatile'; its owners are willing to release land for the proposed development; 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

[67] Not including the supports for the solar panels.
[68] TAN 15 paragraphs 7.2 and 7.3
[69] PPW edition 9, paragraph 5.6.3

close proximity to 132 kV power lines with capacity for the electricity which would be generated and to an electricity sub-station where the solar farm could be connected to the grid.

314. Although in a C1 flood zone the proposed development would not be at risk itself nor exacerbate risks from erosion, flooding or land instability. There is no advice in the explanatory text as to what would constitute an exceptional need. To my mind, however, the generation of a significant amount of renewable energy would be a considerable benefit and could be described as such. The proposed development would be required in this coastal location to meet an exceptional need which cannot reasonably be accommodated elsewhere and would thus be consistent with LDP Policy CE9.

315. Torfaen and Newport's 'Renewable and Low Carbon Energy Assessment' was a joint study into the potential for low carbon energy in the two Councils' areas. It was completed in 2013. The assessment's methodology, which follows WG guidance[70], discounted land covered by various designations including SSSIs. The application site was not, therefore, considered to possess technical potential for a ground mounted photovoltaic system. The study provided an evidence base for development plan policies, its aim being to develop an understanding of local renewable resources, constraints and opportunities and to identify renewable energy opportunities. It was not intended to be used to assess individual planning applications for stand-alone renewable energy generating systems and thus carries little weight in the consideration of this case.

316. The application site is not in the green belt. Neither is it classified as best and most versatile agricultural land. As the scheme would not, therefore, result in the loss of such land it would comply with criterion iv) of LDP Policy GP5.

317. The applicant carried out a search for a brownfield site of sufficient size to accommodate the proposed development but none was available. The site of the former Llanwern steel works, just to the north of the application site, is brownfield and in a location where a connection with the grid could be made. It has, however, been extensively redeveloped and there are further plans including for, in the region of, 4,000 houses. The proposed scheme would not be viable on a site which has value for residential development.

318. As there are no over-riding environmental or amenity considerations the proposed solar farm can be considered favourably, consistent with LDP Policy CE10. This policy also states that large scale proposals may be more appropriately located outside of the defined settlement boundary if no appropriate brownfield sites exist, criteria which are both met by these applications.

Residential amenity

319. It is possible that the proposed solar array would be visible from some of the dwellings closest to it. I consider it unlikely, however, that in this flat area with hedge-enclosed fields, such views would provide little more than glimpses of the panels. Although affected occupiers might prefer their existing views I do not consider that the proposed solar array would impinge on their outlook to the extent that it would be over dominant or have an oppressive effect. There would be few views of the proposed panels available from the surrounding area. I do not consider, therefore, that occupiers would feel surrounded or enclosed by the scheme.

[70] Planning for Renewable and Low Carbon Energy – A Toolkit for Planners (July 2010)

320. The noise assessment concluded that noise from the proposed development would not have any significant impact on noise sensitive receptors such as the occupiers of nearby dwellings. Noise during the construction period would be controlled and minimised through the CEMP which would be implemented through a condition.

321. The proposed development would not have a significant adverse effect on local amenity including in terms of noise, disturbance or light, and would not be detrimental to the visual amenities of nearby occupiers. Neither would it result in unacceptable harm to health through dust, noise, light pollution, or flooding. In these respects it would comply with LDP Policy GP2 and Policy GP7. There is no evidence that the presence of solar arrays is harmful to the health of nearby occupiers. Neither has any evidence been provided to indicate that the proposed development would result in a drop in the value of dwellings in the area. In any event, that is not a planning consideration.

Temporary

322. Concerns have been raised that the proposed development would not be temporary. The proposal has a lifetime of 30 years which would be enforced through a condition. If, at the end of that period, the landowners wanted the development to continue or be replaced with a new renewable energy installation, a fresh planning application would be necessary. It would be considered against the national and development plan policy in place at that time.

323. If the solar farm was removed at the end of its lifetime this would be in accordance with a detailed decommissioning plan. The site would be restored to a pre-agreed condition; the management regime throughout the solar farm's life time should have resulted in substantial improvements in some aspects of its ecology. The applicant has accepted, however, that changes to the land, soil layers and any archaeological remains therein would not be reversible and not, therefore, temporary.

Cumulative impact with the M4 Corridor around Newport (M4 CaN)

324. At the time of writing WG's decision on the M4CaN had not been published.

325. The proposed route passes close to the northern-most plot of the solar farm site at a distance of 255m and, if permitted, would introduce a major infrastructure feature into the mainly rural landscape. Furthermore, it would be on an embankment and likely to be a prominent, and audible, feature in that landscape. Whilst the proposed solar farm would be contained by the enclosing features of the landscape, retaining the characteristic field pattern, the M4CaN would cut through and disrupt it. Unlike the M4CaN the proposed solar farm would have a lifetime of 30 years, at the end of which it would be removed and the land restored. The proposed solar farm would be likely to be visible from the M4CaN but, from the majority of public viewpoints it would not be clearly apparent. In comparison with the M4CaN it would be an insignificant and temporary development such that the cumulative effect of the two together would, in my opinion, be negligible.

326. The M4CaN would affect previously undisturbed land that has the potential to contain buried archaeological remains of unknown date and nature and therefore of unknown value. This is a similar position to the proposed development although the extent of the excavation for the M4CaN would be vastly greater. The process for monitoring and recording any archaeological remains would avoid a negative impact on the historic landscape and its archaeology. There would not, therefore, be any cumulative impact with the M4 scheme in respect of the historic landscape.

327. Mitigation for the loss of habitat would also be similar to that for the proposed solar farm, namely the management of alternative areas for protected species. As a result of the proposed schemes protected species could be displaced from two separate development areas. There would, therefore, be a cumulative effect but, as a result of the mitigation measures, it would be minor.

Public Rights of Way

328. All footpaths and other PROW which pass through the application site would be retained in compliance with LDP Policy T7. In my opinion, the proposed development would not deter users of these paths, the cycle route, or other access ways in the surrounding area.

329. The Wales Coast Path runs along the flood defences from Chepstow, turning inland at Elm Tree Farm towards Goldcliff before returning to the coast south of Nash. Due to the distance between the path and the nearest sections of the proposed development; the low-lying and level topography of the area; and the hedgerows and other vegetation enclosing the fields, the solar farm would not be clearly or obtrusively visible from the Coast Path. The proposed development would not, therefore, have a detrimental effect upon it or its users and would protect the coast path in line with LDP Policy T8.

The Living Levels initiative

330. The application site would be within the Living Levels Partnership Area which covers the Gwent Levels. The broad aims of the Partnership include: to restore, enhance and celebrate the natural heritage of the Levels; and to improve connectivity of the landscape to enhance community and visitor experiences and develop the Gwent Levels as a destination[71].

331. As explained above, I have found that the landscape, ecology and historic features of the area would not be harmed, and that PROWs would not be reduced. I do not consider, therefore, that the proposed development would be contrary to any of those objectives or that it would be detrimental to the initiative as a whole.

Well-Being of Future Generations (Wales) Act 2015

332. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching my conclusions, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that my overall conclusions are in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Conditions

333. Following a discussion at the final hearing the suggested conditions were agreed between the applicant and the Council. These meet the tests set out in Circular 16/14 *The Use of Planning Conditions for Development Management* and are listed in Appendix 1 and Appendix 2 of this document. The conditions in Appendix 1 shall apply to both applications

[71] Information about the Living Levels Partnership included with the objection from Goldcliff Community Council.

whilst those in Appendix 2 apply only to the secondary application for the battery storage area.

334. The suggested conditions would ensure that the proposed solar farm was constructed in accordance with the submitted plans and that it would be a temporary development, removed at the end of its 30 year lifespan in accordance with a process required by the decommissioning condition. This is necessary to restore the site satisfactorily in order to enable its agricultural use and maintain the rural appearance of the area. Should the solar farm cease to produce electricity for six months at any time before then, in the interests of the countryside, a condition will require it to be repaired or properly removed and the site restored.

335. The majority of activity at and around the application site would take place during the construction period. The approval and implementation of the CEMP would protect the rural character of the area, highway safety on the local road network, the amenity of residents, ecological interests, and would also enable the site to be used for agriculture afterwards.

336. Those conditions concerning the LEMP, root and buffer strip protection, hedgerow planting and strengthening, hedgerow removal, landscape management, noise, lighting, and the colour of the battery storage container units are necessary to protect the character and visual appearance of the landscape. Several of those conditions are also in the interests of ecology, as are those dealing with the Shrill carder bee area; the lapwing management plan; ecological mitigation, monitoring and contingency; crane mitigation; and water quality monitoring and contingency.

337. The LEMP has been revised in response to concerns, particularly with regard to lapwing and crane. The up-to-date version is dated May 2018 and I have amended the relevant conditions to reflect that. The crane mitigation condition should clarify which areas would be managed to provide a foraging resource for crane in addition to the new wildflower planting. Whilst the proposed lapwing mitigation areas, with provisional scrapes, are clearly shown on the plans accompanying the LEMP, the proposed hay management fields are not.

338. The archaeology condition will establish an approved programmed of work and is necessary to preserve or record the valuable archaeological resource of the area. The site access and traffic management plan condition would protect highway safety. The platform levels conditions for the scheme's infrastructure and the battery storage units is as advised by NRW and necessary to prevent any harm or loss in the event that the site is inundated during the lifetime of the proposed development.

339. Noise arising during the construction period would be controlled through the CEMP. A separate condition would ensure that noise arising from the inverters and generators did not exceed recommended levels.

Secondary consent

340. As explained earlier the applicant would not construct the battery storage area until after the main development had been constructed. Energy generated by the proposed solar farm would be distributed via a connection to the grid. The CTMP does not take account of traffic movements which would be generated during the construction of the battery storage area. In order to protect highway safety at that time a condition putting in place a CTMP for the battery storage container units is necessary.

Summary of Conclusions

341. The application site is greenfield, in a C1 flood zone, within two SSSIs, a SLA and a LOHI. It is close to the European-designated Severn Estuary and the site and surrounding area support several protected species. On the face of it, therefore, it would seem that there would be little scope for a development of the scale proposed.

342. A key role of the planning system, however, is to ensure that society's land requirements are met in ways which do not impose unnecessary constraints on development whilst ensuring that all reasonable steps are taken to safeguard or enhance the environment[72]. As is also set out in PPW, WG is committed to using the planning system to optimise renewable energy generation as part of its approach to tackling climate change[73]. Development management decisions should be consistent with national and international climate change obligations including contributions to renewable energy targets and aspirations[74].

343. The proposed development would generate sufficient electricity to serve the total power needs of approximately 15,000 average UK households per annum; this would off-set around 21,208 tonnes of CO_2 per annum and about 636,240 tonnes over the lifetime of the scheme. This would be a considerable contribution and benefit of the scheme.

344. In this case, the applicant has designed the proposed scheme in full cognisance of the significant restrictions operating in the area. As a result, and with regard to the main issues, the scheme would not have a negative effect on the SSSIs; would be clearly visible from few public vantage points such that the character and appearance of the landscape, including its historic elements, would not be harmed; and would have no likely significant effect upon the Severn Estuary designations. Through significant and convincing mitigation measures the proposed development would safeguard protected species in the area. A watching brief and professional recording would also protect any remnants of the historic landscape which came to light. Furthermore, the proposed development would not be at risk from flooding and would not increase the risk elsewhere. Neither would it be detrimental to highway safety in and around the application site.

345. All things considered, therefore, the proposed development would not result in significant harm to the ecological, landscape or historic interests of the site or area. Any minor harm is more than justified by the significant renewable energy benefits which would arise from the proposed scheme.

Recommendation

346. That planning permission be granted for both the main application and the secondary application, subject to the conditions attached at Appendix 1.

Siân E Worden
Inspector

[72] PPW paragraph 5.1.3
[73] PPW paragraph 12.8.8
[74] PPW paragraph 12.8.9

Appendix 1 – Schedule of Suggested Conditions for Both Applications

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

2) The development hereby permitted shall be carried out in accordance with the following plans:

   - Drawing 1045592/PL02 – Site Layout Plan
   - Drawing 1045592/PL04 – Typical Details

3) The permission hereby granted shall expire 30 years from the date when electrical power is first exported ('first export date') from the solar farm to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event.

4) Development shall not begin until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with the aims and objectives of the 'Outline Construction & Environmental Management Plan' (January 2018) and shall set out details of all onsite construction works; post-construction reinstatement; drainage; mitigation; and other restoration, together with details of their timetabling. It shall include details of, and measures to secure:

   - the phasing of construction works;
   - the formation and position of the temporary construction compounds;
   - dust management and suppression;
   - cleaning of site entrances, facilities for wheel washing and cleaning of the adjacent public highway;
   - pollution control, including the protection of water courses and ground water; subsoil surface water drainage; bunding and siting of fuel storage areas; sewage and foul water drainage and disposal; and emergency procedures and pollution response plans;
   - temporary site illumination during the construction period;
   - the methods to be adopted to reduce the effects of noise occurring during the construction period to the lowest practicable levels and in accordance with BS 5228: Noise control on construction and open sites;
   - storage of materials and disposal of surplus materials;
   - the construction of the accesses into the site, the erection of any entrance gates and the creation and maintenance of associated visibility splays;
   - details of the construction of access tracks and other areas of hardstanding, including areas of temporary road matting;
   - the carrying out of foundation works for any structures to be installed on the site;
   - method of working cable trenches, including soil storage and back-filling; and details of cable boring methodologies below reens / ditches / other water courses and below hedges;
   - general soil storage and handling;

- post-construction restoration/reinstatement of the working areas, including cable trenches and areas covered by any matting or other areas where the soil has been disturbed or compressed;
- the sheeting of all heavy goods vehicles carrying construction materials to, or spoil from, the site to prevent spillage or deposit of any materials on the highway;
- details of the vehicles to be used on the site during construction activities;
- details of the control of surface water to prevent it entering the public highway or carrying sediment to the surface water drainage network in the vicinity of the site.
- identification of buffer strips adjacent to water courses and to retained vegetation features such as hedges, trees and sites where birds are nesting;
- means to exclude small animals from excavations;
- details of all permanent and temporary bridges and reen crossings and a method statement for their implementation and, in the cases of temporary crossings required for the construction phase only, removal including a timetable for all proposed works.
- details of any temporary accesses including their locations, formation and the materials to be used and details of restoration (including any hedge restoration) and a timetable for the completion of those works of restoration.

The works shall proceed in full accordance with the agreed construction method statement.

5) No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, or operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until Root Protection Barrier / Buffer Strip Protection fencing has been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. These details shall include information on the constructional details of the fencing with its positioning clearly shown in plan form. No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the areas defined by the fencing. The fencing shall be retained for the full duration of the construction phase of the development, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

6) No development, to include demolition, shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

7) The site shall be accessed fully in accordance with the details set out in the 'Construction Traffic Management Plan' (November 2016).

8) There shall be no permanent illumination on the site unless otherwise agreed in writing by the Local Planning Authority.

9) Details of the proposed new hedgerow and any strengthening of existing hedgerow planting shall be provided in writing to the Council. Details shall accord with the

Landscape & Ecology Management Plan (LEMP) May 2018 and shall include details of ground preparation, species and planting pattern. Thereafter the new planting shall be implemented by the end of the first full planting season (October to March inclusive) available after the first export date. The new hedgerow planting shall be managed in accordance with the Management Specification – New Hedgerows at Paragraph 6.4.2 of the LEMP and Appendix 3 of the same document.

10) The proposed new grassland / wildflower meadow shall be provided as described within the Landscape & Ecology Management Plan (LEMP) May 2018 by the end of the first full planting season (October to March inclusive) available after the first export date. The grassland / wildflower meadow shall be managed in accordance with the Management Specification – grassland for Shrill carder bee at Paragraph 6.5.3 of the LEMP and Appendix 3 of the same document.

11) Full details of a finalised Lapwing Mitigation Plan, including a timetable for its implementation, shall be submitted to the Local Planning Authority and approved in writing. The plan shall accord with the principles outlined at Appendix 5 of the Landscape & Ecological Management Plan (LEMP) and shall confirm the land to which the plan relates. No work on the scheme hereby permitted shall commence until the plan is agreed and it shall be carried out fully in accordance with the agreed plan.

12) The ecological mitigation described in Paragraph 5.3 of the Landscape & Ecological Management Plan (LEMP) shall be implemented within 6 months of the first export date.

13) Full details of Hedgerow removal shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- Precise location of hedges to be removed;
- Removal methodology;
- Timing of Removal;
- Mechanism to prevent disturbance to nesting birds and other fauna.

No hedge shall be removed until the details are agreed in writing. No hedge shall be removed that has not been identified for removal.

14) Prior to the commencement of any works of ecological mitigation/compensation the applicant shall produce an 'Ecological Monitoring & Contingency Plan'. The plan shall set out the principle aims and objectives of the ecological work to be undertaken as part of the development hereby approved and shall identify a monitoring and reporting schedule that shall have regard to the objectives of the plan. Monitoring Reports shall be submitted to the Council within 3 months of their completion. Objectives shall be short term (5 years and less), mid-term (6-10 years) and long term (11-30 years). The plan shall allow for contingency actions to be taken if monitoring shows stated objectives are not being achieved. Any change in the ecological mitigation proposed for the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter any contingency shall be carried out fully as agreed.

15) Full details of a plan to mitigate any harm to the interests of Common Crane caused by the scheme hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how disturbance to the cranes will be avoided in the main breeding season (Mid-February to July inclusive) and how the cranes will gain access to the proposed grassland buffers and wildflower

planting areas. No work on the scheme hereby permitted shall commence until the plan is agreed and it shall be carried out fully in accordance with the agreed plan.

16) Details of all proposed reen crossings either temporary or permanent shall be provided to the Council in writing. Following the Council's written agreement the reen crossings shall be installed as agreed. No other reen crossings shall be installed.

17) All landscape features within the site shall be managed in accordance with the Landscape & Ecological Management Plan (LEMP), May 2018.

18) Not later than 12 months before the expiry of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the solar panels and all other associated infrastructure, equipment & paraphernalia including the battery storage container units and the subsequent restoration of the site. The scheme shall include details of:

- the extent of equipment and foundation removal and the site restoration to be carried out;
- the management and timing of any works;
- a traffic management plan to address likely traffic impact issues during the decommissioning period;
- an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife, habitats and tree features on the site;
- identification of access routes;
- location of material laydown areas; full details of the removal of the solar arrays, associated buildings and plant, any trackways and sub-surface cabling, and all associated works of ground restoration including trench backfilling;
- full details of all works to restore the land to allow for agricultural production following the removal of structures from the site;
- a programme of implementation.

The approved scheme shall be implemented within 6 months of the expiry of this permission and shall be carried out fully in accordance with the approved decommissioning scheme.

19) If the solar farm hereby permitted fails to produce electricity for supply to the grid for a continuous period of 6 months, a scheme for the repair or removal of the solar farm, including the battery storage container units, shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the end of that 6 month period. Where repairs or replacements are required the scheme shall include a proposed programme of remedial works. Where removal of the solar farm is required the scheme shall include the same details required under the decommissioning condition of this permission. The repair or removal scheme shall thereafter be implemented in full accordance with the approved details and timetable.

20) The Inverters and Generators hereby approved shall be acoustically treated and tested in accordance with British Standard 3744: 2010 to ensure the overall sound power levels meet the minimum requirements.

21) Prior to the installation of the inverters, generators, grid connection hub and associated infrastructure, details of the platforms they will be sited on, including details of how surface water runoff will be intercepted and discharged at green field rates, shall be submitted to and approved in writing by the Local Planning Authority. The platforms will be built fully in accordance with the approved details and the storage units shall have a finished floor level of 6.025m AOD.

22) Prior to the commencement of any works on the site a Water Quality Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall establish a pre-development baseline and identify how monitoring shall proceed including a reporting schedule to the Local Planning Authority and the duration of the monitoring regime. All monitoring reports shall have regard to the baseline assessment. In the event that significant reductions in water quality are identified through monitoring then the applicant or any successor in title shall provide to the Local Planning Authority a written contingency plan to address the issue. Any approved contingency plan and/or modified monitoring plan shall be implemented fully in accordance with the approved details.

Appendix 2 – Schedule of Additional Conditions for the Battery Storage Container Units

23) No work on the installation of the battery storage container units shall take place until a Construction Traffic Management Plan for the battery storage area has been submitted to and approved in writing by the Local Planning Authority. The battery storage area shall be constructed in full accordance with the approved plan.

24) Prior to the installation of the battery storage container units details of the platforms they will be sited on, including details of how surface water runoff will be intercepted and discharged at green field rates, shall be submitted to and approved in writing by the Local Planning Authority. The platforms will be built fully in accordance with the approved details and the storage units shall have a finished floor level of 6.025m AOD.

25) The battery storage container units hereby approved shall be finished in a dark green or dark brown colour.

APPEARANCES

Hearing 1 Protected species and habitat

For the Applicant:

Peter Grubb BSc MSc MRTPI	Director, Savills
Nick Beddoe BA(Hons) MSc MRTPI	Savills
Faye Midmore BSc MSc ACIEEM	Principle Ecologist, Green Ecology
Mark Witherall BSc MCIEEM	Principle Ecologist, Green Ecology

Other Participants:

James Davies	Senior Development Plan Advisor, NRW
Andrew Dodd	Head of Casework, RSPB
Simon Hugheston-Roberts	Conservation Officer (Casework), RSPB
Geraint Roberts	Principal Planning Officer, Newport City Council

Hearing 2 Character and appearance of the landscape including the historic landscape

For the Applicant:

Peter Grubb BSc MSc MRTPI	Director, Savills
Nick Beddoe BA(Hons) MSc MRTPI	Planning Consultant, Savills
Dr Paula Lutescu-Jones BA MA PhD	Principal Archaeologist and Heritage Consultant, Savills
Mary O'Connor	Landscape Architect WYG
Donna Vinnels	Landscape Architect WYG

Other Participants:

Judith Doyle	Glamorgan-Gwent Archaeological Trust
Lindsay Christian	Senior Planning Policy Officer, Newport City Council

Hearing 3 Flood risk, highway safety and conditions

For the Applicant:

Peter Grubb BSc MSc MRTPI	Director, Savills
Nick Beddoe BA(Hons) MSc MRTPI	Savills
Clive Onions BSc CEng FICE FCIWEM MIStructE MCIHT	Director, Clive Onions Ltd
Peter Evans	Director Transport Team, WSP
James Morgan	Principal Engineer, WSP

Other Participants:

Bryan Cork	Goldcliff Community Council
Anna Harris	Goldcliff Community Council
Geraint Roberts	Principal Planning Officer, Newport City Council

PLANS

1045592/PL01	Location plan
1045592/PL02	Site layout plan
1045592/PL03	Field numbering plan
1045592/PL04	Typical details
1045592/PL05	Parcel 1 – Site layout plan as proposed
1045592/PL06	Parcel 2 – Site layout plan as proposed
1045592/PL07	Parcel 3 – Site layout plan as proposed
1045592/PL08	Parcel 4 – Site layout plan as proposed
1045592/PL09	Detailed location plan

DOCUMENTS SUBMITTED AT HEARING

Living Levels newsletter and newspaper cutting

APPENDIX 9: WELSH MINISTER DECISION LETTER FOR WAUNTYSSWG

Julie James AC/AM
Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government

Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref qA1365732

Mr Dafydd Williams
RPS
Park House
Greyfriars Road
Cardiff
CF10 3AF

Dafydd.williams@rpsgroup.com

31 July 2019

Dear Mr Williams

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 62D.
THE DEVELOPMENTS ON NATIONAL SIGNIFICANCE (WALES) REGULATIONS 2016.
APPLICATION BY ELGIN ENERGY ESCO LIMITED FOR A 3OMW SOLAR PARK, ACCESS AND ANCILLARY DEVELOPMENT AT WAUNTYSSWG FARM, ABERTYSSWG, RHYMNEY, TREDEGAR APP REF : DNS/3213639

1. Consideration has been given to the report of the Inspector, Melissa Hall, BA(Hons), BTP, MSc, MRTPI, who dealt with the planning application.

2. In accordance with section 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. In exercising functions, as part of carrying out Sustainable Development in accordance with the Well-being of Future Generations Act ("the FG Act 2015"), section 2 of the Planning (Wales) Act 2015 requires the Welsh Ministers, as a public body, to ensure the development and use of land contributes towards improving the economic, social, environmental and cultural well-being of Wales. In order to act in this manner, the Welsh Ministers have taken into account the ways of working set out in section 4 of 'SPSF1: Core Guidance, Shared Purpose: Shared Future- Statutory Guidance on the Future Generations Act 2015' by dealing with the planning application by way of written representations and the Hearings procedure in accordance with Part 7 of The Developments of National Significance (Wales) Regulations 2016.

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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.

4. The Inspector held a topic specific Hearing session on 30 January 2019, regarding visual and landscape impacts and the effect on the historic environment. The Inspector made site visits on 2 October and 22 November, 2018. The Inspector recommends that planning permission be refused. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.

Main Issues

5. I agree the main issues are those listed by the Inspector at IR 208:

- the effect of the proposal on the character and appearance and visual amenity of the area; and
- whether the development would preserve or enhance heritage assets.

Principle of development

6. The Inspector recognises that Policy SP7 of the Blaenau Gwent Local Development Plan (LDP) encourages more of the County's electricity requirements to be generated by renewable technologies. The Inspector also highlights paragraph 5.7.1 of Planning Policy Wales (PPW) which states, "The planning system plays a key role in delivering clean growth and the decarbonisation of energy, as well as being crucial in building resilience to the impacts of climate change". PPW also sets out the Welsh Government's renewable energy target, which is for Wales to generate 70% of its electricity consumption from renewable energy by 2030 (IR 210 – 213).

7. As the development would increase the installed renewable energy capacity in the County, the Inspector considers it would embrace the FG Act 2015 goals to achieve a globally responsible, prosperous and resilient Wales. However, the Inspector considers a prosperous and globally responsible Wales also values the quality of landscapes and the historic environment. Paragraph 5.7.7 of PPW states, "The planning system should secure an appropriate mix of energy provision, which maximises benefits to our economy and communities whilst minimising potential environmental and social impacts". Paragraph 3.15 of Technical Advice Note 8 states, "Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported" (IR 214 – 216).

8. The Inspector considers planning policies at national and local level are consistent in their aim to achieve energy development that is sustainable and that does not cause any significant adverse environmental impacts. Her summary of the policy context is, overall, development is supported that is appropriate to its context and meets the well-being objectives established within PPW (IR 217).

9. The Inspector considers the development represents a high efficiency method of generating electricity. Therefore, the Inspector attaches significant weight to the contribution the development would make to renewable energy production as part of the Welsh Government's approach to climate change and increasing energy security. However, the Inspector states this significant benefit must be balanced against the potential environmental impacts of the proposal in considering whether the scheme would be inherently sustainable (IR 218).

Landscape and Visual Impact

10. The Inspector acknowledges the application site does not fall within any statutory landscape designation. Reference is made to paragraph 5.9.17 of PPW which states, "In circumstances where protected landscape, biodiversity and historical designations and buildings are considered in the decision making process, only the direct irreversible impacts on statutorily protected sites and buildings and their settings (where appropriate) should be considered" (IR 219).

11. However, the Inspector also refers to paragraph 6.3.3 of PPW which recognises all landscapes in Wales are valued for their intrinsic contribution to a sense of place. Paragraph 6.3.4 of PPW states, "Where adverse effects on landscape character cannot be avoided, it will be necessary to refuse planning permission" (IR 220).

12. Notwithstanding the advice in PPW, the Inspector notes section 38(6) of the Planning and Compulsory Purchase Act 2004 requires determinations under the planning Acts to be made in accordance with the development plan unless material considerations indicate otherwise. The Inspector specifically highlights LDP Policy ENV 2 which states it expects new development to conform to the highest standards of design, siting, layout and materials appropriate to the character of the Special Landscape Area (SLA). The application site is located within the Mynydd Bedwellty, Rhymney Hill and Sirhowy Sides Special Landscape Area (SLA). The Landscape and Visual Appraisal identifies the key features of the site and surroundings as a predominantly agricultural landscape with an extensive length of valley side with no development, pockets of linear settlements and scattered, isolated farm complexes and private residences (IR 221-IR 222).

13. The Inspector also notes, whilst the application site boundary is only partly within the boundaries of Caerphilly County Borough Council to the north-west, the site bounds the Northern Rhymney Valley Visually Important Local Landscape (VILL). A VILL is a non-statutory designation that seeks to protect the distinctive features or characteristics of the visual and sensory landscape. The Council has confirmed the visual character of the VILL is a predominantly upland and open area (IR 223).

14. The Inspector considers although major or substantial adverse effect on landscape character would be restricted to localised areas, this would represent significant components in the valley. Her view is the development would unacceptably alter the existing rural agricultural landscape, including a SLA whose primary landscape features include "secluded farmland, undisturbed by industrialisation…" to a dominant industrial landscape characterised by closely grouped engineered structures (IR 224-227).

15. The Inspector considers, therefore, the proposal realises the concern in the Welsh Government Practice Guidance, "Planning Implications of Renewable and Low Carbon Energy", that a solar array can result in a regular pattern of PV panels, ancillary buildings and security fencing occupying substantial areas of land, leading to creeping urbanisation of the countryside (IR 228). The Practice Guidance describes itself as a tool to support Local Planning Authorities (LPAs) in dealing with applications for renewable and low carbon energy development.

16. The Inspector provides her assessment of the Landscape and Visual Appraisal Addendum (LVAA). The LVAA reassessed viewpoints following a site visit and detailed visual appraisal, which resulted in a lesser magnitude of change than originally thought in respect of certain viewpoints. The Inspector considers there would be good visibility of the development from public vantage points, notwithstanding the reassessment of viewpoint 5 (IR 229-232). Viewpoint 5 provides a view from Cefn Golau Cholera Cemetery SAM.

17. The Inspector notes the predicted change and effect from a number of viewpoints have not been affected by the reassessment undertaken in the LVAA. The overall effect on the view from Mountain Ash Inn is considered to be substantial. There are major to substantial impacts on views to the east and south east of the site where enclosure levels decrease. The predicted effect on the public rights of way which passes through the farm complex and footpath Rhymney FP64 are assessed as substantial. Also, the Inspector considers the development would be highly visible from a number of viewpoints of medium and high sensitivity, adversely affecting the experience of the user. The LVA concludes that in close range views, the presence of wind turbine and solar development in combination would generate a cumulative effect which would change the local landscape character. This further convinces the Inspector of the harmful visual impact of the proposed development in combination with other renewable energy development in the vicinity (IR 233 – 235).

18. In terms of the impact on the Caerphilly County Borough Council's VILL, the LVAA concludes the overall sensitivity is medium and, with a low magnitude of change, the proposed development would have a minor effect on the VILL. Based on her assessment, the Inspector concludes that the development would not have a serious adverse impact on certain viewpoints and that cumulative effect with existing turbines would not be significant. However, the Inspector finds that the proposal would have a harmful effect on the visual quality and extensive upland views characteristic of the VILL which could not be adequately screened (IR 236 – 244).

19. On this issue the Inspector concludes the development would conflict with Policy ENV2 of the Blaenau Gwent LDP which expects proposals to conform to the highest standards of design, siting, layout and materials appropriate to the character of the SLA. Her view is it would also conflict with Policy CW4 of Caerphilly County Borough Council's LDP which supports development that conserves and, where appropriate, enhances the distinctive or characteristic features of the VILL (IR 245).

20. The Inspector recognises renewable energy schemes by their nature are likely to result in some impact on the character and appearance of the countryside. However, in this case her conclusion is the degree of harm inherent in the proposal weighs against the grant of planning permission (IR 246).

Historic Environment

Archaeology

21. The Inspector is satisfied a condition securing a programme of archaeological works and its implementation would adequately protect the archaeological resource (IR 247 – 250).

Setting of Heritage Assets

22. The main area of contention between the parties relates to the effect of the development on the setting of the Tredegar Cholera Cemetery SAM and the affected areas of the extractive industry and Cwm-Tysswg Farm forming part of the Bedwellte Fieldscape (IR 251).

23. The Inspector notes Policy SP11 of the Blaenau Gwent LDP seeks to protect Blaenau Gwent's distinctive built environment, which includes SAMs. Paragraph 5.9.17 of PPW is clear in circumstances where protected historical designations and buildings are considered in the decision making process, only the direct irreversible impacts on statutorily protected sites and buildings and their settings should be considered. Technical Advice Note 8 : renewable energy states, "Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported" (IR 252).

24. In terms of significance of the heritage asset, the Inspector notes part of the historic heritage value of the SAM is as a rare physical reminder of the one of the few known surviving cholera cemeteries. Her view is the isolation and remoteness, together with the sense of bleakness and loneliness, are the overriding qualities of the cemetery as it is experienced today and views to the south are the most evocative (IR 253 - 255).

25. The Inspector notes CADW disagrees with the Heritage Impact Assessment Addendum (HIAA) that the overall impact would be minor adverse tending to negligible. CADW considers the proposed development would have an adverse impact on the setting of the monument as it would alter the sense of isolation and abandonment which is a major factor in how it is understood, experienced and appreciated. Blaenau Gwent County Borough Council also considers the HIAA understates the impact on the setting of the asset and reiterates CADW's view regarding the importance of the sense of isolation (IR 256-260).

26. The HIAA concludes the proposal would result in a negligible impact (no appreciable effect on the setting of any asset) tending to a minor adverse impact (slight visual changes to a few key aspects of historic landscape and the settings of any asset). However, the Inspector is not convinced it would represent a minor change to key historic landscape elements and have little appreciable effect on the setting of the heritage asset. Instead, her view is the proposal would affect the setting of the SAM and, in particular, its evidential, aesthetic and communal value that forms part of its significance. The Inspector considers an appreciable effect on heritage significance would be apparent (IR 261 – 268).

27. The Inspector notes CADW considers it would be possible to mitigate the adverse impacts of the development to a more acceptable level by replacing the existing modern fence with a facsimile of the original. However, her view is whilst a replacement fence of a more sympathetic design would improve its visual impact, and therefore the setting of the SAM, it would not offset the harm caused by the development to the sense of isolation and remoteness of the setting (IR 269).

28. In terms of impact on the Bedwellte Fieldscape historic assets, the Inspector considers the fieldscape is well-preserved and retains some historic value as well as communal and aesthetic value in how it is appreciated today. The construction of the proposed development would have an effect on the appreciation of the heritage asset, however, historic field boundaries would be retained within the proposals. In terms of the

proposed access track, the Inspector agrees this would result in a minor adverse tending to negligible impact on the undesignated assets with appropriate mitigation (IR 270-273).

29. The Inspector's overall conclusion on this issue is there would be a direct and significant adverse impact on the setting of the statutory heritage designation (the SAM) in conflict with the general thrust of PPW. The Inspector considers the proposal would also be contrary to Policy SP11 of the Blaenau Gwent LDP which seeks to safeguard nationally designated sites from inappropriate development (IR 274).

Agricultural Land

30. The land is classed as Grade 4 agricultural land, it is not the best and most versatile as defined in PPW. Therefore, the Inspector recognises its loss over the 30 year lifetime of the proposal is not a factor that would attract significant weight in the consideration of the application (IR 275-277).

Ecology

31. On this issue the Inspector is satisfied, subject to mitigation measures to be secured by condition, there would be no significant harmful impacts on ecological features. Therefore, the proposed development would meet the requirements of Policies SP10, ENV3 and DM14 of the Blaenau Gwent LDP, which require new development to respect and protect the natural environment including protected habitats and species. The Inspector also considers the proposal would be consistent with the objectives of Technical Advice Note 5: nature conservation and planning, to protect nature conservation interests (IR 278 – 285).

Trees and Arboriculture

32. Only two trees would be removed to accommodate the solar park. The Inspector considers, providing compensatory planting is delivered and landscaping is secured by condition, the proposal would not have a harmful adverse effect on trees within the site. Therefore, it would accord with the requirements of Policy DM16 in the Blaenau Gwent LDP, which relates to the protection of trees (IR 286-287).

Glint and Glare

33. The Inspector does not consider there would be an unacceptable impact from the potential residual glint effect from the solar panels and concludes the proposal would comply with relevant LDP policies which require development proposals to have no unacceptable impact on amenity (IR 288-290).

Hydrology and Flood Risk

34. The application site is located in Zone A of the Technical Advice Note 15 (TAN 15) development advice map where there is little or no risk of fluvial or coastal/tidal flooding. NRW's map shows the majority of the site at very low risk of surface water flooding. The Inspector understands the increase in impermeable area is negligible and ordinarily would not require any surface water management. However, the Hydrology Assessment suggests SuDS design could be incorporated into the final design. Given the drainage authority at Blaenau Gwent Borough Council has raised no objection in this regard and the local planning authority has not sought a condition, the Inspector considers a condition to secure a SuDS scheme would not be necessary (IR 291-295).

35. The Inspector concludes the proposal would accord with Policy SP10 of the Blaenau Gwent LDP, which seeks to ensure new development does not have an unacceptable impact on the water environment. It would also meet the objectives of TAN 15 to ensure the risks of flooding are assessed and managed for any new development as it relates to sustainability principles. The matter is, therefore, neutral in the planning balance (IR 296).

Traffic and Highway Safety

36. Based on the evidence before her, including no objections from the highway authorities, the Inspector is satisfied the proposal would not give rise to any significant highway safety concerns either during or post construction. Therefore, the Inspector considers this matter to be neutral in the planning balance (IR 297-302).

Coal Mining

37. The Inspector accepts the development would temporarily sterilise minerals reserves for the duration of its use as a solar park. However, no evidence was presented to the Inspector to suggest the mineral resource would be required within that time period. The Inspector considers this temporary effect would not result in permanent loss of the mineral resource and the coal safeguarding area would not be compromised. Therefore, the development would not prejudice future extraction as required by relevant LDP policies (IR 303 – 305).

The Planning Balance

38. The Inspector places meaningful and significant weight on the contribution the solar park would make to meeting the renewable energy targets in PPW and the principle that the development would support the transition to a low carbon future in a changing climate. The Inspector also notes the proposal would meet the well-being goals insofar as it would contribute to a more prosperous, resilient, healthier and globally responsible Wales (IR 306-311).

39. The Inspector acknowledges the neutral effects of the development in terms of quality of agricultural land, glint and glare, ecology, trees and arboriculture, hydrology and flood risk, traffic and highway safety, and coal mining. The Inspector considers these factors weigh in favour of the development insofar as they are not in conflict with several of the well-being goals outlined in PPW (IR 312).

40. However, the Inspector finds the development would have a significant adverse effect on the SLA and VILL, it would considerably harm the character and distinctiveness of this rural location, and it would cause material harm to users of the public rights of way. The Inspector also finds the proposal would have a significant adverse impact on the setting of the SAM, in conflict with the thrust of national planning policy (IR 313).

41. The Inspector, therefore, considers the proposal would be contrary to relevant LDP Policies to protect the countryside for its own sake, protect the special qualities of the County Borough's landscapes and safeguard the setting of a heritage asset. As such, the Inspector considers the scheme would conflict with the well-being goals in PPW to achieve a Wales of vibrant culture, cohesive communities and resilience (IR 314).

42. The Inspector's conclusion is the benefits of the proposal, in terms of providing supported renewable energy, would not outweigh the harm to landscape character and the heritage asset (IR 315 - 316).

43. The Inspector recognises the solar park would only be in place for a period of 30 years and impacts on the landscape or setting of any heritage asset would be fully reversible. However, her view is this time period represents a generation, during the lifetime of which, the harm to the character and appearance of the area and to the setting of a heritage asset would subsist (IR 317).

44. The Inspector recommends planning permission be refused (IR 342).

Conclusion

45. In determining this application, I have had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which, states, "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". In this case the relevant development plans comprise the Blaenau Gwent County Borough Council Local Development Plan, adopted in November 2012, and the Caerphilly County Borough Local Development Plan, adopted in November 2010.

46. In terms of the national planning policy, PPW clearly sets out national planning policy on renewable energy development, supported by Technical Advice Note 8 (TAN 8). Paragraph 5.7.1 of PPW states, "The planning system plays a key role in delivering clean growth and the decarbonisation of energy, as well as being crucial in building resilience to the impacts of climate change". Paragraph 5.7.8 states, "The benefits of renewable and low carbon energy, as part of the overall commitment to tackle climate change and increase energy security, is of paramount importance".

47. The Welsh Government's targets for the generation of renewable energy are set out in paragraph 5.7.16 of PPW and include a target for Wales to generate 70% of its electricity consumption from renewable energy by 2030.

48. Specific advice for determining planning applications for renewable and low carbon technologies is provided in paragraph 5.9.16 of PPW and requires the determination of planning applications to take account of: the contribution a proposal will make to meeting identified Welsh, UK and European targets, the contribution to cutting greenhouse gas emissions and the wider environmental, social and economic benefits and opportunities from renewable and low carbon development.

49. In terms of the Welsh Government's commitment to tackling climate change, "Prosperity for All: A Low Carbon Wales", dated March 2019, recognises that "Climate change is the globally defining challenge of our time". On 29 April, 2019, the Minister for Environment, Energy and Rural Affairs declared a climate emergency in Wales, reiterating the need to deliver a low carbon economy in Wales.

50. I agree with the Inspector that the proposed development would increase installed renewable energy production in the County, contributing to meeting local and national renewable energy targets, reducing reliance on energy generated from fossil fuels and actively facilitating the transition to a low carbon economy. I also agree that, in the determination of this application, significant weight should be given to the contribution the development would make to producing renewable energy, contributing towards meeting Wales' carbon and renewable targets. However, I agree the scheme must be considered against relevant development plan policies and other material

considerations in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004.

51. I am content with the Inspector's assessment of the neutral effects of the proposed development on the quality of agricultural land, glint and glare, ecology, trees and arboriculture, hydrology and flood risk, traffic and highway safety, and coal mining. I am satisfied and agree with the reasoning and conclusions of the Inspector on these issues. I agree these factors weigh in favour of the development insofar as they are not in conflict with several of the well-being goals outlined in PPW (IR 312). I also agree that any archaeological resources on site can be adequately protected by securing a programme of archaeological works by condition.

52. However, I disagree with the Inspector's assessment of landscape and visual impact, and the setting of heritage assets. In coming to this view, I have considered all the consultation responses and representations, as summarised in the Inspector's report (IR 154 – 206).

Landscape and Visual Impact

53. In terms of landscape and visual impact, the application site does not fall within any statutory landscape designation. Paragraph 5.9.17 of PPW clearly states, "*In circumstances where protected landscape, biodiversity and historical designations and buildings are considered in the decision making process, only the direct irreversible impacts on statutorily protected sites and buildings and their settings (where appropriate) should be considered. In all cases, considerable weight should be attached to the need to produce more energy from renewable and low carbon sources, in order for Wales to meet its carbon and renewable targets".*

54. However, paragraph 6.3.3 of PPW states all landscapes in Wales are valued for their intrinsic contribution to a sense of place. Also, paragraph 6.3.4 of PPW states, *"Where adverse effects on landscape character cannot be avoided, it will be necessary to refuse planning permission".*

55. As technical advice to supplement PPW, I also note the content of Technical Advice Note 8: Planning for Renewable Energy (TAN 8). The Inspector has highlighted paragraph 3.15 of TAN 8 which states, *"Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported".*

56. I have no reason to disagree with the Inspector's evaluation of the impact of the proposed development on the SLA in Blaenau Gwent County Borough Council and the VILL in Caerphilly County Borough Council, which is based on her site visits and the evidence submitted. As such I accept the proposal will result in landscape change which, from some viewpoints identified in the Inspector's conclusions, would result in harmful effects to the SLA and VILL. However, whilst such harmful effects may conflict with relevant LDP policies, as identified in the Inspector's conclusions, national planning guidance in PPW is a material consideration.

57. When determining planning applications for renewable and low carbon energy schemes, paragraph 5.9.17 provides guidance on how the impact on landscape should be assessed. It clearly states only the direct irreversible impacts on statutorily protected sites should be considered. Whilst paragraph 5.9.17 relates to protected landscape, the principle that only direct irreversible impacts should be considered applies equally to non-statutory landscape designations.

58. I note the content of paragraphs 6.3.3 and 6.3.4 of PPW. However, paragraph 1.9 of PPW states PPW should be read as a whole. In this case, whilst the Inspector has identified adverse landscape and visual impacts on the SLA and VILL, these impacts relate to a development proposal for the production of renewable energy. In such cases, PPW states only the direct, irreversible impacts on landscape should be considered. I am satisfied any landscape and visual impact, whether direct or indirect, from this particular proposal would be temporary and fully reversible. Therefore, I am satisfied the proposal accords with national planning policy.

Setting of Heritage Assets

59. The Inspector finds there would be a direct and significant adverse impact on the setting of the SAM which the Inspector considers conflicts with the thrust of PPW and is contrary to Policy SP11 of the Blaenau Gwent LDP.

60. I note CADW, the statutory consultee on this matter, considers, based on the HIAA, the proposed development would have an adverse impact on the setting of the monument as it would alter the sense of isolation and abandonment.

61. However, CADW considers the replacement of the existing, modern fence around the SAM with a facsimile of the original would be beneficial to the setting of the asset and this would, to some degree, offset any adverse impact resulting from the proposed development. If replacement fencing was secured, CADW consider the level of impact would be reduced to an acceptable level and it would withdraw its objection to the application.

62. I disagree that the scheme conflicts with the "general thrust of PPW". As the Inspector notes, paragraph 5.9.17 of PPW is clear, *"In circumstances where protected landscape, biodiversity and historical designations and buildings are considered in the decision making process, only the direct irreversible impacts on statutorily protected sites and buildings and their settings (where appropriate) should be considered".*

63. The Inspector, in considering setting of heritage assets, also highlights paragraph 3.15 of Technical Advice Note 8: Planning for Renewable Energy which states, "*Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported"*.

64. Although not directly referred to in the Inspector's report, I note that Technical Advice Note 24: The Historic Environment (TAN 24) is also relevant to the determination of this application and paragraph 4.2 of TAN 24 states, *"When considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains".*

65. Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. Technical Advice Notes provide technical guidance which supplements PPW. Therefore, in terms of national land use policy, the application should be determined against policies in PPW. As discussed above, the key policy in terms of setting of heritage assets is set out in paragraph 5.9.17 of PPW.

66. I accept there will be an adverse impact on the setting of the SAM. Irrespective of whether the impact is considered to be indirect or direct, I am satisfied the impact is temporary and is fully reversible. Therefore, I am satisfied the proposal accords with national planning policy.

Planning Balance

67. For the reasons given, I consider the significant benefits of the proposal, which is anticipated to generate 30MW of electricity per annum from a renewable source, outweighs any harmful landscape or visual impacts or any harm to the setting of the SAM.

Well-being of Future Generations Act

68. In determining this planning application I note the duty to carry out sustainable development under section 2 of the Planning (Wales) Act 2015.

69. I agree with the Inspector that the proposal would meet the well being goals of the FG Act 2015 insofar as it would contribute to a more prosperous, healthier and globally responsible Wales. However, the Inspector concludes the proposal would conflict with the well-being goals to achieve a Wales of vibrant culture, cohesive communities and resilience.

70. In terms of "A resilient Wales" the description of this particular goal in the FG Act 2015 specifically refers to the capacity of the natural environment to adapt to climate change, which I consider would be supported by the proposal. In terms of "A Wales of cohesive communities", I consider the scheme would have a neutral effect on the creation of "Attractive, viable, safe and well-connected communities". In terms of FG Act 2015 goal, "A Wales of vibrant culture and thriving Welsh language", I accept there will be some impact on the setting of the SAM, albeit a temporary and fully reversible impact.

71. Overall I consider the decision accords with the sustainable development principle set out in the FG Act 2015. In accordance with section 3(2) of the FG Act 2015 and the well-being objectives of the Welsh Ministers, the decision will specifically help "Drive sustainable growth and combat climate change".

Conditions/Unilateral Undertaking

72. I note CADW's comments regarding replacement facsimile fencing. However, I am satisfied any impact on the SAM would be temporary and fully reversible. Also, I agree with the Inspector that a fence would only serve to improve the setting of the asset itself rather than mitigate any harm caused by the proposed development. Therefore, I do not consider a condition to secure replacement fencing would be necessary. I note the developer has submitted an executed Unilateral Undertaking (UU) which commits the developer to erect replacement fencing around the SAM. I consider a more appropriate, replacement fence around the SAM would be a welcome aesthetic improvement. However, for reasons outlined above, I have not taken account of the UU in my decision as the planning obligation is also not necessary.

73. Subject to these comments, I agree the conditions recommended by the Inspector meet the tests in Welsh Government Circular 016/2014, "The Use of Planning

Conditions for Development Management". The list of conditions is provided in the Annex to this decision letter.

Decision

74. For the reasons given, I hereby grant planning permission, subject to the conditions set out in the Annex to this decision letter, for DNS application reference DNS/3213639.

75. A copy of this letter has been sent to Blaenau Gwent County Borough Council and Caerphilly County Borough Council.

Yours sincerely



Julie James AC/AM
Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government

Annex – Conditions Attached to Permission DNS/3213639

1. The development to which this permission relates must be begun not later than the expiration of 5 years beginning with the date on which the permission is granted.

2. The development shall be carried out in accordance with the details of the following approved plans and documents, except where amended by conditions attached to this planning permission:

   i. Drawing reference: JPW0888-DNS-005 DNS Site Application Plan;
   ii. Drawing reference: JPW0622-WAU-002 Rev I Site Layout Plan;
   iii. Drawing reference: 17/611/01 Tree Location and Constraints Plan;
   iv. Drawing reference: 17/611/02 Rev A Tree Protection Plan;
   v. Drawing reference: JNY8819-01 Junction Layout and Visibility Splays.

3. This planning permission shall endure for a period of 30 years from the date when electricity is first exported from the solar farm to the electricity grid ('First Export Date'). Written notification of the First Export Date shall be provided by the developer to the Local Planning Authority no later than 1 calendar month after that event.

4. If the solar park hereby permitted ceases to export electricity to the grid for a continuous period of 12 months the developer shall notify the Local Planning Authority in writing. A scheme shall be submitted to the Local Planning Authority for written approval within 3 months of the end of the 12-month period, for the repair or removal of all infrastructure. The scheme shall include, as relevant, a programme of remedial works where repairs to infrastructure is required. Where removal is necessary the scheme shall include a programme for removal of all infrastructure approved under this permission, including details of site restoration measures following the removal of infrastructure. The scheme shall thereafter be implemented in accordance with the approved details and timetable.

5. Not later than 12 months prior to the end of this permission, a Decommissioning Management Plan shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for, inter alia, the removal of all infrastructure approved under this permission and the restoration of the site. The approved scheme shall be fully implemented within 6 months of the expiry of this planning permission.

6. Prior to the commencement of any works associated with this development full details of the precise siting, layout and design of the solar arrays, including cross-sections and details of nonreflective finishing materials, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

7. Notwithstanding the details shown on the plans hereby approved, prior to the commencement of development full details of the proposed invertors, district network operator substation and client substation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

8. Notwithstanding the details shown on the plans hereby approved, prior to the commencement of development full details of the proposed lattice telecoms tower shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

9. Notwithstanding the details shown on the plans hereby approved, prior to the commencement of development full details of the mounted CCTV cameras and associated poles, including the precise siting thereof, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

10. All electrical cabling between the solar park and the grid connection shall be installed underground. Prior to the commencement of any works associated with this part of the development, details of the routes of underground cabling shall be submitted to and approved in writing by the Local Planning Authority.

11. No development shall take place until a written scheme of historic environment mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the programme of work will be carried out in accordance with the requirements and standards of the written scheme.

12. No development or site clearance shall commence until the Local Planning Authority has been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the Local Planning Authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the archaeological fieldwork being completed.

13. No development shall take place until an assessment of the stability of the land (and the surrounding area) has been carried out in accordance with a methodology which must first be submitted to and approved in writing by the Local Planning Authority. The results of such an assessment including any intrusive site investigation works identified as being necessary shall be submitted to the Local Planning Authority before works commence on site. If any land instability issues are found during the site investigation, a further report specifying the measures to be taken to remediate the site to render it suitable for the development hereby approved shall also be submitted to and approved in writing by the Local Planning Authority before works commence on site. The development shall not be brought into use until all the measures identified as necessary in any reports that are approved by the Local Planning Authority are implemented and the Local Planning Authority is provided with a validation report, signed by a suitably qualified person that confirms that such measures and/or works have been fully implemented.

14. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The submitted scheme shall include:

    i. Indications of all existing trees (including spread and species) and hedgerows on the land clearly identifying those to be lost or retained;
    ii. Measures for the protection of retained trees or hedges throughout the course of development;
    iii. Details of ground preparation, planting plans, number and details of species;
    iv. Maintenance details for a minimum period of 5 years; and
    v. A phased timescale of implementation.

    The landscaping scheme shall be carried out as approved.

15. All planting or seeding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development or any alternative timescale that may be approved in writing by the Local Planning Authority before works commence on site. Any trees, shrubs or plants which within a period of 5 years from implementation of the planting scheme die, are removed or become seriously damaged or diseased, shall be replaced by one of the same species and size in the next available planting season.

16. No development shall take place (including ground works or vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following:-

    i. A risk assessment of any potentially damaging construction activities;
    ii. Identification of “biodiversity protection zones”;
    iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
    iv. The location and timing of sensitive works to avoid harm to biodiversity features;
    v. The times during construction when specialist ecologists need to be present on site to oversee works;
    vi. Responsible persons and lines of communication;
    vii. The role and responsibilities on site of an Ecological Clerk of Works or similarly competent person; and
    viii. The use of protective fences, exclusion barriers and warning signs.

    The CEMP shall be strictly implemented and adhered to throughout the construction period in full accordance with the approved details.

17. Prior to its construction, details of the access road for the development shall be submitted to and agreed in writing by the local planning authority. Those details shall include materials and the method of drainage. The access road shall be constructed in accordance with the agreed details prior to the commencement of any other part of the development.

18. Prior to the first use of the access to the development hereby approved, the first 10 metres shall be surfaced in accordance with the details approved under Condition 17.

19. Prior to their construction, details of the temporary compound, car parking, turning area and wheel washing facilities shall be submitted to and agreed in writing by the local planning authority. The details shall include materials, structures, boundary treatment, means of drainage, surfacing, plant and machinery, lighting, and any storage including liquids. The compound, car parking and turning area shall be constructed in accordance with the agreed details.

20. Prior to the construction of the temporary compound, car parking and turning area, details of the mitigation of the impact of those facilities on the existing habitat and species, and method and timing of restoration following their removal from site shall be submitted to and agreed in writing with the local planning authority. The agreed details shall be complied with and the site restored in accordance with the agreed details.

21. Prior to its construction, details of the bridge crossing the Nant Tysswg shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed scheme.

22. Notwithstanding any details indicated within the Ecological Mitigation Plan, no development shall be carried out until a final plan for a Curlew Habitat Enhancement Area has been submitted to and approved in writing by the local planning authority. The plan must include details of future monitoring and management. The Curlew Habitat Enhancement Area will be implemented in accordance with the approved details.

23. Prior to the commencement of development, details of any temporary lighting for the construction period shall be submitted to and approved in writing by the Local Planning Authority. The temporary lighting shall be installed in accordance with the approved details for the duration of the construction period only. With the exception of the temporary lighting, no floodlights or any other form of external lighting shall be installed at the site.

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.

APPENDIX 10: INSPECTORS REPORT FOR WAUNTUSSWG

The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Adroddiad

gan Melissa Hall BA(Hons), BTP, MSc, MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11.04.2019

Report

by Melissa Hall BA(Hons), BTP, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Date: 11.04.2019

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 62D

The Developments of National Significance (Wales) Regulations 2016

Application by Elgin Energy EsCO Limited

Land between B4256 and Charles Street, Wauntysswg Farm, Abertysswg, Rhymney, Tredegar NP22 5BQ

Cyf ffeil/File ref: DNS/3213639

Abbreviations used in this report:

ALC	Agricultural Land Classification
BGCBC	Blaenau Gwent County Borough Council
CA	Coal Authority
CCBC	Caerphilly County Borough Council
CEMP	Construction Environmental Management Plan
CMRA	Coal Mining Risk Assessment
CTMP	Construction Traffic Management Plan
DAM	Development Advice Map
DNS	Development of National Significance
EES	Ecological Executive Summary
EIA	Environmental Impact Assessment
GGAT	Glamorgan Gwent Archaeological Trust
HIA	Heritage Impact Assessment
HIAA	Heritage Impact Assessment Addendum
LIR	Local Impact Report
LDP	Local Development Plan
LVA	Landscape and Visual Appraisal
LVAA	Landscape and Visual Appraisal Addendum
MAFF	Ministry of Agriculture Farming and Fisheries
NRW	Natural Resources Wales
PINS (Wales)	The Planning Inspectorate (Wales)
PPW	Planning Policy Wales
ProW	Public Right of Way
PV	Photovoltaic
SAM	Scheduled Ancient Monument
SINC	Site of Important Nature Conservation
SLA	Special Landscape Area
SoCG	Statement of Common Ground

TAN	Technical Advice Note
The CIL Regulations	The Community Infrastructure Levy Regulations 2010
The 1990 Act	The Town and Country Planning Act 1990 (as amended)
The Procedure Order	The Developments of National Significance (Procedure) (Wales) Order 2016
The WBFG Act	The Well-Being of Future Generations (Wales) Act 2015
TSAIA	Tree Survey and Arboricultural Impact Assessment
UU	Unilateral Undertaking
VILL	Visually Important Local Landscape
WG	Welsh Government
ZTV	Zone of Theoretical Visibility

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DNS Application Ref: DNS/3213639

Site address: Land between B4256 and Charles Street, Wauntysswg Farm, Abertysswg, Rhymney, Tredegar NP22 5BQ

- The application, dated 6 July 2018, was made under section 62D of the Town and Country Planning Act 1990 (as amended by the Planning (Wales) Act 2015).
- The application is made by Elgin Energy EsCO Limited.
- The application was confirmed as valid on 2 August 2018
- Site visits were carried out on 2 October 2018 and 22 November 2018.
- The development proposed is described as a 30MW solar park, access and ancillary development.

Secondary Consent Applications

- No secondary consent applications are being made.

Summary of Recommendation: That planning permission be refused.

Procedural Matters

1. In accordance with Article 5 of The Developments of National Significance (Procedure) (Wales) Order 2016, the applicant notified PINS (Wales) on behalf of the Welsh Ministers of the proposed development on 21 December 2017.

2. Further to the applicant's request, made pursuant to regulation 31(1) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 ("the Regulations"), PINS (Wales) provided a Screening Direction on 2 February 2018 confirming that the development is not "EIA Development" [1].

3. On 6 February 2018, PINS (Wales) wrote to the applicant with a Notice of Acceptance of a proposed application for a DNS under Article 6 of The Procedure Order. The submitted application was subject to appropriate pre-application consultation and publicity ending on 25 June 2018, and was accompanied by a Pre-Application Consultation Report, dated July 2018.

4. On confirmation of the validity of the application on 2 August 2018, PINS (Wales) undertook the specified consultation and publicity measures as required by the Order. Caerphilly County Borough Council ("CCBC") and Blaenau Gwent County Borough Council ("BGCBC") subsequently submitted their Local Impact Reports ("LIR") on 29 August 2018 and 6 September 2018, respectively.

5. The applicant subsequently indicated a wish to submit additional information to respond to matters raised in the LIR's. As a consequence, Notice under Section 62L(5) of the 1990 Act of suspension of the determination period was given on 5 October 2018. The parties were advised that under Regulation 15(2) of the DNS Regulations, the Local Planning Authorities were required to submit clarifications on specific matters in their LIRs. The applicant was required to submit the revised Landscape and Visual Appraisal ("LVA") and Heritage Impact

[1] PINS is authorised by the Cabinet Secretary for Environment and Rural Affairs to provide that screening direction.

Assessment ("HIA") which were to take the form of addendums to the original versions to make it clear what had been updated.

6. Following the submission of the further information, Cadw and the relevant Local Planning Authorities were consulted. In parallel, the further information was published, and a press notice and correspondence to interested parties confirmed that they had the opportunity to submit representations on the further information.

7. In December 2018, and after the submission of the application, Planning Policy Wales 10 ("PPW") was published and replaced PPW 9 with immediate effect. Accordingly, the parties were given an opportunity to comment on the implications of PPW 10 for the proposed development. I have taken these comments into account in making my recommendation.

8. Based on the Application Documents, the Pre-Application Report, the consultation responses and the LIRs, the application was to be considered under the written representations procedure. I carried out an accompanied site visit on 2 October 2018. Due to the onset of inclement weather conditions during that visit, and a request from CCBC in its LIR for an assessment of an additional viewpoint from the Cefn Y Brithdir Beacon along the Rhymney Valley Ridgeway Walk, I re-visited the additional viewpoint unaccompanied on 22 November 2018.

9. However, in light of the content of the additional information submitted by the applicant and the responses received, a topic specific Hearing session was held on 30 January 2019 in respect of visual and landscape impacts and the effect on the historic environment.

10. Although the Councils had each provided a set of suggested conditions, those suggested by BGCBC did not include the reasons for imposing the conditions. Additional conditions were also discussed at the Hearing session with the main parties. A complete set of conditions and reasons, agreed between the Councils and the applicant, were submitted after the close of the Hearing session in line with that discussed. This matter is dealt with later in this report.

11. I had sight of a draft Unilateral Undertaking ("the UU") at the Hearing session, with the executed UU submitted after its close. I have had regard to the obligations in the UU in coming to my recommendation. This matter is dealt with later in this report.

12. I have structured the documents and plans lists as follows:

    - Prefix A – Documents and plans submitted with the application;
    - Prefix B – Documents submitted since the application was accepted as valid, including consultation responses and the LIR.
    - Prefix C – Documents submitted as additional information under Regulation 15(2) of the DNS Regulations, including the consultation responses to that information.

Site and Surroundings

13. The site comprises the Nant Tysswg upland valley, extending to some 58ha. The majority of the land is a series of fields of agricultural improved grassland with plantation woodland in the southern part of the site where the valley narrows. To the north and west of the site lies an area of open countryside and the B4256. To the east and south-east lies Charles Street and the sloping valley hillside with Mynydd Bedwellte beyond. The Nant Tysswg watercourse runs in the base of the valley from north to south along the western boundary.

14. The site is located to the south-west of Tredegar and Ebbw Vale, to the east of Rhymney and some 0.2km to the north east of Abertysswg. A public house known as the Mountain Ash Inn lies beyond the highway to the east of the site, the Tredegar and Rhymney Golf Club lies to the west accessed via the B4256 and a private dwelling known as Cefn Golau Cottage lies to the north.

15. Access to the site is currently derived from Charles Street through Wauntysswg Farm, albeit a new dedicated access would be formed from the B4256 to the north west of the site. A Public Right of Way ("PRoW") lies within the eastern periphery of the site, running broadly parallel with Charles Street.

16. The extent of the solar farm is wholly within the administrative boundaries of BGCBC. The access to the site and cable route, together with the temporary site compound, car parking and turning area fall within CCBC. The only other aspect of the scheme within CCBC is an area of off-site habitat enhancement for Curlew on the western side of the valley.

17. The site is located within the Mynydd Bedwellty, Rhymney Hill and Sirhowy Sides Special Landscape Area ("SLA") as designated by the adopted Blaenau Gwent LDP 2012. It is bounded to the east by Mynydd Bedwellte Site of Importance for Nature Conservation ("SINC"). The Northern Rhymney Valley Visually Important Local Landscape ("VILL") adjoins the application site to the west and south-west, as defined by the adopted Caerphilly Local Development Plan ("LDP") 2010.

18. There are several identified heritage assets within the site; these are located on the western edge and include the remains of a Post-Medieval barn and some features from the early extractive industry in the area. Cefn Golau Cholera Cemetery, which is a Scheduled Ancient Monument ("SAM"), is located approximately 400 metres to the north of the application site.

Proposed Development

19. The application proposes the installation of free-standing, static solar photovoltaic (PV) panels, anticipated to generate 30,000 KW (30 MW) of electricity per annum[2], as described in detail in *Document Ref A WAUN-007* and laid out in the indicative arrangement shown in *Document Ref A JPW0622-WAU-002Rev l.*

[2] Sufficient to power in the order of 9,000 homes.

20. It is made up of three main components:

- Solar panel modules
  The dark blue or black coloured solar panels would be mounted in pairs on static aluminium frames, arranged in a series of rows up to a height of 3 metres at the highest point and tilted southwards at an angle of, typically, 10-25 degrees.

- Inverters
  Inverters would be required to convert the DC generated by the PV panels to grid compatible alternating current.

- Substation
  The substation would consist of a pre-fabricated building containing switchgear to increase the voltage to feed into the National Grid.

21. A 2.4 metre high timber post and wire deer proof fence would also be erected around the site with gates at key access points to the site.

22. During the construction period, up to 100 employees could be present on site. The applicant anticipates that teams of construction staff would commute in vans and cars, resulting in high levels of car sharing with the maximum staff vehicles anticipated on site at peak construction periods amounting to no more than 50 vehicles. Due to the proposed hours of construction, the majority of these trips are expected to take place outside of peak travel periods and would, in any event, be of a temporary nature.

23. Following construction, the site would operate for a period of 30 years, but would not require any permanent staff presence during its lifetime. The installation would be monitored remotely, albeit there would be regular maintenance visits by a team of engineers on two or more occasions per year in addition to regular cleaning and landscape maintenance. The frequency of vehicular trips would be expected to be no more than 3 or 4 visits per year, typically undertaken by a light goods vehicle.

Environmental Assessment (The applicant's case)

Landscape and Visual Impact

24. The applicant submitted an LVA with the original application, which was undertaken with reference to the Guidelines for Landscape and Visual Impact Assessment 3rd Edition 2013 and NRW's LANDMAP guidance (*Document Ref A WAUN-008*). The scheme was assessed in respect of key landscape and visual receptors, the LANDMAP Aspect Areas and relevant planning policy.

25. To assess effects, a Zone of Theoretical Visibility (ZTV) model was developed to identify that a 5 km radius study area was sufficient for the scale of the project. The ZTV also served to identify a range of viewpoints, which include those from closer range at Wautysswg Farm and the SAM, from higher land such as Charles Street / unnamed road and the B4526, and from long range such as those from High Street, Rhymney and the Rhymney Valley Ridgeway Walk. The LVA contains photographic views from each viewpoint and photomontages with the proposed development.

26. The LVA found that an analysis of the LANDMAP Aspect Areas reveals that any potential adverse effects on landscape character within these areas is likely to be very localised. The Cwm Tysswg Visual and Sensory Aspect Area, containing the application site, is of a lower order in terms of the hierarchy of landscape evaluation. The primary landscape qualities of the Aspect Areas would be maintained and respected.

27. Of the twelve representative viewpoints, it found that seven local views would undergo Substantial or Major effects on visual amenity as a result of the proposed development at year 1, with one undergoing Moderate effects. The remaining viewpoints would undergo either a Minor or Negligible effect.

28. The value of local views was considered to be high as the application site is within the locally designated SLA. With the exception of occasional overhead power lines and clusters of turbine development, often visible at distance in good visibility, there are few detractors. Due to the scale of the proposed development, much of the lower-lying agricultural land would be converted to photovoltaic infrastructure, changing the character of the host landscape for the 30-year life of the project.

29. The solar array would be low-lying in close range views, hugging the valley floor thus preserving the open nature of the sensitive, historic landscape. The distinctive open skyline with panoramic views to other ridges would be maintained, as would open views from the minor unnamed road along the Mynydd Bedwellty ridge, cited in the SLA designation as the only example in Blaenau Gwent. The limited inter-visibility with the lower-lying local valley settlements, arising from the topography and landscape components including established blocks and belts of woodland, would limit effects on visual amenity from the surrounding area. The site benefits from a high level of visual containment created by the surrounding landscape. Longer range views demonstrate that the proposed development would have either no effect or a negligible effect on landscape character and would be viewed by few receptors from upland locations to the south west of the site, where successive and sequential views of turbines development are already available.

30. Consequently, the LVA concluded that there are a very limited number of visual receptors that would undergo the highest effects. These are limited to those in the immediate vicinity of the site, namely residents living in nucleated farm complexes and private residences scattered throughout the study area, walkers using the PRoWs and access land and road users. The proposal would appear as a prominent new element within local views but not to such an extent that it would prevent receptors enjoying views to the expansive landscape setting in which the proposal would be seen.

31. In November 2018, and following on from issues raised in the LIRs, the applicant submitted the Landscape and Visual Appraisal Addendum ("LVAA") (*Document Ref JPW0888 HD LVA addendum v0*).

32. Amongst other things, it sought to re-establish its position regarding the assessment of the impact of the development on tranquillity together with the assessment of the visual impact on the East of Rhymney Visual and Sensory Aspect Area even with the addition of a new viewpoint. It clarified that,

contrary to CCBC's claims, assessments of the impacts on the highway surrounding the site and of PRoWs were carried out to inform the LVA.

33. It also provides an assessment of the VILL NH2.1 Northern Rhymney Valley non-statutory designation, as requested by CCBC. It concludes that the proposal would result in a mainly localised effect on this designation, resulting generally in a Low magnitude of change on the characteristics of the wider VILL.

34. An additional viewpoint at Cefn Y Brithdir Beacon along the Rhymey Valley Ridgeway Walk has been provided. In this respect, the LVAA concludes that the proposed development and the three operational turbines Pen Bryn Oer would be seen in succession from this viewpoint and their effects correspondingly reduced particularly given the scale of the proposed development in this expansive landscape.

35. In addition to responding to the points raised in the LIRs, the LVAA incorporates amendments following the applicant's own detailed review of the submitted LVA. Of particular note is a re-assessment of Viewpoint 5. In light of the re-assessment, it is considered that the size of the site has been overstated and, consequently, the impact of the scheme on the Cefn Golau Cemetery. Whilst the overall landscape sensitivity remains High, based on detailed visual assessment utilising the proposed photomontage, the change in the view is not prominent with few visual receptors affected. It is therefore considered that the change is of Negligible magnitude. Consequently, with a High sensitivity and a Negligible magnitude of change, there would be a Minor visual effect from this representative viewpoint with the proposed development in place.

Historic Environment

36. The applicant submitted a Heritage Impact Assessment (HIA) with the original application (*Document Ref A WAUN-009*) The HIA was prepared in accordance with the requirements of PPW and local planning policy. It focusses on the potential of the site and the significance of the unknown archaeological resource in relation to the likely impact of the proposed development on it and on any associated monuments. This study also considers the impact of the proposed development on any above ground heritage assets, including any effect on their settings within 2km of the site boundary.

37. It identifies the presence of several identified heritage assets on the site. These are all located on the western edge of the site area and include the remains of a Post-Medieval barn and some features from the early extractive industry in the area, including an early mine level and workings, a gully, and some small pits.

38. The site also lies within an area of high historic landscape value known as the Bedwellte Fieldscape, including a recorded extractive ironworking industry site. The Tredegar Ironworks Cholera Cemetery SAM is located approximately 400 metres to the north.

39. The HIA has considered the potential for heritage assets with an archaeological interest to be present on the site, based on the known archaeological remains that are presently recorded in the vicinity. The potential has been assessed as Low for the Prehistoric, Roman, Early Medieval and Medieval periods. The potential for non-agricultural Post-medieval features was also assessed as Moderate-High and the potential significance for these periods as High, especially

with regard to assets which may relate to the historic extractive industry in the area.

40. Overall, it concluded that the proposed development would have a Low non-visual impact on the heritage assets within the site area, especially if a mitigation strategy were adopted; that is to not extend the area of development to the western edge of the site which has been identified as the main location for archaeological and historic features.

41. The main impact which would result from the proposals has been identified as an effect on the setting of heritage assets. This would result in a Negligible tending to Minor Adverse impact on the setting of extractive industry area EA072 and a Moderate Adverse unmitigated direct impact on physical remains associated with it, reducing to Negligible with appropriate mitigation. There would be an overall Minor Adverse impact on the setting of the SAM and a Minor Adverse tending to Moderate Adverse impact on the Bedwellte Fieldscape including Cwm-Tysswg Farm. Due to the topography of the site area and the views from the surrounding area, no mitigation is possible, although it is important to note that the photovoltaic scheme would only be in place for 30 years and is fully reversible with regard to settings.

42. In light of the revised advice provided to PINS (Wales) by Glamorgan Gwent Archaeological Trust ("GGAT") which was not incorporated into either LIR, and the request for additional information from BGCBC in its LIR with regard to the location of heritage assets identified within the site and the commitment to mitigation measures, a subsequent Heritage Impact Assessment Addendum ("HIAA") (*Document Ref 1233-A*) has been submitted.

43. The HIAA restates the amendments made in the later iterations of the deskbased assessment following GGAT's revised comments and further considers the potential effects of the proposed development on the setting of heritage assets following a thorough on-site assessment.

44. It has been confirmed that the access road would consist of no more than a farm-track type feature and that suitable mitigation should involve a programme of archaeological monitoring and recording to ensure that any direct effect is reduced to a Negligible impact. A similar programme of monitoring and recording should be implemented where heritage assets have been identified within the area of extractive industry in the southern part of the proposed site area, along with careful placing of panels to minimise the effect on surviving above ground features. Additionally, given the limited below-ground impact resulting from the insertion of photovoltaic arrays, it is the conclusion of the HIAA that the proposed development would result in a Negligible impact to buried heritage assets that are likely to be very robust by their nature.

45. The main outstanding issue revolved around visual impact on the setting of heritage assets. These broadly consist of two elements; the SAM and the affected areas of the extractive industry and Cwm-Tysswg Farm forming part of the Bedwellte Fieldscape.

46. A second site visit undertaken on 30th October 2018 led to the reassessment of the potential effect on views to the south from the cemetery, as supported by the photomontage prepared as part of the LVA. As a consequence of this re-assessment, it is considered that the visual impact likely to be experienced from the cemetery

represents little more than a slight colour change within a very limited area. As such, the proposal would result in a Negligible impact tending to a Minor Adverse impact.

47. Turning to views towards the cemetery. The nature of this heritage asset is such that it comprises dark coloured headstones with a low above ground profile in an area of rough vegetation that are difficult to discern within the landscape. There is the presence of far more dominant existing features within it (including Cefn Golau Cottage and the range of dilapidated agricultural buildings). There are a number of views towards the cemetery where there would be inter-visibility with the proposed development. These include:

    - Dynamic views from the road across the panels towards the cemetery, becoming more oblique northwards towards its junction with the higher unnamed road to the east, after which no inter-visibility applies. The cemetery itself can be recognised along this route only through the modern fencing that delineates it and which itself has a detracting effect on the setting of the asset. Given the generally oblique and transitory nature of the inter-visibility and the virtual impossibility of appreciating the monument over these distances, the HIAA concludes that the views towards the cemetery from the south and southeast have no relevance in their ability to affect the significance of the asset and therefore effectively represent amenity views.

    - Views from the east-west of the B4256 to the north of the cemetery have the same limited degree of inter-visibility in that the proposed development would be either not noticeable at all or would represent no more than a slight colour change to the south. As such the effects of the proposed development from this receptor is considered negligible.

48. Nonetheless, some consideration must be given to the effects in regard to communal value, in that knowledge of the cemetery does not necessarily require sight of it. In assessing this communal value, the HIAA considers that the cemetery relates to Tredegar, from which it was almost certainly located to avoid any visibility. Views from the south and east would not either in the past or, broadly speaking, in the present have been relevant and do not consequently result in an appreciable effect on heritage significance. As such the effects of the proposed development from these receptors is considered Negligible tending to Minor Adverse impact.

49. The area of heritage potential (ruined barn, gullies and pits) within the central western part of the site area is not designated but represents a recorded heritage asset. The proposed development would have an undoubted visual effect upon its setting. The use of the area for industrial purposes is long in the past and, while it is difficult to appreciate the asset itself through a general absence of above-ground evidence (evidential value) with the exception of the ruins of a stone barn, a gully, some pits and a number of spoil tips, the fieldscape itself is well-preserved and, in this regard, it retains some historic value, as well as communal and aesthetic value in how it is appreciated today. The construction of the proposed development would have an effect on the appreciation of the asset, despite its general lack of above ground elements, as well as an effect on its associative features, but historic field boundaries will be retained within the proposals. Nonetheless, to a considerable degree, the visual impact will affect the amenity value rather than the heritage significance of the affected areas. As a result, it is considered that the impact on the setting of these features would represent a Minor Adverse tending to Moderate Adverse impact.

50. The access road would appear visually no more than a farm track generally in keeping with the surrounding landscape. Consequently, it is the opinion of the HIAA that such a trackway, which would see very little traffic during the operational phase, would have a Negligible impact on the setting of the undesignated heritage asset recorded as EA072.

Agriculture

51. An Agricultural Land Classification Report has been submitted (*Document Ref A WAUN-010*) which presents a desk top assessment of the quality of the agricultural land. It confirms that the quality of the land is limited to a maximum of Grade 4 according to the Ministry of Agriculture Farming and Fisheries (MAFF) 1998 Agricultural Land Classification ("ALC") Guidelines.

52. It therefore concludes that the site does not comprise any of the "best and most versatile" agricultural land according to PPW and comprises, at best, poor quality Grade 4 land as defined in the MAFF 1988 ALC guidelines due to a climate and soil wetness limitation.

Ecology

53. An Ecological Executive Summary (EES) has been submitted (Do*cument Ref A WAUN-013*). The baseline of the ESS has been informed by a Preliminary Ecological Appraisal and an Upland Bird Survey carried out in May and June 2017. An Ecological Mitigation Plan proposes measures to minimise potential adverse ecological impacts associated with the development.

54. The EES summarises the habitats present within the survey area. Within the application site, the fields are generally species-poor. Higher value habitats primarily occur outside of the development site, but a few localised areas of unimproved acid grassland, acidic flush and semi-improved acid grassland occur within the development footprint.

55. The Mynydd Bedwellte SINC bounds the application site to the east. Its particular qualifying features include acid grassland, heath, marshy grassland and mire.

56. The upland bird survey found eight bird species which were considered to be breeding within the survey area; seven of which are Species of Principle Importance in Wales or UK Biodiversity Action Plan priority species. A single breeding pair of Curlew is considered to be important at a local level, and possibly up to County level. The numbers of breeding pairs of other species were considered to be important at the level of the site and immediate surroundings.

57. In order to protect habitats, the layout of the solar arrays avoids impacts on high value habitats to the north (outside the application site) and to the south(within the application site). Habitats buffers would be established between the construction working area and the boundary of the Mynydd Bedwellte SINC, with a perimeter fence creating a protective barrier from the SINC and other areas of unimproved acid grassland adjoining the development during both construction and operation.

58. In terms of species protection on site, the layout would retain tussocky, marshy grassland field boundaries. The whole of the solar park development would remain unlit at night to avoid any reduction in the value or use of existing bat flight lines and foraging over the lifetime of the development. The layout has been designed to protect nesting habitats for many bird species with the retention of patches of dense scrub, extensive gorse thicket and scattered larger trees. Habitat of highest potential value for reptiles would be protected within the site design, including densely vegetated banks alongside the stream, piles of stones, exposed rock adjoining rank vegetation and marshy grassland. The stand-off between the solar panels and the field boundaries across the development would maintain an interconnected network of habitat of potential value for reptiles.

59. For compensation and biodiversity gain, in the southern part of the application site, approximately 1,750m2 of conifer plantation on peaty soils would be felled and cleared in order to establish new marshy grassland adjacent to the existing species-rich habitat.

60. Off-site habitat enhancement is proposed which takes the form of a Curlew Habitat Enhancement Area on the western side of the valley, which would involve ground manipulation to create localised pooling and adapting management techniques (i.e. grazing) to maintain medium height sward favoured by breeding Curlew.

61. The scheme has been designed to maintain the existing hydrological system and ensure that soils remain waterlogged for the majority of the year to help maintain the value of habitat. The hydrological scheme design would specifically maintain or replicate the natural patterns of drainage and recharge, maintaining the water quality and the total volume of water entering the stream and control the peak flows.

62. All watercourse crossing points would have a low impact bridge design. Task specific ecological method statements would be prepared for works adjacent to streams, which would define the working area, watercourse protection measures, broader environmental protection procedures, and any localised post-work habitat restoration.

63. All tracks and access roads would be made out of permeable material (gravel or reinforced grass) reducing any potential increase in runoff and silt traps would be incorporated into the system so that suspended sediments would not enter the streams. Construction soil compaction would be controlled through restrictions on any vehicle access into marshy grassland.

64. A management and monitoring regime would be established to maintain the system and assess the success of the measures over the lifetime of the development. It would include a monitoring report prepared after each round of monitoring and issued to the Local Planning Authority. In the event of an adverse change, remedial actions would be promptly implemented and proposed modifications to the management regime would be agreed with Natural Resources Wales ("NRW") and the Local Planning Authority.

Glint and Glare

65. Glint and Glare Assessments have been submitted which consider the potential effects of solar glint and glare as a result of the proposed solar panels.

66. The assessment carried out by Charlotte Peacock Associates (*Doc Ref A WAUN-014A*) deals primarily with the potential glint effects. The assessment concludes that existing screening by vegetation, topography and buildings would eliminate glint effects at the majority of the receptor points analysed. Potential residual glint effects on residential properties, amenity receptors, roads and public rights of way are not considered to be significant and therefore no additional mitigation measures are recommended or required.

67. The assessment carried out by RPS (*Doc Ref A WAUN-014B*) deals primarily with glare. The potential effects of the proposed development upon the representative views and landscape character have been assessed. There would be the potential for glare upon 8 of the 25 observation points used for purposes of the assessment. Potential glare upon the transient view from the observation point on Charles Street would be a 'potential for temporary after image' between early March to late October at 17.00 – 18.15, with a possible daily range from 5 to 35 mins per day. This glare would be glimpsed and would require road users to look away from the direction of road to experience it. There would be a Minor Adverse degree of effect upon this view.

68. There would be mostly open views to the proposed development from two of the observation points along the PRoW Rhymney FP64 and The Mountain Ash Inn and, as such, the greatest potential for glare would be upon the views from these two receptors of High sensitivity. Upon the view from the PRoW, there would be the potential to experience 'potential for temporary after image' between late February to mid-October at 05.50–07.00, with a possible daily range from 3 to 40 mins per day within the right weather conditions. Upon on the view from The Mountain Ash Inn there could be a possible daily range from 5 to 40 mins per day of 'potential for temporary after image' between mid-February to late-October at 16.50 – 18.15. There would be a Low to Negligible magnitude of change upon these High sensitivity observation points by the presence of glare at restricted times, resulting in a Moderate to Minor Adverse degree of effect.

69. Turning to the potential effect on landscape character, there would be potential for glare upon 3 LANDMAP Visual and Sensory character areas within the study area. There would be the possibility of experiencing potential for 'temporary after image' glare from within a restricted area of the Mynydd Bedwellte Visual and Sensory Character Area for a up to duration of 40 mins a day in the early evening (16.50 – 18.00) from mid-February to late-October. Glare would be uncharacteristic within this part of the Visual and Sensory Character Area but would only be experienced for a limited amount of time within the correct weather conditions. Overall, there would be a Negligible magnitude of effect upon this Visual and Sensory Character Area of High sensitivity, resulting in a Minor Adverse degree of effect.

Hydrology and Flood Risk

70. A site-specific Hydrological Assessment has been carried out to assess the potential hydrological impacts as a consequence of the proposed development on identified ecologically sensitive areas along the southern, eastern and western extents of the site (*Document Ref A WAUN-015*).

71. In respect of flood risk, the TAN 15 Development Advice Map ("DAM") indicates that the whole site is located in Zone A, defined as areas considered to be at little or no risk of fluvial or coastal/tidal flooding. NRW surface water flood mapping indicates that the majority of the site is at 'very low' risk of flooding. Localised areas within the application area associated with low lying land and field drains are defined as being at low to high risk of surface water flooding. The susceptibility to groundwater flooding is low. The risk of flooding from reservoir failure has been assessed as low.

72. In terms of the hydrology, the surface water flow pathways are all estimated to flow in a west-southwest direction following the downward slope of the natural contours. The percentage increase in impermeable area would be negligible and ordinarily would not require any surface water management scheme. The incorporation of appropriate management techniques would, however, mitigate potential increase in runoff from the solar park site. The solar park design, as well as the surface water and soil management measures outlined, would ensure that there would be a negligible alteration to local drainage patterns and flow directions.

73. SuDS techniques through design-in prevention would be incorporated into the final design, where required, and would work in conjunction with existing field drainage to manage the discharge of any excess water from the site. Where construction has resulted in soil compaction, the areas between panel rows would be tilled / scarified to an appropriate depth and then re-seeded with an appropriate vegetation cover. Any existing field or tile drainage system would be restored where affected by construction and maintained for the lifetime of the development. Tracks and access road would be constructed out of permeable materials.

Traffic and Highway Safety

74. A Construction Traffic Management Plan ("CTMP") has been submitted (*Document Ref A WAUN-012*) which seeks to ensure that the development works would be organised and delivered in a manner that would mitigate and safeguard the highway impact, highway safety and amenity of the area.

75. It outlines that the construction is scheduled to last for up to 4 months (16 weeks), with up to 100 staff on site at different phases of the construction. The scale and volume of vehicle movements associated with the development construction period is not considered to have any significant impacts on the operation of the local highway network.

76. Construction HGVs would route to the site from the A4048 from the east or the A465 / A469 from the west via the B4256. Access would be taken from the eastern side of the B4256 where the new access junction is proposed.

77. All materials and plant associated with the development process would be stored within the footprint of the application site. A site compound would be provided on the site access road, where loading and unloading areas for plant and materials are provided within the application site to enable construction and to ensure such activities are undertaken off the public highway.

78. It is anticipated that the majority of deliveries would be made via articulated low loader vehicles and rigid HGVs. Deliveries would vary in amount per day during the construction period with an average of approximately three deliveries (three inbound / three outbound movements) per day over the 16 week period.

79. In terms of working hours, all work would be conducted during traditional construction working hours of 07:00 to 18:30 Monday to Friday with limited construction activities on Saturdays between 07:00 and 13:00. No construction activities would take place on a Sunday or Bank Holiday.

80. The CTMP identifies the construction traffic generation, including the estimated volume and type of vehicles that would be generated throughout the construction phase of the development together with a construction vehicle route to and from the A469. A vehicular access design has also been prepared, which demonstrates the ability of low loaders to turn in and out of the site. Temporary signage is proposed in the vicinity of the site access during the construction period to warn drivers of the site entrance.

81. The CTMP also considers environmental impact measures, including air pollution, dust and dirt control, noise control, fuel consumption / emissions and waste management together with a construction travel plan.

82. Development measures to be employed include covering any skips and vehicles to prevent overspill, wheel washing facilities, employing local contractors and the implementation of a waste management strategy.

Coal Mining

83. A Coal Mining Risk Assessment and Minerals Assessment ("CMRA") has been submitted which is based on the information available at the time of production (*Document Ref A WAUN-011*). Geological mapping shows that the site is underlain by superficial deposits of Glacial Till, that overlie bedrock of the Coal Measures. The map shows coal seams 'No. 2 Rhondda' and 'Fochriw' sub-crop within the site boundary. Above the deep seams named in the Coal Authority ("the CA") Coal Mining Consultants Report, there are twenty coal seams of limited thickness shown on the geological sequence for the site. Geological faults are indicated to be present in the northwest and southwest of the site, aligned in a generally north-south orientation. Four abandoned adits are shown on the geological map on or adjacent to the western boundary and these show an easterly direction of entry towards the site.

84. The CMRA concluded that there is a Moderate to High risk from unknown workings, and from known and unknown mine entries. The risk from known workings is considered Low. The site lies within an area designated for protection of minerals and would therefore temporarily sterilise the coal reserves for the duration of its use as a solar photovoltaic park. These effects would be

temporary and would not result in a permanent loss of the mineral resource protected through the coal safeguarding areas.

Trees and Arboriculture

85. A Tree Survey and Arboricultural Impact Assessment ("TSAIA") has been prepared based upon the findings of a tree survey carried out on 15th November 2017 to assess the existing trees in terms of health, condition, form and overall significance within the local environment (*Document Ref A WAUN-016).*

86. It found that the majority of trees surveyed include isolated scrubby vegetation including hawthorn, holly, birch and grey willow or mature spruce plantation with early-mature self-seeded spruce regeneration. These category 'C' trees are considered to be of low arboricultural quality, however they do provide habitat and a degree of wildlife benefit. Where these trees have grown and developed into mature & late-mature specimens, they have been categorised as 'B' trees on account of their material conservation value.

87. There are two mature oaks within the study area that are considered to be of high quality and have been classified as retention 'A' trees.

88. The proposed solar park could be accommodated with the retention of most of the existing trees. The proposed layout would involve the removal of two trees, a category 'C' grey willow and a category 'B' hawthorn. The removal of the spruce plantation has been proposed to compensate for the loss of grassland habitat.

89. The proposed layout would require minor amendments to the setting out of the fencing and solar panels to accommodate 10no. trees together with amendments to the access road adjacent to 2no. trees.

90. The TSAIA also details the methods of protection for trees, including the design of tree protection barriers and ground protection, precautions outside the construction exclusion zone, the design of roads, driveways and paths near trees.

Planning Policy

91. At a national level, PPW and Technical Advice Notes (TANs) set out WG's policies and principles on different aspects of planning. Those of relevance here include:

- PPW Edition 10 (December 2018)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 8: Renewable Energy (2005)
- TAN 15: Development and Flood Risk (2004)
- TAN18: Transport (2007)
- Practice Guidance: *Planning Implications of Renewable and Low Carbon Energy Development* (February 2011)

- Welsh Assembly Government Energy Policy Statement '*A Low Carbon Revolution*' (March 2010)

92. At a local level, planning policy is set out in the LDPs for BGCBC and CCBC as follows:

Blaenau Gwent County Borough Council

93. The development plan is the Blaenau Gwent LDP, adopted in November 2012. The Council outlines the relevant policies as:

- Policy SP7 (Climate Change) is an overarching strategic policy which seeks to address climate change and reduce energy demand to improve the sustainability of the valley communities. It encourages more of the County's electricity and heat requirements to be generated by renewable and low / zero carbon technologies.
- Policy SP9 (Active and Healthy Communities) is a strategic policy which aims to encourage active and healthy communities by promoting leisure activities, protecting and improving existing open space and leisure facilities and protecting accessibility to natural greenspaces.
- Policy SP10 (Protection and Enhancement of the Natural Environment) states that Blaenau Gwent's unique, natural environment and designated landscape will be protected, and, where appropriate, enhanced. This will be achieved through ensuring that the locally identified SINC and Local Biodiversity Action Plan species are protected and enhanced alongside those attributes and features which make a significant contribution to the character, quality and amenity of the landscape.
- Policy SP11 (Protection and Enhancement of the Historic Environment) seeks to protect, preserve and enhance Blaenau Gwent's distinctive built environment.
- Policy SP12 (Securing an Adequate Supply of Minerals) ensures that existing mineral reserves are safeguarded.
- Policy SB1 (Settlement Boundaries) defines the settlement boundaries in order to manage spatial growth and prevent inappropriate development in the countryside.
- Policy ENV2 (Special Landscape Areas) defines Blaenau Gwent's SLAs within which new development is expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.
- Policy ENV3 (Sites of Importance for Nature Conservation) designates SINCs.
- Policy DM1 (New Development) is a criteria based policy which requires new development to be of a sustainable design, take into account amenity considerations and be accessible and safe in highway terms.
- Policy DM4 (Low and Zero Carbon Energy) seeks to encourage major development proposals to incorporate schemes which generate energy from renewable and low / zero carbon technologies.

- Policy DM14 (Biodiversity Protection and Enhancement) states that development proposals will only be permitted within, or in close proximity to sites designated as SINCs where it maintains or enhances the ecological importance of the designation.
- Policy DM15 (Protection and Enhancement of the Green Infrastructure) supports new development provided there is no loss in connectivity within the strategic green infrastructure network which comprises an SLA.
- Policy DM16 (Trees, Woodlands and Hedgerow Protection) requires no unacceptable harm to trees, woodland and hedgerows that have heritage value or contribute to the character or amenity of a particular location.
- Policy DM19 (Minerals Safeguarding) makes clear that development proposals will not be permitted where they would permanently sterilise important mineral resources within the aggregate and coal safeguarding areas identified on the proposals map.
- Policy M1 (Safeguarding of Minerals) identifies the mineral resources to be safeguarded on the LDP Proposals Map.
- Policy M3 (Areas where Coal Working will not be Acceptable) refers to the areas on the Proposals Map where coal working will not be acceptable.

Caerphilly County Borough Council

94. The development plan is the Caerphilly LDP, adopted in November 2010, and the following policies are listed as relevant:

- Policy SP1 (Development Strategy) is a strategic policy that requires development proposals to promote the north of the County as a tourist, employment and residential area, provide appropriate forms of growth and serve to address existing problems of deprivation in order to sustain and develop communities consistent with the underlying principles of sustainable development.
- Policy SP8 (Minerals Safeguarding) is a strategic policy which seeks to safeguard known resources of coal, sand, gravel and hard rock and maintain a landbank of aggregate reserves.
- Policy CW2 (Amenity) states that there should be no unacceptable impact on the amenity of adjacent properties or land, overdevelopment of the site and / or its surroundings or constrain the development of neighbouring sites.
- Policy CW3 (Design Considerations: Highways) supports development proposals that have regard for the safe, effective, and efficient use of the transportation network.
- Policy CW15 (General Locational Constraints) resists development that would prejudice the implementation of wider comprehensive redevelopment or constrain the development of any adjacent site for its allocated land-use.

- Policy CW4 (Natural Heritage Protection) supports development that conserves and where appropriate enhances the distinctive or characteristic features of the SLA or VILL.
- Policy NH2 (Visually Important Local Landscapes) identifies VILLs to be protected which, in this case, is the NH2.1 Northern Rhymney Valley.
- Policy MN2 (Minerals Safeguarding) identifies those areas on the Proposals Map that are to be safeguarded for minerals.

Local Impact Reports *(Document Ref's B LIR-BGCBC and LIR-CCBC)*

95. Given that the extent of the solar farm is wholly within BGCBC, with only certain elements falling within CCBC, both Councils have submitted LIRs dealing with their particular areas of concern.

Blaenau Gwent County Borough Council

96. BGCBC's LIR presents its assessment on a number of matters, particularly the principle of development, ecology, glint and glare, highways, flood risk and drainage, minerals and coal mining risk, trees, historic environment, landscape and visual impact and economic benefit. It also includes suggested planning conditions should permission be granted. The main points are summarised below.

Principle of development

97. The solar park would increase the installed renewable energy capacity to 20%, helping to meet local as well national, UK and European renewable energy targets. It is therefore supported in principle by Policy SP7 which, amongst other things, seeks to encourage more of the County Borough's electricity requirements to be generated by renewable technologies.

98. In terms of land use, the application site is located outside the settlement boundary where the aim is to prevent inappropriate development in the countryside. Policy SB1 which relates to settlement boundaries does not specify the types of development that are typically acceptable within countryside locations, but instead defers to national planning policy.

99. Renewable energy is identified as a potentially acceptable farm diversification use and Planning Policy Wales considers only agricultural land with grades of 1, 2 and 3a to be amongst the best and most versatile land that should be conserved as a finite resource for the future. The ALC Report submitted with the planning application concludes that the application site is at most grade 4 in terms of quality and, as such, there is no requirement to demonstrate an overriding need for the proposed development. It is also recognised that sheep can continue to graze the land while the solar park is in operation and the land can be restored to the existing agricultural use at the end of its 30 year operational life.

Ecology

100. There are a few localised areas of higher value habitat within the development footprint and semi-natural marshy grassland in the southern section of the

application site. The latter would not be directly affected by the proposed solar arrays or associated infrastructure.

101. The proposed layout would avoid the higher value habitats to the north (outside the application site) and to the south (within the application site) and a buffer strip (approximately 5 m) would be established between the development area and the boundary of the Mynnyd Bedwellte SINC. A 5 m buffer between the solar arrays and watercourses/hedges would also be established within the development site, where possible, and the perimeter fence would create a protective barrier between the development and both the SINC and other surrounding areas of habitat value during both construction and operation. Further habitat related mitigation measures are included within the Ecological Mitigation Plan and a Construction Environmental Management Plan ("CEMP"), which could be secured via a condition.

102. The solar park would impact upon an area of purple moor-grass and acid flush in the north-western corner of the site. In order to compensate for this loss, the applicant proposes to create new areas of marshy grassland/flush habitat in the southern part of the application site.

103. With regards to birds, the Upland Bird Survey identifies a number of species of conservation interest breeding within the study area. As the potential loss of the single breeding pair of curlew could be significant at a County level, a compensatory offsite breeding habitat is proposed on land west of the Nant Twysswg. However, more detail is considered necessary within the Ecological Mitigation Plan in relation to the curlew habitat enhancement area. The Council's Ecologist also supports NRW's recommendation in their response at pre-application consultation which stated that the curlew habitat enhancement area must have physical boundaries, such as relevant field boundaries.

104. In respect of bats, reptiles, amphibians and invertebrates, no unacceptable impacts are likely to occur provided that the measures set out within the Ecological Mitigation Plan are implemented. The Ecological Mitigation Plan should, however, be revised to address the above matters before the granting of any planning permission. Alternatively, a modified Ecological Mitigation Plan could be secured through an appropriately worded condition.

105. In summary, the proposed solar park would not have an unacceptable effect on the ecological interests of application site, provided that the proposed mitigation and compensation measures were successfully implemented. In this context, the anticipated effect of the proposed development on ecology would be neutral and accordingly, the proposal would be in accordance with Policies SP10, DM1 and DM14.

Glint and Glare

106. The initial glint and glare assessment, prepared by Charlotte Peacock Associates Ltd, indicates that the potential residual glint effects on residential properties, amenity receptors, roads and public rights of way are not considered to be significant. The further report, prepared by RPS, indicates that while there is some potential for glare at some observation points the magnitude of change is either negligible or low. When compared with the sensitivity of the observation

points, the degree of effect is either no effect or moderate to minor adverse. The worst affected observation point within the County Borough is the Mountain Ash Inn, with an anticipated degree of effect of moderate to minor adverse.

107. The Council's Specialist Environmental Health Officer has considered the findings of the Glint and Glare Assessments and has raised no objection to the proposed solar park. However, given that the Mountain Ash Inn would experience minor to moderate adverse effect as a result of glint and glare from the proposed development, the effect is considered to be negative.

Highways

108. The Construction Traffic Management Plan confirms that the primary access to the application site would be taken from a new vehicular access junction the eastern side of the B4256, which is within the jurisdiction of CCBC. As such, there is no requirement to agree highway accommodation works to construct the new access junction with BGCBC as Highway Authority. Furthermore, the submitted CTMP states that access routes for all associated development construction vehicle movements would be via the highway network of CCBC. It is therefore considered that the proposed solar park would have a neutral effect on the safe, efficient and effective use of the highway network of Blaenau Gwent.

Flood Risk and Drainage

109. The NRW DAM indicates that the site is located in Zone A, defined as an area considered to be at little or no risk of flooding. The NRW surface water flooding map also indicates that the majority of the site is at a very low risk with some localized areas at low to high risk of surface water flooding. The latter is associated with localised low lying areas and field drainage where a degree of natural ponding may occur. Surface water is generally conveyed in west/southwesterly direction.

110. The submitted Hydrological Assessment states that the proposed development would result in a negligible increase in impermeable area, no alteration to local drainage patterns and no increase in suspended sediments within drainage channels or surface water. Whilst no specific surface water management is considered necessary, sustainable drainage techniques would be incorporated, where required, into the development, which would work in conjunction with the natural field drainage to manage any potential increases in surface water discharge from the application site.

111. The Council's drainage engineer is satisfied that the proposed solar park would have only a negligible impact upon the surface water regime within the application site and as such, has raised no objection to the proposal. The proposed development would therefore have neutral effect in relation to surface water drainage and flooding and is considered to be in accordance with Policies SP7 and DM1 in respect of this matter.

Minerals and Coal Mining

112. The application site is located entirely within a coal safeguarding area and the north western corner of the site is partially covered by a sandstone

safeguarding area. BGCBC LDP Policy DM19 states that development proposals will not be permitted where they would permanently sterilise important resources within Aggregate and Coal Safeguarding Areas. Criterion D of the Policy does, however, allow temporary development that can be implemented and restored within the timescale the mineral is likely to be required. The proposed solar park is considered to be a temporary development over a 30 year period and the application site would be restored to its current agricultural use at the end of its operational life. Moreover, there is no known current commercial interest in working coal from the application site and two alternative areas of search for the extraction of pennant sandstone are allocated within the LDP. It is also worth noting that coal working would not be supported in a small area within the north eastern corner of the site as it is designated as an area where coal working will not be acceptable. The proposed development would therefore have a neutral effect in relation to the safeguarding of minerals and is considered to be in accordance with Policies M1 and DM19.

113. The submitted Coal Mining Risk and Minerals Assessment concludes that there is a moderate to high risk from unknown workings, and from known and unknown mine entries on the application site. As such, the Assessment recommends intrusive site investigation works to be carried out to determine the presence or otherwise of shallow mine workings to confirm: the depth of the known workings and thickness of overlying rock in association with the four adits shown within or adjacent to the western boundary; and the presence of unrecorded workings and mine entries in the remainder of the site. The Council's Geotechnical Engineer has considered the Coal Mining Risk and Minerals Assessment and has raised no objection to the proposed development subject to the intrusive site investigation (and any recommended remedial works) being secured and undertaken prior to the commencement of development. This can be achieved via an appropriately worded condition and provide one is imposed the proposal would be in accordance with Policy DM1 in respect of this matter.

Trees

114. The proposed solar park can be accommodated on the application site whilst retaining the majority of existing trees. The submitted Tree Survey and Arboricultural Impact Assessment indicates that the proposed layout would require the removal of just two trees: a grey willow (category 'C' – minor value) and a hawthorn (category 'B' – moderate value). The spruce plantation located in the southern part of the site would also be removed to compensate for the loss of purple moor-grass and acid flush habitat. Provided that adequate compensatory planting is secured by condition, the proposed development would have a neutral effect and be in accordance with the requirements of Policy DM16.

Historic Environment

115. In terms of statutory historic environment designations, a Scheduled Ancient Monument (SAM - Cefn Golau Cholera Cemetery) is located approximately 400 metres to the north of the application site. It is acknowledged that the proposed solar park has been revised since pre-application consultation was initially

undertaken with the Local Planning Authority in 2016, which has increased the separation distance between the development proposal and the SAM. However, the HIA, prepared by Foundations Heritage[3], states that the revised solar park would result in a Significant Adverse effect on the communal and aesthetic value of the SAM with regard to views to the south, and concludes that the overall impact on the setting of the SAM would be Moderate Adverse. As such, the proposed solar farm is contrary to Policy SP11, which seeks to protect, preserve, and where appropriate, enhance nationally designated sites, such as SAMs. Accordingly, the effect of the proposed development on the historic environment is considered to be negative.

116. The HIA also considers the potential for heritage assets with an archaeological interest to be present on the site. The potential has been assessed as low for the Prehistoric, Roman, Early Medieval and Medieval period features, and moderate-high for non-agricultural Post-medieval features. The Assessment concludes that the proposed development would have a low non-visual impact on the heritage assets within the site area. Concerns have, however, been raised by the Council's Heritage Officer and GGAT who state that the HIA does not meet the Chartered Institute for Archaeologist's standards and guidance for historic environment desk-based assessment, nor does it provide an adequate basis for assessing the balance of impact and mitigation. As such, it considers that there are several matters that need to be addressed through the submission of a revised assessment, including clarification of the extent of the development and details of mitigation measures.

117. Based on the above, the Council's Heritage Officer is of the opinion that proposed development would have range of negative effects (of various levels of significance) on the historic environment.

Landscape and Visual Impact

118. Within the SLA, Cwm Tysswg is identified as one of three main landscape types. Its primary landscape features are of secluded farmland that is undisturbed by industrialisation, with pleasant views into the Rhymney Valley. The approach to land management encourages the continued use as farmland.

119. The LVA[4] acknowledges that with the exception of the occasional overhead power lines and clusters of turbine development, there are few detractors within the local landscape. It also recognises that much of the lower-lying agricultural land within Cwm Tysswg would be converted to photovoltaic infrastructure, changing the character of the host landscape for the 30 year life of the development. As such, Major or Substantial effects on landscape character have been identified for the following local aspect areas: Cwm Twysswg Visual and Sensory Aspect Area (major effect), Mynydd Bewelllte Visual and Sensory

[3] BGCBC's comments in respect of the HIA are made on the basis of the original Assessment submitted with the DNS application. The HIAA was subsequently submitted in November 2018, with BGCBC's comments in respect of the same detailed later in this Report.

[4] BGCBC's comments in respect of the LVA are made on the basis of the original Assessment submitted with the DNS application. The LVAA was subsequently submitted in November 2018, with BGCBC's comments in respect of the same detailed later in this Report.

Aspect Area (substantial effect), Bedwellte Fieldscape Historic Aspect Area (major effect) and Cultural Landscape Aspect Area (substantial effect).

120. Consequently, the proposed solar park within a blind valley would change the local landscape character from one of historical upland farmland characteristics to one of an industrial renewable energy site. As such, the effect on local landscape character is negative.

121. With regards to the impact on visual amenity, the LVA summaries the effects of the proposed solar park on visual receptors and representative viewpoints. The effects on those located within Blaenau Gwent County Borough include two residential properties experiencing Substantial effect, a public highway and PROW experiencing Moderate effect, Charles Street experiencing Moderate to Substantial effect, the unnamed road / junction of public footpath 339/8/1 experiencing a Substantial effect and the SAM experiencing a Major effect.

122. In respect of cumulative impacts, the LVA indicates that, in particular, the blades of the three turbines at Pen Bryn Oer appear as a larger component in the views closer to the site and have the potential to draw attention to the solar arrays in the valley floor (paragraph 11.22). Moreover, it states that " in close range views, the presence of wind turbine and solar development in combination would be heightened by the other in a combined cumulative effect and would change the local landscape character of the upland plateau which is largely unspoilt, with few detractors". The LVA also provides a summary of the potential cumulative effects of the proposed solar park in combination with the operational wind turbine sites from representative viewpoints. Of the five viewpoints within the Blaenau Gwent County Borough, all have potential visibility with wind turbine sites, varying between combined visibility, successive visibility and sequential visibility.

123. The LVA concludes that effects of highest significance are limited to those in the immediate vicinity of the application site, namely local residents living in nucleated farm complexes and private residences, walkers using the public rights of way and access land and road uses. These receptors would experience major landscape change that would have significant negative effects on visual amenity and the local landscape characteristics. It is also argued that there are significant cumulative effects associated with the proposed development in the context of other renewable energy schemes within the surrounding area. Accordingly, the proposed solar park is considered to be contrary to Policies SP10, DM1 and ENV2.

Economic Impacts

124. The proposed solar farm would employ up to 100 staff during the construction period, bringing direct employment benefits and indirect benefits to the local economy in terms of additional money being spent within the local economy. This economic benefit would, however, be temporary with the construction period only expected to last 4 months. During its life time, the solar park does not require any permanent staff presence, with infrequent monitoring, cleaning and general maintenance.

125. There is also the potential for the proposed solar park to have a negative effect on activity and heritage tourism, which contributes to meeting Objective 8 of the LDP. Amongst other things, the latter seeks to diversify the economic base into tourism and leisure industries. The local area in which the development is proposed has a number of popular visitor sites and routes that would be affected by the proposal, namely public rights of way, the Homfray Trail, Tredegar and Rhymney Golf Club, Cefn Golau Cholera Cemetery, Cefn Golau Pond and Mountain Ash Inn with proposed holiday cottages. These local assets are used by both local residents and visitors and both the LVA and HIA indicate that, to varying degrees, they would be negatively affected by the proposed development. In particular, the Mountain Ash Inn would be affected in terms of both visual amenity and glint/glare. There is therefore the potential for the local economic benefits of the proposed solar park to be negated by a negative effect on activity and heritage leisure/tourism.

Caerphilly County Borough Council

126. CCBC's LIR concentrates on the likely impact of the proposed development on the area of the site falling within CCBC and therefore focuses on landscape, glint and glare, highways, residential amenity, historic environment and habitat impacts.

Landscape Impacts

127. The proposed development would represent a sizeable and significant visual impact upon the VILL within CCB, as defined in the Caerphilly County Borough Local Development Plan adopted in 2010. The site is located immediately adjacent to the Caerphilly Borough to the north east of the settlement of Abertysswg. The landscape in general is predominantly agricultural with pockets of linear settlement confined to the northwest-southeast aligned valleys. Isolated and sometimes nucleated farms and private residences are distributed throughout the study area.

128. The LVA states the site is located in a landscape that is of high sensitivity to change due to it being an important Cultural and Historic valued landscape as classified by LANDMAP. The VILL has a distinctive strong visual character which is a predominantly upland and open area with distinctive rock outcrops, upper valley sides and extensive views across the Rhymney valley.

129. The LVA carries out a detailed baseline study and analysis of the Landscape Character Visual and Sensory data, which is limited to Visual and Sensory data within a 2km radius of the site. The LVA assesses the tranquillity as High. However, it is stated that, "It is not considered that the tranquillity levels would change as a result of the Proposed Development." However, views of major infrastructure covering 58ha with its ordered uniform appearance would affect the viewers' perception of tranquillity, as tranquillity is a quality intrinsically associated with the presence of nature, visually pleasing surroundings and relaxing atmosphere, characteristics not generally associated with solar arrays of this magnitude.

130. It is agreed that the visual impact on the Rhoslas aspect area is low and generally screened by topography from this aspect area, but the assessment of

the East of Rhymney aspect area underestimates the impact as views of the site are afforded which would be higher magnitude of medium value with a Moderate Adverse effect on the East of Rhymney Visual and Sensory Aspect Area.

131. However, the LVA omits to assess the VILL NH2.1 Northern Rhymney Valley non statutory designation, which is afforded protection within the LDP due to the overall combined LANDMAP evaluation being either Outstanding, High or Moderate for the five LANDMAP aspect areas.

132. It is also noteworthy that the Visual and Sensory values are frequently only reduced by the adjacent urban development, and LDP VILL designation serves to protect the landscape from further degradation. The LDP acknowledges that the primary landscape qualities and features of the VILL are its predominantly open upland landscape. It contains distinctive rocky hillsides with rock outcrops, upper valley sides and views across the Rhymney valley which give it a strong upland character, which is only occasionally limited by topography or vegetation.

133. With Sensitivity therefore considered High and magnitude High, the overall effect is considered to be Substantial adverse on the quality of this VILL. Therefore the LVA has underestimated the adverse effect that the proposed 58ha solar farm would have on this locally significant landscape and would result in significant and substantial visual impact on the visual quality found in this tranquil open upland landscape.

134. The LPA does not concur with the assessments relating to Landform and Enclosure, Landscape Pattern and Complexity and Settlement Pattern. The proposed solar farm would be seen from sensitive, close and midrange receptors, in context as larger than the adjacent settlement of Abertysswg. It would be seen as out of scale with the landscape dominating the field system, and the rigid gridlines, conflicting in lower lying areas with the more intimate and complex landscape pattern associated with the Abertysswg urban fringe.

135. The LVA assesses Baseline Visual receptors within the ZTV which are generally acceptable, with the exception that it is not agreed that the 58ha solar farm would appear as a very small component in the wider composite view notable from sensitive landscape and visual receptors. The adverse visual effect on residential properties located within CCB is limited to a small number of properties located on the north east and eastern fringes of Abertysswg and would not result in any substantial visual impact as views are generally either oblique or limited to upper floors or generally filtered by existing vegetation.

136. It is accepted that the short time scales for the construction and decommissioning of the proposed development would not give rise to notable Landscape Character or Visual effects above those assessed for the 30 years operational period. The LPA concurs with the assessment of the construction period as Substantial Adverse effect on visual amenity.

137. The LPA generally concurs with the viewpoint selected within the CCB are acceptable with the exception of Viewpoint 10 which required additional assessment and baseline and montage photographs from the adjacent PRoW

FP270 Gelligaer. It also considers that the cumulative assessment from Viewpoints 6, 7 and 9 underestimates the impact of views of the operational wind turbines at Pen Bryn Oer with successive and sequential effects for walkers heading north and south on the PRoW giving rise to an increased cumulative adverse effect on the receptor.

138. In conclusion, therefore, the proposed solar farm would have a negative impact on the landscape.

Glint and Glare

139. In terms of residential receptors, glint effects would not be experienced by residents within properties where they did not have a direct view of the panels causing the glint. In addition, the glint effects are likely to only come from a few panels on the site at any one time with this area moving across the site for the duration of the glint effects. For these reasons potential glint effects on residential properties are not considered to be significant.

140. One amenity receptor was chosen due to its proximity to the site. Glint effects at this receptor are predicted to occur for no more than 32 minutes during the early morning between 6:03 AM and 6:52 AM. Due to the angle of the property (southwest away from the site) and early morning timing of the potential glint, the effects on this receptor are not considered to be significant.

141. The road points selected are points at which the site is considered to be most visible from vehicles using these roads. Due to the transitory nature of the road-based receptors and early morning timings of the potential glint effects the impacts are not considered to be significant.

142. The points selected along footpaths are points at which the site is expected to be most visible by members of the public, and only 11 may experience glint effects. When intervening vegetation, topography and buildings are taken into account, the potential for glint effects at 7 of these points is eliminated. Due to the transitory nature of the receptors and early morning timings of the potential glint effects the impacts at this receptor are not considered to be significant.

143. Predicted glint effects at the other 3 receptors are predicted to occur for no more than 17 minutes between 5:09 PM and 6:02 PM. Vegetation and topography would slightly reduce these effects. When the transitory nature of any views which would be experienced by people walking or cycling along these public rights of way is considered the potential significance of any glint effects is further reduced.

144. Taking into account the existing screening and worst case predictions for glint effects, glint is not considered to represent a significant impact on pedestrians or cyclists in the vicinity of the site.

145. No significant impacts are predicted as a result of glint effects from the proposal. Infilling of the existing hedgerows around the site would enhance the existing screening and further reduce any potential residual glint effects. It is recommended that new and existing planting surrounding the site is maintained to provide continued screening benefits throughout the operation of the solar farm.

146. The conclusions of the assessment are accepted, and the impacts of the development in respect of glint and glare would be neutral.

Highways

147. The impacts of the development on the highway would be significant but temporary, along roads that already accommodate commercial traffic as well as public service vehicles. Therefore the overall impact would be neutral.

Residential amenity

148. There are no residential properties within Caerphilly Borough whose amenity would be directly affected by the solar farm once built.

149. Construction traffic would be noticeable for the residents of the adjacent properties, and would cause some disturbance. However, that impact would be temporary, lasting only some four months, at the beginning and at the end of the project.

150. Overall, there would be a significant but temporary impact, which would be neutral.

Historic Environment

151. The main impact of the proposals has been identified as having a substantial adverse impact on the setting of extractive industry area EA072. The Southeast Wales Industrial Ironworks Landscapes project describes this site as a small extractive area depicted on 1st edition OS maps consisting of two gravel pits to the west, a trial level and an old ironstone level in the north. The proposed trackway from the site to the B4256 also has the potential to affect upstanding elements of EA072 in which case the impact could be moderate-substantial adverse.

152. The impact of the access road is not wholly known at present, since the mitigation measures have not been set out. Therefore, it is considered that as the scheme stands, the impact would be negative.

Habitat Impact

153. The access and cable route and bridge would if properly mitigated have a minor impact on habitat and species, but there is little evidence about the nature and temporary impacts of the compound, car parking and turning area, and their mitigation and restoration. The land by its nature is wet and would require excavation or consolidation to make it suitable for the proposed use. On that basis, it is considered that the impact would be negative.

Consultation Responses (original application submissions)

Natural Resources Wales (Document Ref B CON-NRW)

154. The applicant's ecological surveys recorded a single breeding pair of curlew within the application site. The Executive Summary suggests the breeding Curlew is important at local level and possibly county level. The proposal would have adverse impacts on this species. As part of the proposals, off-site habitat enhancement is proposed (on the western side of the valley) through ground

manipulation to create localised pooling and adapting management techniques (i.e. grazing) to maintain medium height sward favoured by breeding curlew.

155. NRW reviewed the proposed measures at pre-application stage and advised amendments to the area including that the boundary of the area should be aligned to the relevant field boundary. The rationale is that an area without any boundaries may be difficult to manage appropriately, whereas an easily identifiable area can be managed properly over the medium and long term without ambiguity.

156. The final submission documents refer to the Curlew Habitat Enhancement Area which has been amended to include the introduction of fencing. However, the introduction of fencing to the enhancement area represents an increase in perches for potential predators, potentially undermining the mitigation/compensation measures. It is considered that there are better solutions available.

157. On that basis, it is considered that fencing is not appropriate and further detail on management and monitoring (with a submitted plan) is required to ensure the enhancement area is secured over the lifetime of the development. As such it is advised that, in the event of planning permission being granted, a planning condition is attached to the permission to secure full details, including monitoring and management techniques, for the Curlew Habitat Enhancement Area prior to the development commencing.

Wales and West Utilities (Document Ref B CON-WWU)

158. According to the mains records Wales & West Utilities has no apparatus in the area. However, gas pipes owned by other gas transporters and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used.

Aneurin Bevan University Health Board (Document Ref B CON-ABUHB)

159. The development is not considered to require an environmental impact assessment (EIA) but the applicant has undertaken a detailed hazard and risk appraisal as part of their submission.

160. The proposed development would not produce any emissions to air or water or noise during its operation. There may be some short term increase in noise and traffic during construction but this would be mitigated by controlled working hours, the absence of heavy plant on site and the low number of vehicular movements within and beyond the site.

161. Operations would not involve storage of any hazardous materials on site, or waste disposal, while surface water infiltration and drainage characteristics would not be affected by the development.

162. The development would require provision of a buried cable to connect to the nearest distribution point at Ebbw Vale a condition is suggested to ensure that the developer consults with the relevant statutory undertakers with regard to

location and installation of the cable and with the local authority contaminated land officer to agree controls regards any potential risks from ground contamination within the agreed route.

163. Consequently, the Health Board has no grounds for objection based upon the public health considerations contained within the application and the risk assessment undertaken.

The Coal Authority ("the CA") (Document Ref B CON-CA)

164. The application site falls within the defined Development High Risk Area; within the application site and surrounding area there are coal mining features and hazards which need to be considered. CA records indicate that the site is within an area of thick coal seam outcrops and the presence of a recorded mine entry (adit): 313206-001. In addition, the CA has in the past been called upon to deal with a surface hazard on this site.

165. The applicant has submitted a Coal Mining Risk and Updated Mineral Assessment. Based on this review of existing geological, historical and coal mining information, the assessment considers that the site is at a moderate to high level of risk from unrecorded mine workings and the presence of recorded / unrecorded mine entries. Appropriate recommendations have been made that intrusive site investigations are considered necessary, particularly in the areas of proposed ancillary buildings.

166. The applicant has considered surface coal resources and the likely impact that the proposed development may have on the sterilisation of the coal reserves within this area. However due to the temporary nature of the proposed development, the land can be restored to its previous use. Thus, the proposed development would not result in the permanent loss of this mineral resource and the CA has no concerns in this regard.

167. The CA considers that a thorough assessment of the coal mining risks associated with the proposed development has been undertaken by a suitably qualified and experienced professional and therefore meets the requirements of Planning Policy Wales. In order to ensure that sufficient information is provided by the applicant to demonstrate that the site is, or can be, made safe and stable for the development proposed, it is recommended that a condition be imposed requiring a scheme of intrusive site investigations, the submission of a report of findings arising from the intrusive site investigations, any remedial works and/or mitigation measures considered necessary and the implementation of the remedial works and/or mitigation measures. On this basis, the CA raise no objection to the proposal.

Glamorgan Gwent Archaeological Trust (Document Ref B CON-GGAT)

168. The Heritage Desk Based Assessment meets current professional standards and has gathered information relating to the historic environment from all relevant sources, and has assessed the likely impact of the proposed development

against that information[5]. It concludes that the potential for features from the Prehistoric, Roman, Early Medieval and Medieval is low, and moderate to high potential for post-Medieval; and that with mitigation the impact would be low.

169. Appropriate archaeological work would be needed to ensure that mitigation is undertaken to identify and record the known historic assets, and that such provision extends to mitigation for responding to the discovery of previously unknown historic assets or finds during the development works. It is therefore recommended that a condition requiring the applicant to submit and implement a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any grant of planning permission.

Cadw (Document Ref B CON-CADW)

170. Cadw objects to the impact of the proposed development on the nationally important scheduled monument known as Tredegar Ironworks Cholera Cemetery. It is noted that the HIA has focussed almost entirely on the impact of the proposed development on views outwards from the cemetery and has failed to take account of the effect of the scheme on views towards the cemetery.

171. The Cholera Cemetery has evidential, historical, aesthetic and communal heritage values. The evidential values include the remains of the buried individuals, the gravestones and markers. The presence of ornate headstones demonstrates some attempt to mark the passing of the dead, but one of the tragedies of the epidemic was that often entire families were wiped out. This, combined with prevailing social horror of the disease, led to many being buried in unmarked graves. The location of the cemetery and its relationship with its surroundings is itself an evidential value; the deliberate isolation being a physical manifestation of the fear that cholera represented for 19th century industrial communities.

172. The historical value of the cemetery links with the records of the cholera outbreaks at Tredegar. The outbreaks there were not unique but the survival of the cemetery is a rare physical reminder of such dreadful events which can otherwise seem isolated from the wider story of industrial and social progress. Links with families and individuals buried within the cemetery also contribute to its historical values as does the link with improvements in social health which ultimately led to the control of cholera in Britain.

173. The aesthetic values of the cemetery include its isolation and relationship with the landscape. The HIA has suggested that views from the cemetery were probably not uppermost in the minds of those planning it; it was the isolation and separation from the living that mattered. This is probably correct. However, there is no question that it is the isolation and sense of remoteness that is the overriding quality of the cemetery as it is experienced today and that

[5] BGCBC's LIR concern regarding whether the HIA met the Chartered Institute for Archaeologist's standards and guidance for historic environment desk-based assessment was raised on the basis of earlier correspondence from GGAT in respect of the pre-application submission. In subsequent correspondence to PINS (Wales), GGAT confirmed that it is satisfied with the standard of the HIA.

the views to the south and southwest – the direction of the proposed development – are the most evocative. The bleakness and loneliness of the location is a key part of understanding what it represents historically and today and the sense of separation that was forced upon the victims by the survivors who, fearing for their lives, wished to distance themselves from sources of a terrifying contagion.

174. The communal values of the cemetery include the links with nearby communities and any surviving relatives, as well as a broad link with the industrial story of the South Wales industrial valleys.

175. Even within the limitations of the assessment provided, the proposed development is likely to have a significant adverse impact on the setting of the scheduled monument which would impact directly on its heritage values, as illustrated by the applicant's own analysis accompanying the application. The imposition of the solar farm would substantially alter the landscape setting removing the cemetery's sense of isolation and no actions are proposed that would reduce or mitigate the impact.

Blaenau Gwent County Borough Council (Document Ref B CON-BGCBC)

176. The Council supports the drive towards increasing the Nation's energy supply from renewable energy and fully recognises the benefits in terms of both climate change mitigation and energy security. In doing so, the Council has approved several wind turbines and a solar park within County Borough, which are currently contributing the Nation's supply of renewable electricity.

177. It is, however, essential that the right developments are delivered in the right locations without unacceptable impacts on the local area. Unfortunately, the Council is of the view that the proposed solar park at Wauntysswg Farm does not meet this essential requirement and, for the reasons set out below, formerly objects to the proposed development and respectfully requests that the planning application be refused.

178. The application site is located in an attractive upland rural landscape with pleasant views into the Rhymney Valley. The local landscape has been undisturbed by industrialisation and, with the exception of the occasional overhead power lines and clusters of wind turbine development, has few detractors. The proposed solar park is of such a scale that the local landscape character would be transformed from one of historical upland farmland characteristics to one of an industrial renewable energy plant. Whilst it is recognised that the site would be restored to its agricultural use at the end of the solar park's operational life, the unacceptable level of harm to the local landscape would be experienced for a significant period of time (30 years).

179. There are numerous visual receptors within the local area, including residential properties, businesses and users of the local roads and public rights of way. The applicant's landscape and visual assessment indicates that the proposed solar park would have significant adverse visual effects on numerous receptors and viewpoints within the local area. The proposed development would undoubtedly appear as dominant feature within this blind valley given the topography of the site and its relationship to vantage points in close proximity and at a higher

level. It would also have a cumulative impact with surrounding wind turbines. The Council is therefore of the opinion that the proposed solar park would have an unacceptable visual impact on the character, quality and amenity of the landscape, and accordingly, conflicts with LDP Policies SP10, DM1 and ENV2.

180. In terms of the SAM, the applicant's HIA states that the solar park would result in a significant adverse effect on its communal and aesthetic value with regard to views to the south, and concludes that the overall impact on the setting of the SAM would be Moderate Adverse. Planning permission should only be granted in exceptional circumstances if a development has a significant adverse impact on the setting of a SAM and the proposed development is considered to conflict with LDP Policy SP11.

Tredegar Town Council (Document Ref B CON-TTC)

181. The Town Council supports developments that reduce the impact of climate change and would give a welcomed boost to the area with the use of local contracting firms.

182. However, Members strongly oppose the development, which would be prominent from every direction. A development of this nature raises concerns relating to the visual impact that it would have on a remote, beautiful area of Tredegar. No information had been received on how this would look visually and how the glare would impact on residents and road users.

183. Members are mindful of how the proposal would impact on local business including Tredegar & Rhymney golf course and the Mountain Ash Inn. It also raises concern regarding the impact the development would have on the setting of Cefn Golau Cholera Cemetery SAM, anglers using Cefn Golau Pond, and walkers using PRoWs. There is concern in respect of the removal of so many trees that act as habitat and screening, which raises questions as to whether tree planting would mitigate the loss of habitat and screen the site from key areas. The timing of the ecological survey is questioned as there were a number of species missing.

184. Although the applicant states that the whole scheme can be removed, there are no details of recycling and if a bond would be put in place to make sure that the development would be removed at the end of the life of the project. There are also issues in respect of how damaged panels could be disposed of safely.

Other Interested Parties

185. Although representations have not been received from other interested parties in respect of the application formally submitted, the applicant's Pre-application Consultation Report (*Document Ref A WAUN-005*) details the responses received in respect of their consultation exercises carried out. In summary:

- Two letters of objection were submitted citing visual impact and litter as the main areas of concern.
- A petition of objection containing 151 was submitted on the grounds that the development would disrupt the protected wildlife, blanketing the surrounding fields of the Abertysswg Mountains and positioned from the

Aber Forest up to Cefn Golau Pond, and would encounter untold HGV traffic.

186. A letter was also received from Mr Nick Smith MP dated 24 January 2018 advising that he had been contacted by constituents who live near to Wauntysswg Farm, who are objecting to the application as they believe the proposed size of this installation would have the effect of industrialising a solely rural valley. In light of the constituents' concerns, full consideration should be given to the environmental impact of the proposal on the valley.

Consultation Responses (amended information)

Caerphilly County Borough Council (Document Ref C ACON-CCBC)

187. The main change is the introduction of viewpoint 13 from Cefn Y Brithdir Beacon along the Rhymney Valley Ridgeway Walk. Whilst the LPA generally concurs with the baseline view information in relation to human influences and detractors both in the foreground, it is worth noting that the only human influence in the middle ground, where the solar farm will be visible, is the existing coniferous woodland. This woodland sits well within the existing landform and is less of a detractor due to its being limited to the steep valley side to the south of the site.

188. The LPA agrees with the assessment at this sensitive viewpoint that the value of the view is considered to be High for both views from the VILL and the long distance Rhymney Valley Ridgeway Walk public right of way (PRoW). However, the LPA would assess the magnitude of change for walkers and the view from the VILL as Medium, as the proposed development would be a new detracting element in the view, being visible in the middle ground. Views are oblique but they are the main views experienced from the PRoW when walking north, with the eye drawn to the east and north/east. Therefore, the LPA does not concur with the assessment on visual amenity, as with a High Sensitivity and Medium Magnitude of change, the effect on Visual Amenity should be increased to Major adverse.

189. With regard to the cumulative effect, the existing communication mast in the foreground and the operational wind turbines in the background are clearly visible in the field of view experienced from this viewpoint for walkers travelling north, as well as in succession for those walking south. The proposals would also present adverse sequential effects for walkers heading both north and south, who would therefore experience an adverse cumulative effect from this sensitive viewpoint.

190. CCBC's original LIR concluded that the proposed solar farm would have a negative impact on the landscape. The additional viewpoint does not change that assessment, but serves to reinforce it.

191. In terms of the HIAA, the main impact of the proposals has been identified as having a substantial adverse impact on the setting of extractive industry area EA072. The proposed trackway from the site to the B4256 also has the potential to affect upstanding elements of EA072 in which case the impact could be moderate-substantial adverse.

192. In terms of the impact of the access road on historic assets, the HIAA confirms that the access road would consist of no more than a farm-track type feature. It therefore identifies suitable mitigation as involving a programme of archaeological monitoring and recording to ensure that any direct effect is reduced to a negligible impact.

193. On the basis of the revised information, it is concluded that the impacts of the development on the historic environment within Caerphilly County Borough would be neutral.

Blaenau Gwent County Borough Council (Document Ref C ACON-BGCBC)

194. The HIAA is considered to be a distinct improvement on the original submission, and it is now considered to be of an acceptable standard. Notwithstanding this general acceptability, the HIAA only appears to suggest measures that would help mitigate the adverse impact of the proposed solar park on archaeological remains and is not clear on whether they would actually be implemented. For instance, the HIAA highlights the potential to avoid identified archaeological remains through the design of the proposal and only recommends a programme of archaeological recording where it is not possible to preserve these remains in situ. It is, however, evident that the development proposal has not been designed in a manner which avoids a number of the identified archaeological remains located on the central western part of the site. It would therefore be of benefit if the applicant were to confirm the exact extent of the impact on the identified archaeological remains and to provide clarity on the anticipated mitigation strategy.

195. With regard to the impact of the proposed solar park on the setting of the Schedule Ancient Monument (SAM) of Tredegar Ironworks Cholera Cemetery and other historic assets, the Council's Heritage Officer is of the opinion that the HAA understates the impact on the settings of these assets and represents a dramatic change of opinion from the original assessment. This is particularly evident in respect of the assessment of the impact on the setting of the Cholera Cemetery SAM, which is recognised within the HIAA as a unique historic asset, due to it being the only known surviving cholera cemetery in Wales whose historic value cannot be undervalued. The Council's Heritage Officer is of the view that the HIAA consistently undervalues the Cholera Cemetery SAM's heritage value in respect of the proposal's impact on its setting.

196. The HIAA states that the setting of the Cholera Cemetery SAM primarily revolves around the sense of isolation and should be considered predominantly in an aesthetic and communal sense. Moreover, open views, particularly to the south and southwest, are identified as integral to how the Cholera Cemetery SAM is experienced today, while Cadw has previously highlighted the relevance of views towards the SAM from the surrounding area. Views outwards from and towards the Cholera Cemetery are considered in turn below.

197. With regard to the views outwards in a south and southwest direction from the Cholera Cemetery SAM, the HIAA recognises that the proposed solar arrays and associated infrastructure are likely to represent a noticeable intrusion in the landscape that would further detract from the setting of the SAM. Moreover, the proposed solar park is likely to result in an adverse effect on the communal and

aesthetic value with regard to views to the south. As such, even though the HAA has downgraded the impact of the proposal on the setting of this historic asset from a Moderate to Minor Adverse impact, the impact of the proposal remains negative.

198. In respect of the views towards the Cholera Cemetery SAM, the HIAA's claim that other views towards the Cemetery would be unaffected by the proposed development is not accepted. Whilst it is acknowledged that the Cholera Cemetery SAM would not be visually prominent when viewed from the surrounding area, it is discernible from the south (as viewed from road) by virtue of the existing perimeter fence that delineates its location, and from the west (as viewed from road) by virtue of the mid-dark grey coloured headstones which contrast with the colour of the surrounding vegetation. The location of the Cholera Cemetery is also familiar to many local people within the surrounding area, irrespective of its visual prominence.

199. The proposed solar park is of such a scale that the local landscape character would be transformed from one of historical upland farmland characteristics (referred to as Bedwellte Fieldscape) to one of an industrial scale renewable energy park. This impact is acknowledged in the HIAA which indicates that the proposal would have a Moderate Adverse impact on the Bedwellte Fieldscape. When viewed from the south and west, the Cholera Cemetery SAM would be seen in juxtaposition to the proposed solar park and, as such, it is considered that the aesthetic value of isolation and remoteness would be adversely affected. This impact would be particularly pronounced for local people who have the greatest awareness of the cemetery and for whom the cemetery is reminiscent of a link to the industrial past. It is agreed that no practicable mitigation for the impact of the proposed solar park on the setting of the Cholera Cemetery SAM is possible.

200. The Council therefore disagrees with the overall conclusions within the HIAA and remains of the view that the proposed solar park and associated infrastructure would have a significant negative effect on the setting of the Cholera Cemetery SAM.

Cadw (Document Ref C ACON-CADW)

201. The HIAA relies heavily on photomontages included in the LVAA which show that the proposed development would not be as visible in views from the scheduled monument as previously thought. It concludes that the visual impact likely to be experienced from the cemetery represents little more than a slight colour change within a very limited area. It concludes, therefore, that the proposals would result in a Negligible Impact (no appreciable effect on the setting of any asset) tending to a Minor Adverse impact (slight visual changes to a few key aspects of historic landscape and the settings of any asset)".

202. The HIAA fails to fully understand that views are only part of the factors which determine the setting of a monument. In this case, a significant element of the setting of the SAM is the isolation and sense of remoteness, which is the overriding quality of the cemetery as it is experienced today. The ruined farm buildings and dilapidated nature of boundary walling rather than detracting from the views actually portray to the modern viewers a sense of abandonment,

isolation and desolation surrounding the cemetery, thus emphasising the banishment of the buried individuals from the community of Tredegar.

203. It is Cadw's opinion that their previous comments overstated the impact of the proposed development on the setting of the SAM particularly due to the then perceived high visual impact of the development in the views from the scheduled monument. However, it does not agree with the HIAA evaluation that the impact would be negligible to minor adverse. It continues to consider that the proposed development would have an adverse impact on the setting of the monument because it would alter the sense of isolation and abandonment which is a major factor in how it is understood, experienced and appreciated. Therefore, without any mitigation the proposed development would have a moderate to high adverse impact on the setting of the scheduled monument.

204. The HIAA suggests that the existing fencing around the cemetery has a negative impact on the asset. It is also suggested that the replacement of this fence with a facsimile of the original fencing would be beneficial to the setting of the asset and that this would, to some degree, offset any adverse impact resulting from the proposed development.

205. It is therefore Cadw's opinion that without any mitigation, the proposed development would be likely to have a significant adverse impact on the setting of the SAM. However, with the introduction of the mitigation identified above, the proposed development would have a moderate adverse impact on the setting of scheduled monument and reduce the impact to a more acceptable level.

206. As such, a replacement fence would be appropriate mitigation and should form part of the proposed development. However, the new fencing should be paid for directly by the developers and not as part of any proposed community fund as suggested in the HIAA. If this were secured, Cadw would withdraw its objection as the level of impact would be reduced to an acceptable level.

Appraisal / Main Issues

207. Although a Statement of Common Ground has not been submitted, it is evident that there is agreement between the main parties in respect of the principle of the development and its impact on agricultural land, ecology, glint and glare, hydrology and flood risk, highway safety, coal mining and trees. It is the effect of the development on landscape and visual impact and on heritage assets that is at issue between the parties.

208. In light of the foregoing, I consider the main issues to be:

- The effect of the proposal on the character and appearance and visual amenity of the area.
- Whether the development would preserve or enhance heritage assets.

209. I will go on to consider the other matters of the impact of the development on agricultural land, ecology, glint and glare, hydrology and flood risk, highway safety, coal mining and trees.

Principle of Development

210. The application site lies outside the settlement boundaries defined by BGCBC LDP Policy SB1, which aims to manage spatial growth and prevent inappropriate development in the countryside. Nevertheless, this Policy is silent on the types of development that are typically acceptable within countryside locations, deferring instead to national planning policy. Be that as it may, in-principle support for the proposal is afforded by BGCBC LDP Policy SP7, which seeks to encourage more of the County's electricity requirements to be generated by renewable technologies.

211. National Planning Policy on renewable energy developments is set out in PPW and the associated Technical Advice Note (TAN) 8: Renewable Energy. Further guidance is provided in the Practice Guidance: Planning Implications of Renewable and Low Carbon Energy, February 2011.

212. PPW 10 explicitly links the planning system and the provisions of the Well-being of Future Generations Act ("the WBFG Act"). Any statutory body carrying out a planning function must exercise those functions in accordance with the principles of sustainable development as defined in the WBFG Act. A key planning principle as outlined in PPW is achieving the right development in the right places. It sets out National Sustainable Placemaking Outcomes, one of which is to grow our economy in a sustainable manner which can be achieved by *inter alia* generating our own renewable energy[6].

213. PPW makes it clear that the planning system plays a key role in delivering clean growth and the decarbonisation of energy, as well as being crucial in building resilience to the impacts of climate change[7]. Welsh Government's renewable energy target is for Wales to generate 70% of its electricity consumption from renewable energy by 2030[8].

[6] Figure 4 of PPW
[7] Paragraph 5.7.1 of PPW
[8] Paragraph 5.7.16 of PPW

214. There is no dispute that the development would increase the installed renewable energy capacity in the County, contributing to meeting local and national, renewable energy targets, reducing reliance on energy generated from fossil fuels and actively facilitating the transition to a low carbon economy. To this end, it would embrace the WBFG Act goals to achieve a globally responsible, prosperous and resilient Wales.

215. Nevertheless, a prosperous and globally responsible Wales also values the quality of landscapes and the historic environment, which should be protected and enhanced for the sake of their special characteristics and nature conservation value as well as the way in which they contribute to wider social, economic and cultural objectives. PPW therefore acknowledges that the planning system should secure an appropriate mix of energy provision, which maximises benefits to our economy and communities whilst minimising potential environmental and social impacts[9] (*my emphasis*).

216. TAN 8 states that '*Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported*"[10] (*my emphasis*).

217. In summary, therefore, planning policies at national and local level are consistent in their aim to achieve energy development that is sustainable and that does not cause any significant adverse environmental impacts. Overall, development is supported that is appropriate to its context and meets the well-being objectives established within PPW.

218. The development represents a high efficiency method of generating electricity. I therefore attach significant weight to the contribution the development would make to producing energy from a renewable source in order for Wales to meet its carbon and renewable targets, as part of WG's overall approach to tackling climate change and increasing energy security. Nevertheless, I must also balance that significant benefit against the potential environmental impacts of the proposal in considering whether the scheme would be inherently sustainable. This report therefore considers those potential impacts in turn.

Landscape and Visual Impact

219. I acknowledge that the application site does not fall within any statutory landscape designation. PPW advises that in circumstances where protected landscape designations are considered in the decision-making process, only the direct irreversible impacts on statutorily protected sites should be considered[11].

220. Nevertheless, PPW also recognises that the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places[12]. It adds that where adverse effects on landscape character cannot be avoided, it will be necessary to refuse planning permission[13].

[9] Paragraph 5.7.7 of PPW
[10] Paragraph 3.15 of TAN 8
[11] Paragraph 5.9.17 of PPW
[12] Paragraph 6.3.3 of PPW
[13] Paragraph 6.3.4 of PPW

221. Notwithstanding the advice in PPW, s38(6) of the Planning and Compulsory Purchase Act 2004 requires determinations under the planning acts to be made in accordance with the Development Plan unless material considerations indicate otherwise. In designating SLAs, BGCBC has considered landscape character at the outset of formulating its LDP Policies. In doing so, it has identified the special qualities that it seeks to protect and enhance. In particular, LDP Policy ENV2 states that it expects new development to conform to the highest standards of design, siting, layout and materials appropriate to the character of the SLA.

222. The LVA identifies the key features of the site and its immediate surroundings as it relates to the SLA designation. Of particular note, is its predominantly agricultural landscape with an extensive length of the valley side with no development, pockets of linear settlements confined to the northwest-southeast aligned valleys and scattered isolated farm complexes and private residences. Human influence is confined to the surrounding highway network, forestry plantation, clusters of renewable energy infrastructure (consisting of wind turbines) and pockets of industry development.

223. Whilst the application site boundary is only partly within the administrative boundaries of CCBC to the north-west, the site bounds the Northern Rhymney Valley VILL, which has two areas separated by the urban development of Abertysswg[14]. The Council confirms that the visual character of the VILL is a predominantly upland and open area. Distinctive rocky hillside with rock outcrops, upper valley sides and views across the Rhymney valley give it a strong upland character, limited in places by topography and / or vegetation. The upland sense of place is complicated by urban edges and visual detractors (pylons) but increases with elevation and views out.

224. The applicant observes that as the majority of the rural BGCBC (outside settlement boundaries) falls within an SLA. Consequently, it is the applicant's view that there would be only a localised impact on the landscape. Be that as it may, I note the conclusion of the LVA that the intrinsic qualities of the SLA are such that the site is located in a landscape that has high sensitivity to change.

225. The LVA identified major or substantial effects on landscape character for the following Aspect Areas: Cwm Twysswg Visual and Sensory Aspect Area (Major effect), Mynydd Bewelllte Visual and Sensory Aspect Area (Substantial effect), Bedwellte Fieldscape Historic Aspect Area (Major effect) and Cultural Landscape Aspect Area (Substantial effect).

226. The land use of the application site would change from one of agriculture to renewable energy infrastructure, thus altering its character for the lifetime of the development. Its sheer size is such that it would appear as a substantial mass in the landscape. The panels would have a height of up to 3 metres, a flat, dark appearance and would be formed in regimented rows. Its rigid and ordered appearance would be completely at odds with the more organic form of the site. The array of flat, dark

[14] This is a non-statutory designation that seeks to protect the distinctive features or characteristics of the visual and sensory aspects of the landscape. VILLs have been identified using only the visual and sensory layers of LANDMAP; generally, those landscapes of some visual and sensory importance but that did not rate sufficiently in conjunction with other aspects to justify inclusion within the revised CCBC SLAs.

coloured panels spreading out over a significant area of land currently characterised by green, open fields, would have a deadening effect on the landscape.

227. Thus, although major or substantial adverse effect on landscape character would be restricted to localised areas, overall, they would represent significant components in the valley. In these areas, the development would unacceptably alter the existing rural agricultural landscape, including an SLA whose primary landscape features include 'secluded farmland, undisturbed by industrialisation…', to a dominant industrial landscape characterised by closely grouped engineered structures.

228. It would realise the concern outlined in TAN 8's Practice Guidance: *Planning Implications of Renewable and Low Carbon Energy Development* that a solar array can result in a regular pattern of PV panels, ancillary buildings and security fencing occupying substantial areas of land, leading to the creeping urbanisation of the countryside[15].

229. At the hearing session, the applicant's representatives explained that the original drafting of the LVA was carried out on a larger scheme than that which formed the basis of the application. Photomontages / visualizations were introduced quite late in the process. For the purposes of the LVAA, the Viewpoints were re-assessed following a site visit and detailed visual assessment, which resulted in a lesser magnitude of change than originally thought in respect of certain Viewpoints.

230. I accept that Viewpoint 5 in the LVA overstated the size of the site, and based on the revised scheme, the southern edge of the solar park would be in the order of 400 metres from the SAM. Such factors contributed to the conclusion in the LVAA that the change in view from the SAM would not be prominent with few visual receptors affected, resulting in a Negligible magnitude of change and thus a Minor visual effect.

231. I note BGCBC's contention that following its subsequent site visit it became evident that visibility of the solar array would be greater than the photomontages suggest, tending to good visibility from certain viewpoints. Consequently, it considers that the corresponding magnitude of change and likely effect would be greater in some instances.

232. Whilst photomontages are helpful in the LVA process, the assessment of change and effect is subjective to an extent. Although restricted in some views from intervening higher landform, based on the evidence before me and my site visit, I consider that there would be good visibility of the development from public vantage points notwithstanding the re-assessment of Viewpoint 5 in the LVAA.

233. The predicted change and effect from a number of Viewpoints as described in the LVA have not been affected by the re-assessment undertaken in the LVAA; for example, from the Mountain Ash Inn (private residence and public house), the view is considered to be of High value, High susceptibility and High sensitivity, with the overall effect to be Substantial. To the east and south east of the site, where enclosure levels decrease and receptors emerge onto the open access land along Charles Street and the unnamed road, the effect on visual amenity would be Major

[15] Paragraph 8.4.8 of the Practice Guidance

tending to Substantial. The predicted effect on the PRoW which passes through the farm complex[16] and footpath Rhymney FP64 are assessed as Substantial.

234. It seems to me that there are a number of opportunities for resident and members of the public to use the surrounding rural area, relaxing and enjoying their leisure time. For example, from Charles Street and the unnamed road at higher ground, the solar array would dominate the valley floor with its dark coloured, regimented form. Travelling towards the site, a viewer's eye would be drawn to this alien form which would represent a distinctive visual interruption and occupy a large proportion of the overall vista. That is, the development would be conspicuous and highly visible from a number of Viewpoints of Medium and High sensitivity, detracting from the otherwise pleasant rural scene and adversely affecting the experience of the user.

235. Furthermore, the LVA concludes that in close range views, the presence of wind turbine and solar development in combination would be heightened by each other in a combined cumulative effect and would change the local landscape character of the upland plateau which is largely unspoiled with few detractors. This matter further convinces me of the harmful visual impact of the proposed development in combination with other renewable energy development in the vicinity.

236. In terms of the effect of the proposed development on CCBC's VILL, the LVAA finds that the portion of the VILL closest to the application site is considered to be of Medium value and susceptibility as it has been provided with a Moderate evaluation in the Landmap Assessment. It therefore concludes that the overall sensitivity is Medium and, with a Low magnitude of change, the proposed development would have a Minor effect on the VILL.

237. The LVA assesses the likely impact of the development from several Viewpoints along the Rhymney Valley Ridgeway Walk PRoW[17]. It concludes that from Viewpoint 9, which is to the south of Pontlottyn, the sensitivity is considered to be High with a Medium magnitude of change, resulting in a Major effect. From Viewpoint 13 Cefn Y Brithdir Beacon along the Rhymney Valley Ridgeway Walk, the LVAA assesses the sensitivity as High with a Low magnitude of change, resulting in a Moderate visual effect.

238. I heard from CCBC that, from the south-western side of the valley, the rural character of the landscape dominates. It argues that the sensitivity of the VILL and the Rhymney Valley Ridgeway Walk PRoW should be given greater weight given its status and that it is used frequently as a main walking route. Because of the topography, and few detractors in the mid ground, the Council contends that the eye is drawn to the outcrop of rock and the predominantly rural landscape where the solar array is proposed. It therefore agrees with the LVA assessment that the value of the view from both the VILL and the PRoW is high but considers that the magnitude of change should be assessed as Medium owing to the proposed solar park representing a new detracting element in the view being visible in the middle ground. Consequently, it

[16] Whilst Table 3: Summary of Effects on Visual Receptors and Representative Viewpoint shows the Effect on Viewpoint 1 Restricted Byway 339/24/1 (passing through Wauntysswg Farm) as Moderate, the text in paragraph 10.18 of the LVA describes a High magnitude of change as a result of the direct views of the development at close range which, with a High sensitivity, would result in a Substantial effect on visual amenity.

[17] Viewpoint 13 View from Cefn Y Brithdir Beacon along the Rhymney Valley Ridgeway Walk was added following the request of CCBC in its LIR.

does not agree with the assessment of visual effect as with a High sensitivity and Medium magnitude of change, the effect should be increased to Major.

239. At the Hearing session, the applicant argued that as the PRoW runs in a north-west south-east direction, users would be walking and looking in the direction of travel rather than towards the application site. The panoramic views and distance would further reduce the impact of the development with moving elements in the landscape drawing the eye. The development would be seen mainly as a colour change from this distance, not dissimilar to the colour of the existing plantation.

240. I do not disagree that the solar park would be discernible from Viewpoint 13, as evidenced by the fact that the existing woodland can clearly be made out at this distance. Neither do I dispute that the value of the view is High given that it is located within CCBC's VILL and contains extensive and open views across the valley towards BGCBC's SLA. Nevertheless, this view has several detractors in the foreground (namely the communications tower and fencing), wind turbines on the horizon and the Tafarnaubach Industrial estate in the distance just below the skyline and directly above the application site. It is these influences, together with the distance from the application site, that would reduce the development to a relatively small component in the landscape that would not have a significant harmful visual impact from this vantage point.

241. However, I consider that the visual effect of the proposal would alter along the length of the Rhymney Valley Ridgeway Walk. As such, from Viewpoint 9 the visibility of the development would increase and its effect would be harmful; a large proportion of the mass of the solar array would be visible in the mid-ground and from a wide panoramic view, changing the local landscape character of the upland plateau which is largely unspoilt. To this end, it would compromise the view from sections of the PRoW and the qualities of the VILL, specifically the views across the Rhymney valley which give it a strong upland character and a sense of place increased by long-ranging views out towards the application site.

242. I do not disagree with the LVA assessment that the turbines at Pen Bryn Oer may be visible from the CCBC Viewpoints, but as only the tops of the blades are visible in the distance, the cumulative effect with the proposed development would not be significant.

243. Whilst over time, additional planting has the potential to soften the visual impact of the development, the topography of the site and surrounding area is such that it is not possible to screen the development to any effective extent.

244. Notwithstanding my conclusion that the development would not have a serious adverse impact on certain viewpoints and that the cumulative effect with the existing turbines would not be significant, I nonetheless find that it would have a harmful effect on the visual quality and extensive upland views characteristic of the VILL which could not be adequately screened.

245. Thus, the development would conflict with BGCBC LDP Policy ENV2 which expects proposals to conform to the highest standards of design, siting, layout and materials appropriate to the character of the SLA. It would also conflict with CCBC LDP Policy CW4 which supports development that conserves and where appropriate enhances the distinctive or characteristic features of the VILL.

246. Renewable energy schemes are, by their very nature, likely to result in some impact on the character and appearance of the countryside. However, in this case and for the reasons I have given, I conclude that the degree of harm inherent in the proposal would weigh against the grant of planning permission.

Historic Environment

Archaeology

247. Dealing first with archaeological remains. PPW sets out a presumption in favour of the physical protection *in situ* of nationally important archaeological remains which are likely to be affected by a proposed development[18].

248. The HIA found that the potential for non-agricultural Post-medieval features is moderate to high. The potential significance for these periods is high, especially with regard to assets which may relate to the historic extractive industry in the area.

249. GGAT subsequently advised that a condition should be attached to any planning permission requiring the submission and implementation of a written scheme of investigation for a programme of archaeological work to protect the archaeological resource.

250. At the Hearing session, the parties agreed that the access road would consist of a farm track type surface, that the layout of the solar array could be fine-tuned in the central western part of the site to avoid the remains of the barn and extractive industry features [19], and that a scheme of mitigation could be secured by condition[20]. I am therefore satisfied that a condition securing the programme of archaeological works and its implementation would adequately protect the archaeological resource.

Setting of Heritage Assets

251. Turning to the other area of disagreement between the parties, that is the impact of the proposed development on identified heritage assets present on the site. The main area of contention relates to the effect of the development on the setting of the Tredegar Cholera Cemetery SAM and the affected areas of the extractive industry and Cwm-Tysswg Farm forming part of the Bedwellte Fieldscape.

252. BGCBC LDP Policy SP11 seeks to protect, preserve and enhance Blaenau Gwent's distinctive built environment, which includes SAMs. PPW is clear that in circumstances where protected historical designations and buildings are considered in the decision making process, only the direct irreversible impacts on statutorily protected sites and buildings and their settings should be considered[21] (*my emphasis*). TAN 8 adds that in respect of solar thermal and solar photovoltaic systems, other than in circumstances where visual impact is critically damaging to an ancient monument, proposals for appropriately designed schemes should be supported.

253. The scheduling description states that the SAM consists of the remains of a cholera cemetery from the epidemics which swept many emerging industrial communities in

[18] Paragraph 6.1.24 of PPW
[19] Condition 6 of the recommended conditions at Annex A requires details of the precise siting, layout and design of the array
[20] Condition 11 of the recommended conditions at Annex A
[21] Paragraph 5.9.17 of PPW

the 19th century. As in many areas, a separate cemetery was created on a hilltop away from the town, owing to fears of infection from the dead. The cemetery was scheduled in 2000 but remains in an increasingly dilapidated and poorly maintained condition; I observed that it has approximately 25 surviving upright headstones and is enclosed by an unsympathetic modern steel fence.

254. I note the observations in the HIA that the cemetery is located in an isolated position with extensive views of an open landscape and was constructed in this position in response to a single emotional driver, which was fear. It considers that the original purpose of the cemetery, built to take the victims of a stigmatised epidemic, would have involved little consideration of any aspect of the landscape beyond isolation. That is, the cemetery would have fulfilled a pragmatic function in the separating of the dead from the living.

255. In terms of significance of the heritage asset, therefore, part of its historic heritage value lies in it representing a rare physical reminder as one of the few known surviving cholera cemeteries. I also concur with the views of interested parties that a large part of the evidential and aesthetic heritage value of the cemetery is derived from its isolated and remote location and its relationship with its surroundings. Whilst it is accepted that views from the cemetery were unlikely to have been a consideration for the affected families, there is no question that the isolation and remoteness, together with the sense of bleakness and loneliness, are the overriding qualities of the cemetery as it is experienced today and that the views to the south are the most evocative.

256. It was acknowledged in the HIA that the main views to the south and southwest from the cemetery, and from the higher ground to the north and east, all incorporated a wide-angle view of the site area[22]. It therefore concluded that the impact on the views to the south would be Significant Adverse in that there would be a complete change to landscape character in this direction. The overall impact on the setting of the monument was assessed to be Moderate Adverse in that only some key aspects would be changed[23].

257. Nevertheless, the HIAA re-assessed the potential effects of the development on the heritage assets. Based on a detailed site visit, a review of the LVAA and the proposed photomontage at Figure 33 of the LVA (View from the Cefn Golau Cholera Cemetery), it found that the visual impact likely to be experienced from the cemetery would represent little more than a slight colour change within a very limited area. Hence it concluded that the proposals would result in a Minor Adverse impact (slight visual changes to a few key aspects of historic landscape and the settings of any asset) on views to the south. Also taking into account the limited visual effect with regard to views looking towards the cemetery, the HIAA concludes that the overall impact on the setting of the SAM would be Minor Adverse.

258. At the Hearing session, the applicant's representatives explained that the original HIA assessed the potential impacts of the development on a larger

[22] Paragraph 10.3.1 of the HIA
[23] Paragraph 11.4.15 of the HIA

scheme and that the site visit was carried out based on the panels extending up the valley sides (hence the Significant Adverse impact predicted).

259. Nevertheless, Cadw disagrees with the HIAA evaluation that the overall impact would be Minor Adverse tending to Negligible. Rather, it continues to consider that the proposed development would have an adverse impact on the setting of the monument because it would alter the sense of isolation and abandonment which is a major factor in how it is understood, experienced and appreciated.

260. BGCBC is also of the opinion that the HIAA understates the impact of the setting of this asset, which is recognised within the HIAA as a unique historic asset due to it being the only known surviving cholera cemetery in Wales whose historic value cannot be underestimated. It also reiterates Cadw's view regarding the importance of the sense of isolation.

261. Despite its revised position in respect of likely impacts arising from the development, the HIAA recognises that the proposal is likely to represent a 'noticeable' intrusion in the landscape that would further detract from the setting of the SAM[24]. It also continues to acknowledge that the solar park is likely to result in an adverse effect on the communal and aesthetic value in respect of views to the south[25].

262. At the Hearing session, the discussion focussed partly on the downgrading of the perceived impacts with reference to Table 2.2: 'Table of Impacts Criteria' in the HIAA. It identifies that adverse effects caused to archaeological resources, including SAMs and their settings, results in a Substantial Adverse impact (*my emphasis*). The applicant's representatives suggested that the 'Archaeological Resource' column should not include the settings of SAMs (but should relate to direct impacts on archaeological resources only) given that there is another column in the table dealing specifically with setting. As a consequence, and on the basis of the re-assessment that there would be minor changes to key historic landscape elements and only slight changes to the setting of any asset, the finding that the impact would be 'Slight Adverse' tending to 'Negligible' is considered by the applicant to be justified.

263. The applicant has also drawn my attention to the complex of dilapidated agricultural structures between the application site and the SAM, which are considered to provide an intrusion into the landscape. To my mind the condition of these structures merely adds to the sense of melancholy, which is characteristic of the setting of the SAM.

264. Notwithstanding the arguments put to me regarding the criteria for assessing the likely effect of the development, I am satisfied that the assessment did not rely solely on the inclusion of this Table in the HIAA. Be that as it may, there is no doubt that the re-assessment in the HIAA represents a dramatic change in the anticipated effects of the development on the setting of the SAM. I have difficulty aligning the removal of an area of panels from the valley sides with a shift from 'Significant Adverse' to 'Minor Adverse' insofar as a substantial area of land would continue to be covered by the solar array. I have not been

[24] Paragraph 11.4.10 of the HIAA
[25] Paragraph 11.4.13 of the HIAA

persuaded that the revised scheme would not continue to represent a complete change to landscape character in this direction. Neither am I convinced that it would represent a minor change to key historic landscape elements and have little appreciable effect on the setting of the heritage asset.

265. I also accept that the solar park would be a static development that is not manned. However, the proposal would result in the introduction of modern infrastructure development covering an extensive area of land which would adversely affect the sense of isolation and remoteness that is characteristic of the setting of the SAM and, in particular, its evidential, aesthetic and communal value that forms part of its significance.

266. I have also taken into account the views towards the SAM which were assessed more fully as part of the HIAA. BGCBC considers that the SAM is a visually prominent site which sits at the head of the agricultural valley in a green isolated setting and is discernible from the south by virtue of the existing perimeter fence and from the west by the headstones. In any event, it considers that the cemetery is familiar to local people irrespective of its visual prominence.

267. Based on my own observations, the submitted photomontages and discussions at the Hearing session, relevant views across the panels and towards the cemetery are restricted mainly to dynamic views from the highways which bound the site. In light of the generally transitory nature of the inter-visibility, the limited opportunity to appreciate the SAM over these distances, and other visual detractors (such as the refurbished dwelling and the modern cemetery fencing), the views towards the cemetery from these vantage points have little ability to affect the significance of the asset. Nevertheless, Cadw reiterates that views are only part of the factors that determine the setting of a monument.

268. In considering the communal value (in that knowledge of the cemetery does not necessarily require sight of it), local people know of its location and the SAM is discernible, even if not visually prominent. Given the impact of the proposal on the sense of isolation and remoteness as already described, an appreciable effect on heritage significance would be apparent. I would reiterate the findings in the HIAA that this impact would be particularly pronounced for local people who have the greatest awareness of the cemetery and for whom it is reminiscent of a link to the industrial past and provides a distinct and well-defined sense of place[26].

269. I note the views of Cadw that it would be possible to mitigate the adverse impacts of the development to a more acceptable level by replacing the modern fence with a facsimile of the original thereby benefitting the setting of the asset. Whilst a replacement fence of a more sympathetic design would undoubtedly improve its visual impact and thus the setting of the SAM, I do not agree that it would offset the harm caused by the development to the sense of isolation and remoteness of the setting. I will explain later in this report why I do not

[26] Paragraph 11.4.12 of the HIAA.

consider that such a benefit should form the basis of a planning condition or a S106 Agreement.

270. The HIA also identified Moderate Adverse impact on the setting of the Bedwellte Fieldscape, including Cwm-Tysswg Farm and a Substantial Adverse impact on the setting of EA072 (extractive industries area) from the construction of the proposed trackway to the degree that much of its setting's value would be lost.

271. The HIAA revised this position and found that the proposal would have a Minor Adverse tending to Moderate Adverse effect on the Bedwellte Fieldscape and a Negligible tending to Minor Adverse impact on the setting of extractive industry area EA072. It identified a Moderate Adverse unmitigated impact on direct physical remains associated with it, reducing to Negligible with appropriate mitigation.

272. Although there is a general absence of above-ground evidence with the exception of the ruins of a stone barn, a gully, some pits and a number of spoil tips, the fieldscape itself is well-preserved and, in this regard, it retains some historic value, as well as communal and aesthetic value in how it is appreciated today.

273. The construction of the proposed development would have an effect on the appreciation of the heritage assets, but historic field boundaries would be retained within the proposals. The access road would be no more than a farm track generally in keeping with the surrounding landscape. Consequently, I concur with the assessment in the HIAA that such a trackway, which would see very little traffic during the operational phase, would have a Minor Adverse tending to Negligible impact on the undesignated heritage assets with appropriate mitigation.

274. Be that as it may, I find that there would be a direct and significant adverse impact on the setting of the statutory heritage designation (the SAM), in conflict with the general thrust of PPW. The proposal would also be contrary to BGCBC LDP Policy SP11, which seeks to safeguard nationally designated sites from inappropriate development.

Agricultural Land

275. PPW states that agricultural land of grades 1, 2 and 3a is the best and most versatile land, and should be conserved as a finite resource for the future[27].

276. As is evident from the applicant's submissions, the land is classified as Grade 4 land under the ALC criteria. It does not therefore represent the best and most versatile agricultural land as defined in PPW.

277. Consequently, the proposal would not result in the loss of the best and most versatile agricultural land. Therefore, its loss over the 30 year lifetime of the proposal is not a factor that would attract significant weight in the consideration of the application.

[27] Paragraph 3.54 of PPW

Ecology

278. The key principle in any new development proposal is to protect and enhance biodiversity. This is supported at national planning policy level within PPW and TAN 5 and at the local level in BGCBC LDP Policies SP10, ENV3 and DM14.

279. The larger fields within the application site are predominantly semi-improved grassland, short grazed and species poor as result of agricultural management and improvement.

280. Whilst the site supports Habitats of Principal Importance[28] and UK Biodiversity Action Plan priority habitats, including acid grassland, purple moor grass and rush pastures, the grassland habitats of high conservation value within the site are primarily located in the northern and southern extremities. The layout of the solar array would largely avoid impacts on the high values habitats, with the array located primarily on areas of semi-improved grassland and species-poor rush pasture.

281. In this context, the loss of species poor habitat would not be significant. A new area of marshy grassland / flush habitat in the southern part of the site would compensate for the loss of a localised area of purple moor-grass and acid flush in specific areas which, overall, represent a small percentage of the total extent of this habitat type within the site. A set-back perimeter security fence, together with the incorporation of a buffer between the array and water courses in the design of the scheme, would create a protective barrier and avoid negative impacts on watercourses.

282. Turning to the Mynydd Bedwellte SINC. The working area and development footprint would lie outside of the designated site, and all the features of the SINC lie upslope of the development. It therefore follows that they will not be directly affected by the development proposal.

283. Furthermore, in order to avoid adverse impacts during the construction phase, a condition attached to any planning permission requiring the submission of a CEMP proposing a series of mitigation measures during the construction phase would ensure habitat protection. Relevant measures as outlined in the Ecological Mitigation Plan ("EMP") include a minimum stand-off created by fencing between the development working area and the boundary of the SINC and good environmental working practices across the entire site.

284. Notwithstanding the above, I note the observations of BGCBC and NRW that more detail is considered necessary in relation to the physical boundaries of the off-site Curlew habitat enhancement area proposed on the western side of the valley. I consider that that the outstanding details can be adequately dealt with by condition.

285. Based on the conclusions in the EES and the implementation of the proposed mitigation measures as outlined in the EMP and secured by condition, I am satisfied that there would be no significant harmful impacts on ecological features. The proposed development would meet the requirements of BGCBC

[28] Natural Environment and Rural Communities Act 2006

LDP Policies SP10, ENV3 and DM14, which require new development to respect and protect the natural environment including protected habitats and species. It would also be consistent with the objectives of TAN5 to protect nature conservation interests.

Trees and Arboriculture

286. With the exception of the removal of two trees, the proposed solar park could be accommodated with the retention of the remainder of the existing trees. The removal of the spruce plantation has been proposed to compensate for the loss of grassland habitat.

287. Overall, the loss of the two trees is not considered to be significant. Provided that the compensatory planting is delivered and landscaping is secured by condition in the event of planning permission being granted, the proposal would not have a harmful adverse effect on trees within the site. It would therefore accord with the requirements of BGCBC LDP Policy DM16 in this respect.

Glint and Glare

288. The glazing used for the panels is designed to absorb light rather than reflect it. Even so, it is clear from the submitted Glint and Glare Assessments that there is the potential for some reflection of sunlight, producing glint or glare, from several of the observation points at specific times of the day.

289. Nevertheless, I do not consider that the potential residual glint effects on residential properties, amenity receptors, roads and public rights of way are so significant as to have an unacceptable impact.

290. In this context, I consider that the proposal would comply with BGCBC LDP Policy DM1 and CCBC LDP Policy CW2 which require development proposals to have no unacceptable impact on amenity.

Hydrology and Flood Risk

291. As the site is located in Zone A of the TAN 15 DAM map, there would be little or no risk of fluvial or coastal / tidal flooding.

292. In terms of surface water flooding, NRW's map shows the majority of the site at very low risk of flooding with localised areas of low-lying land and field drains being at low to high risk of surface water flooding. It is estimated that the surface water flow pathways flow in a west-southwest direction following the downward slope of the natural contours of the land.

293. As I understand it, the percentage increase in impermeable area is negligible and ordinarily would not require any surface water management. However, the Hydrology Assessment suggests that SuDS design could be incorporated into the final design, where required, to work in conjunction with the existing field drainage.

294. BGCBC's Drainage Authority has raised no objection to the development in this regard. Neither has BGCBC sought a condition in the event of planning permission being granted securing a SuDS scheme.

295. Having regard to the foregoing, I do not consider that the development would raise any flood risk concerns of itself or increase the risk of flooding elsewhere on the site or in the immediate surroundings. Consequently, a condition requiring the incorporation of a SuDS scheme to manage surface water would not be necessary.

296. The proposal would accord with BGCBC Policy SP10 which seeks to ensure that new development does not have an unacceptable adverse impact upon the water environment. It would also meet with the objectives of TAN 15 to ensure the risks of flooding are assessed and managed for any new development as it relates to sustainability principles. This matter is therefore neutral in the planning balance.

Traffic and Highway Safety

297. The construction phase of the development would inevitably result in additional traffic movements associated with deliveries and personnel travelling to and from the site. However, the submitted CTMP explains how the transport impact would be managed and minimised during the construction period.

298. In this context, and whilst it is evident that there would be some increase in demand for parking and storage facilities, together with the use of public roads, these would be short-term impacts only and there is sufficient capacity within the highway network to accommodate the demands.

299. I viewed the position of the proposed access from the B4257 at my site visit. I am satisfied that the proposed construction access would have sufficient forward visibility in both directions and would provide a suitable route for construction vehicles.

300. Once operational, the development would not require any permanent staff presence and only a very low number of personnel on site during regular maintenance visits on one or two occasions per annum. I am also satisfied that the infrequent use of the proposed access for future traffic demands associated with the operational phase would be acceptable.

301. I also note that no objections have been received from the Highway Authorities at CCBC or BGCBC.

302. Consequently, based on the evidence before me, the proposal would not give rise to any significant highway safety concerns either during or post construction. As such, it would accord with CCBC LDP Policy CW3 to have regard for the safe, effective, and efficient use of the transportation network, safely accommodate the scale and nature of traffic and provide appropriate levels of parking. It would also meet with the objectives of TAN 18 in this regard. This matter would be neutral in the planning balance.

Coal Mining

303. The application site falls entirely within a coal safeguarding area, with a small area within the north eastern corner of the site falling within an area identified in the BGCBC LDP where coal working will not be acceptable. In addition, the

north western corner of the site is also covered by a sandstone safeguarding area.

304. It is accepted that the development would have a lifespan of 30 years, and would therefore temporarily sterilise the reserves for the duration of its use as a solar park. I have no evidence before me to suggest that the mineral resource would be required within that time.

305. I consider that this temporary effect would not result in the permanent loss of the mineral resource. Consequently, the coal safeguarding area would not be compromised and the development would not prejudice future extraction as required by BGCBC LDP Policies SP12, M1 and DM19 and CCBC LDP Policies SP8 and MN2.

The Planning Balance

306. Decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. To this end, I have taken into account the relevant BGCBC and CCBC LDP Policies.

307. The requirement of the WBFG Act to make decisions "in accordance with the sustainable development principle" means acting in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

308. In addition to setting out well-being goals, the WBFG Act also states that in undertaking sustainable development public bodies should consider the five ways of working. In coming to my recommendation, I have had regard to the extent to which the proposal contributes to the well-being goals.

309. The weight to be given to energy development in determining planning applications is set out in paragraph 5.9.17 of PPW, which states that "*Planning authorities should give significant weight to the Welsh Government's targets to increase renewable and low carbon energy generation, as part of our overall approach to tackling climate change and increasing energy security"*.

310. My attention has been drawn to the letter from the Minister for Natural Resources dated 15 March 2016, which reiterates the role of the planning system in helping to tackle climate change and the support that PPW gives to the transition to a low carbon society. The letter emphasises that planning decisions need to be taken in the wider public interest, in a rational way, informed by evidence, where issues are balanced against other factors. The letter also recognises that there are policies in place to protect against unacceptable adverse impacts.

311. I place meaningful and significant weight on the contribution the solar park would make to meeting the renewable energy targets outlined in PPW and the principle that the development would support the transition to a low carbon future in a changing climate. It would meet the well-being goals insofar as it would contribute to a more prosperous, resilient, healthier and globally responsible Wales.

312. I also acknowledge the neutral effects of the development in terms of the quality of agricultural land, glint and glare, ecology, trees and arboriculture, hydrology and flood risk, traffic and highway safety, and coal mining. These factors weigh in favour of the development insofar as they are not in conflict with several of the well-being goals outlined in PPW.

313. On the other hand, and for the reasons identified above, I have found that the development would have a significant adverse effect on the SLA and VILL and that it would considerably harm the character and distinctiveness of this rural location. The proposal would also cause material harm to users of the PRoWs. Furthermore, it would have a significant adverse impact on the setting of the SAM in conflict with the thrust of national planning policy.

314. The proposal would thus be contrary to LDP Policies to protect the countryside for its own sake, protect the special qualities of the County Borough's landscapes and safeguard the setting of a heritage asset. To this end, it would conflict with the well-being goals in PPW to achieve a Wales of vibrant culture, cohesive communities and resilience.

315. I do not consider that the impacts could properly be addressed within the landscape. When taken in the round, the harm caused by the proposal to the character and appearance of the area and the setting of an important heritage asset would be substantial.

316. In considering these issues together, I do not consider that the benefits of the proposal, whilst providing supported renewable energy, would outweigh the harm to landscape character and the heritage asset.

317. I note the applicant's contention that the solar park would be in place for a period of 30 years only and would be fully reversible in terms of its visual impact on the landscape or the setting of any heritage asset. However, this time period represents a generation, during the lifetime of which, the harm to the character and appearance of the area and to the setting of a heritage asset would subsist.

Obligations and Conditions

Unilateral Undertaking

318. Regulation 122 of the Community Infrastructure Levy Regulations 2010 ("the CIL Regulations") stipulates that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is: (a) necessary to make the development acceptable, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

319. An executed Unilateral Undertaking ("the UU") under Section 106 of the Town and Country Planning Act has been submitted which secures a planning obligation for the erection of a fence around the perimeter of the Tredegar Ironworks Cholera Cemetery.

320. The applicant argues that the mitigation via the planning obligation suggested by Cadw would comply with the statutory tests and case law in respect of the use of planning obligations. In respect of the necessity test, the case of *R (on the*

application of Tesco Stores Ltd) v Forest of Dean District Council [2015] EWCA Civ 800 is cited as establishing the principle that it is a matter of planning judgement as to whether a benefits package could help mitigate harm. My attention is also drawn to *R v Plymouth City Council, ex parte Plymouth & South Devon Co-operative Society Ltd [1993] JPL 1099* in which the Court of Appeal held that planning obligations which included the provision of an art gallery display, birdwatching hide and a contribution towards a creche were lawful and could be taken into account as material considerations.

321. It is also argued that the UU is directly related to the development given Cadw's view that it would mitigate against the impact of the development and that there is a clear geographical link between the fence and the proposed development. The applicant considers that this position is supported by *Tesco Stores Ltd v Secretary of State for the Environment and others [1995] 2 All ER 636* where it was held that the test as to whether a planning obligation was a material consideration was whether it had some connection with the proposed development which was not *de minimis*. The applicant also considers that the replacement of the fence has been recommended by Cadw as mitigation rather than the provision of some extraneous planning benefit that is completely unrelated to the development.

322. I have had regard to the case law cited in considering whether, in this case, the planning obligation in the UU would meet the tests outlined in the CIL Regulations. I accept the principle that it is a matter of planning judgement as to whether a benefits package could help mitigate harm.

323. In these particular circumstances, it is recognised by all parties that the existing fence around the SAM has an adverse visual impact on the heritage asset. I note the close geographical proximity of the SAM to the application site and the opinion of Cadw that the planning obligation would mitigate against the adverse impact of the development. However, in my view a replacement fence would be a benefit that would serve only to improve the setting of the asset itself, rather than alleviate the harm caused by the proposed development. Whilst it would undoubtedly be an aesthetic improvement through the removal of an inappropriate modern addition, it would not directly resolve the problems associated with the impact of the development on the sense of isolation and remoteness which forms a fundamental part of the setting of the SAM.

324. I can take into account off-site benefits of a proposed development provided that such benefits are related to or connected with that development in a real (as opposed to fanciful or remote) way. Whether there is such a relationship or connection in a particular case will be fact-specific. The future of the SAM is not dependent on the replacement of the fence. The whole purpose of the energy development is completely unrelated to the SAM or its setting. In such circumstances, despite their close physical proximity, I am not convinced by the arguments put to me that the two components are linked or that there is a connection that goes beyond *de minimis*.

325. Hence, I do not find that it has been demonstrated that the planning obligation is necessary to make the development acceptable or that it is directly related to the development. It would not therefore meet all three tests outlined in Regulation 122 of the CIL Regulations. Even if I am wrong on this point, I do not consider that the replacement fence would alleviate the harm caused by the development to the sense

of isolation and remoteness of the setting, as already discussed at paragraph 269 of this report.

326. The executed UU can be found at *Document Ref C PLGOB UU* in the event that Welsh Ministers should find to the contrary.

327. It is also important to note that Welsh Office Circular 13/97 '*Planning Obligations*' advises that if there is a choice between imposing conditions and entering into a planning obligation, the imposition of a condition is preferable. Thus, planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The applicant has also suggested a condition requiring the erection and maintenance of a replacement fence prior to energisation, which is detailed later in this report.

Planning Conditions

328. A set of suggested conditions in the event of planning permission being granted were submitted by the Councils in their LIR's (*Document Ref B BGCBC LIR and B CCBC LIR*) and were discussed by the main parties at the Hearing session. Additional conditions were also discussed at the Hearing which, in addition to those submitted in the LIRs, were included in the set of agreed conditions and reasons received thereafter. I have had regard to the suggested conditions and whether they meet the tests outlined in WG Circular 016/2014 '*The Use of Conditions for Development Management*'. The recommended set is now included as an Annex to this report.

329. In accordance with the provisions of Section 91 of the 1990 Act, the standard condition specifying a time limit for the commencement of development is recommended. A condition requiring the development to be completed in accordance with the approved plans would be necessary in the interests of clarity. I have removed the reference to the list of documents as I am not satisfied that their inclusion is sufficiently precise to make the condition enforceable. Any specific issues requiring further consideration are dealt with by condition elsewhere.

330. In light of the temporary nature of the development, a condition requiring the planning permission to endure for a period of 30 years is reasonable. Similarly, conditions requiring removal and remedial works in the event that the solar park ceases to export electricity to the grid for a continuous period of 12 months, together with a Decommissioning Plan, are necessary if the reason for the development can no longer be justified and the environmental effects of the decommissioning process are to be controlled.

331. In the interests of visual amenity and for protecting any buried archaeological remains, conditions requiring full details of the precise siting layout and design of the solar arrays, the invertors and substations, the telecoms tower, the mounted CCTV cameras, routes for underground cabling and a scheme for landscaping are entirely appropriate.

332. In order to protect heritage assets, conditions relating to historic environment mitigation and an archaeological watching brief are necessary.

333. To give due regard to ground stability issues, and as the CMRA concluded that the there is a moderate to high risk from unknown mine workings and from known and unknown mine entries, a condition is recommended requiring an assessment of the stability of the land.

334. Conditions requiring details of the access, temporary compound, parking and turning areas are not only required in the interest of highway safety and visual amenity but also to protect habitat and any affected heritage assets.

335. Requirement relating to the submission and agreement of a CEMP, the construction details of the bridge crossing and a final plan for the Curlew Enhancement Area are necessary in the interests of biodiversity and to ensure that existing habitat and species are protected during construction and that the suggested mitigation measures are implemented.

336. At the Hearing session, the main parties agreed that a restriction on lighting would be appropriate to control light spillage and ensure that disturbance to wildlife and residents is minimised.

337. The additional condition suggested by the applicant in relation to securing replacement fencing around the SAM reads as follows:

> "*Prior to energisation a replacement fence to the satisfaction of Cadw shall be erected at the Tredegar Ironworks Cholera Cemetery Scheduled Ancient Monument. Thereafter the fence shall be maintained for the duration of the life of the development.*
>
> *Reason: To ensure that the setting of the Scheduled Ancient Monument is protected and mitigates the impact of the development*."

338. It would be *ultra vires* to require work to land over which the development has no control, or which requires the consent of a third party. Nevertheless, the '*Grampian*' condition suggested is worded in a negative form providing that the development is not functional until the works have been completed on land that is not in the applicant's control i.e. the replacement fencing works around the SAM. The applicant asserts that there is a reasonable prospect that the fence could be erected within the time limit for development commencing as the determining authority (Cadw) and relevant parties (landowners and applicant) are all willing.

339. Having regard to paragraph 3.47 of Welsh Government Circular 016/2014 '*The Use of Planning Conditions for Development Management*', and by amending the wording of the condition in the interest of precision, I see no reason why, in theory, such a condition could not be imposed in the event that Welsh Ministers are minded to grant planning permission for the development. However, as I have found that the replacement fence around the SAM would not make the development acceptable, such a condition would be unreasonable and unnecessary.

340. Even so, if Welsh Ministers are minded to grant planning permission with such a condition, the following is recommended:

> "*Prior to energisation, a replacement fence shall be erected at the Tredegar Ironworks Cholera Cemetery Scheduled Ancient Monument in accordance with details which have first been submitted to and approved by the Local Planning*

Authority. Thereafter the fence shall be maintained by the applicant (or successor) for the duration of the life of the development.

Summary of Conclusions

341. My overall conclusion is that the proposed development would have a significant harmful effect on the character and appearance of the area and on a designated heritage asset that would not be outweighed by the benefits of the proposed renewable energy development. In this context, I find that the development would not satisfactorily reflect the principles of sustainable development promoted through PPW and the WBFG Act, nor would it comply overall with the Development Plans.

Recommendation

342. I recommend that planning permission be refused. However, if Welsh Ministers are minded to grant planning permission, Annex A lists the conditions that I consider should be attached to any permission granted. A copy of the executed UU can also be found at *Document Ref C PLGOB UU* in the event that Welsh Ministers consider it to be directly related and necessary to make the development acceptable.

Melissa Hall

Inspector

Documents

WAUN-006	Planning Statement
WAUN-007	Design and Access Statement
WAUN-008	Landscape & Visual Appraisal
WAUN-009	Heritage Impact Assessment
WAUN-010	Agricultural Land Classification Report
WAUN-011	Coal Mining Risk Assessment and Updated Mineral Assessment
WAUN-012	Construction Traffic Management Plan
WAUN-013	Ecological Appraisal
WAUN-014A	Glint and Glare Assessment
WAUN-014B	Glint and Glare Assessment
WAUN-015	Hydrological Assessment
WAUN-016	Tree Survey and Arboricultural Impact Assessment
1233-A	Heritage Impact Assessment Addendum
1233-B	Heritage Impact Assessment Addendum Sheet
1233-C	Addendum to Heritage Impact Assessment Summary Note
JPW0888 HD LVA addendum v0	Landscape and Visual Appraisal Addendum

Plans

Drawing reference: JPW0888-DNS- 005	DNS Site Application Plan
Drawing reference: JPW0622-WAU-002 Rev I	Proposed Site Layout Plan
Drawing reference: 17/611/01	Tree Location and Constraints Plan
Drawing reference: 17/611/02 Rev A	Tree Protection Plan
Drawing reference: JNY8819-01	Junction Layout and Visibility Splays

Annex A

Recommended conditions in the event of planning permission being granted:

1. The development to which this permission relates must be begun not later than the expiration of 5 years beginning with the date on which the permission is granted.

2. The development shall be carried out in accordance with the details of the following approved plans and documents, except where amended by conditions attached to this planning permission:

   i. Drawing reference: JPW0888-DNS-005 DNS Site Application Plan;
   ii. Drawing reference: JPW0622-WAU-002 Rev1 Proposed Site Layout Plan;
   iii. Drawing reference: 17/611/01 Tree Location and Constraints Plan;
   iv. Drawing reference: 17/611/02 Rev A Tree Protection Plan;
   v. Drawing reference: JNY8819-01 Junction Layout and Visibility Splays.

3. This planning permission shall endure for a period of 30 years from the date when electricity is first exported from the solar farm to the electricity grid ('First Export Date'). Written notification of the First Export Date shall be provided by the developer to the Local Planning Authority no later than 1 calendar month after that event.

4. If the solar park hereby permitted ceases to export electricity to the grid for a continuous period of 12 months the developer shall notify the Local Planning Authority in writing. A scheme shall be submitted to the Local Planning Authority for written approval within 3 months of the end of the 12-month period, for the repair or removal of all infrastructure. The scheme shall include, as relevant, a programme of remedial works where repairs to infrastructure is required. Where removal is necessary the scheme shall include a programme for removal of all infrastructure approved under this permission, including details of site restoration measures following the removal of infrastructure. The scheme shall thereafter be implemented in accordance with the approved details and timetable.

5. Not later than 12 months prior to the end of this permission, a Decommissioning Management Plan shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for, inter alia, the removal of all infrastructure approved under this permission and the restoration of the site. The approved scheme shall be fully implemented within 6 months of the expiry of this planning permission, unless otherwise agreed in writing by the Local Planning Authority.

6. Prior to the commencement of any works associated with this development full details of the precise siting, layout and design of the solar arrays, including cross-sections and details of nonreflective finishing materials, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

7. Notwithstanding the details shown on the plans hereby approved, prior to the commencement of development full details of the proposed invertors, district network operator substation and client substation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

8. Notwithstanding the details shown on the plans hereby approved, prior to the commencement of development full details of the proposed lattice telecoms tower shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

9. Notwithstanding the details shown on the plans hereby approved, prior to the commencement of development full details of the mounted CCTV cameras and associated poles, including the precise siting thereof, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

10. All electrical cabling between the solar park and the grid connection shall be installed underground. Prior to the commencement of any works associated with this part of the development, details of the routes of underground cabling shall be submitted to and approved in writing by the Local Planning Authority.

11. No development shall take place until a written scheme of historic environment mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the programme of work will be carried out in accordance with the requirements and standards of the written scheme.

12. No development or site clearance shall commence until the Local Planning Authority has been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the Local Planning Authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the archaeological fieldwork being completed.

13. No development shall take place until an assessment of the stability of the land (and the surrounding area) has been carried out in accordance with a methodology which must first be submitted to and approved in writing by the Local Planning Authority. The results of such an assessment including any intrusive site investigation works identified as being necessary shall be submitted to the Local Planning Authority before works commence on site. If any land instability issues are found during the site investigation, a further report specifying the measures to be taken to remediate the site to render it suitable for the development hereby approved shall also be submitted to and approved in writing by the Local Planning Authority before works commence on site. The development shall not be brought into use until all the measures identified as necessary in any reports that are approved by the Local Planning Authority are implemented and the Local Planning Authority is provided with a validation

report, signed by a suitably qualified person that confirms that such measures and/or works have been fully implemented.

14. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The submitted scheme shall include:-

    i. Indications of all existing trees (including spread and species) and hedgerows on the land clearly identifying those to be lost or retained;
    ii. Measures for the protection of retained trees or hedges throughout the course of development;
    iii. Details of ground preparation, planting plans, number and details of species;
    iv. Maintenance details for a minimum period of 5 years; and
    v. A phased timescale of implementation.

15. All planting or seeding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development or any alternative timescale that may be approved in writing by the Local Planning Authority before works commence on site. Any trees, shrubs or plants which within a period of 5 years from implementation of the planting scheme die, are removed or become seriously damaged or diseased, shall be replaced by one of the same species and size in the next available planting season.

16. No development shall take place (including ground works or vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following:-

    i. A risk assessment of any potentially damaging construction activities;
    ii. Identification of "biodiversity protection zones";
    iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
    iv. The location and timing of sensitive works to avoid harm to biodiversity features;
    v. The times during construction when specialist ecologist need to be present on site to oversee works;
    vi. Responsible persons and lines of communication;
    vii. The role and responsibilities on site of an Ecological Clerk of Works or similarly competent person; and
    viii. The use of protective fences, exclusion barriers and warning signs.

    The CEMP shall be strictly implemented and adhered to throughout the construction period in full accordance with the approved details.

17. Prior to its construction, details of the access road for the development shall be submitted to and agreed in writing with the local planning authority. Those details shall include materials and the method of drainage. The access road shall be constructed in accordance with the agreed details prior to the commencement of any other part of the development.

18. Prior to the first use of the access to the development hereby approved, the first 10 metres shall be surfaced in in accordance with the details approved under Condition 17.

19. Prior to their construction, details of the temporary compound, car parking, turning area and wheel washing facilities shall be submitted to and agreed in writing with the local planning authority. The details shall include materials, structures, boundary treatment, means of drainage, surfacing, plant and machinery, lighting, and any storage including liquids. The compound, car parking and turning area shall be constructed in accordance with the agreed details.

20. Prior to the construction of the temporary compound, car parking and turning area, details of the mitigation of the impact of those facilities on the existing habitat and species, and method and timing of restoration following their removal from site shall be submitted to and agreed in writing with the local planning authority. The agreed details shall be complied with and the site restored in accordance with the agreed details.

21. Prior to its construction details of the bridge crossing the Nant Tysswg shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed scheme.

22. Notwithstanding any details indicated within the Ecological Mitigation Plan, no development shall be carried out until a final plan for a Curlew Habitat Enhancement Area has been submitted to and approved in writing by the local planning authority. The plan must include details of future monitoring and management. The Curlew Habitat Enhancement Area will be implemented in accordance with the approved details.

23. Prior to the commencement of development, details of any temporary lighting for the construction period shall be submitted to and approved in writing by the Local Planning Authority. The temporary lighting shall be installed in accordance with the approved details for the duration of the construction period only. With the exception of the temporary lighting, no floodlights or any other form of external lighting shall be installed at the site.

APPENDIX 11: WELSH MINISTER DECISION LETTER FOR TY CROES

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

Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref qA1441786

Mr Ben Lewis
Renplan Ltd
The Hive
6 Beaufighter Road
Weston-super-Mare
North Somerset
BS24 8EE

E-mail: ben.lewis@renplan.co.uk

12 August 2021

Dear Mr Lewis

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 62D.
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (WALES) REGULATIONS 2016.
APPLICATION BY SPRING DEV 02 LTD FOR INSTALLATION OF A GROUND MOUNTED PHOTO VOLTAIC (PV) SOLAR FARM DEVELOPMENT, INCLUDING PROPOSED CABLE ROUTE. LAND TO THE EAST OF THE A48 (COORDINATES E257386, N 209389) AND LAND TO THE SOUTH WEST OF TYCROES (COORDINATES E259219, N209551; & E259904, N209590), CARMARTHENSHIRE.
APPLICATION REF: DNS/3227364

1. Consideration has been given to the report of the Planning Inspector who dealt with the Developments of National Significance planning application.

2. In accordance with section 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. In exercising functions, as part of carrying out Sustainable Development in accordance with the Well-being of Future Generations (Wales) Act 2015 ("the FG Act 2015"), section 2 of the Planning (Wales) Act 2015 requires the Welsh Ministers, as a public body, to ensure the development and use of land contributes towards improving the economic, social, environmental and cultural well-being of Wales. In order to act in this manner, the Welsh Ministers have taken into account the ways of working set out in section 4 of 'SPSF1: Core Guidance, Shared Purpose: Shared Future- Statutory Guidance on the

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CF99 1SN

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.

FG Act 2015' by dealing with the planning application by way of written representations in accordance with Part 6 of The Developments of National Significance (Wales) Regulations 2016.

4. The Inspector made a site visit on 25 November 2020. The Inspector recommends that planning permission be granted. A copy of the Inspector's report ("IR") is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.

Main Issues

5. The Inspector notes there is agreement between the parties on a number of issues and the main consideration is the effect of the development on the character of the landscape, visual impact, and residential amenity – with particular reference to glint and glare. (IR 177)

6. The Inspector considers the main issue to be whether any harmful impacts of the proposed development would outweigh the benefits of the scheme, including the production of electricity from a renewable source. (IR 178)

Appraisal

Policy

7. The Inspector sets out the statutory requirement that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. (IR 180)

8. The Inspector recognises that Future Wales ("FW") is the highest tier of the development plan and notes the relevant policies in the Carmarthenshire Local Development Plan ("LDP"). (IR 180-183)

9. The strong national policy support in both FW and Planning Policy Wales ("PPW") for the development of renewable energy sources is noted by the Inspector. Whilst the Inspector attaches significant weight to the contribution the development would make to producing energy from a renewable source, the Inspector states this must be balanced against the potential environmental impacts of the proposal. (IR 184-185)

Landscape Character

10. The Inspector recognises the importance of landscape in terms of contributing to a sense of place and makes reference to PPW in this context. (IR 186-187)

11. The application site is identified as within the Gwendraeth Vales National Landscape Area, an area of rolling hills, ridges and minor valleys. (IR 188 -189)

12. The Inspector's site visit confirmed that the application site lies on gentle sloping ground amid undulating agricultural land. Well-established boundary vegetation runs along the site boundaries, consisting of native hedgerow and tree species. (IR 189 - 191)

13. Within the 5km study area identified in the applicant's Landscape and Visual Impact Assessment ("LVIA") there are two further National Landscape Character Areas. These landscapes are described in the LVIA and the Inspector notes the Carmarthenshire Solar PV Development: Landscape Sensitivity and Capacity Study describes the application sites as having a similar landscape character, "…rolling hills and small

valleys with a strong network of field boundary hedgerows and some small patches of woodland….". (IR 192-193)

14. The Inspector notes there are four Special Landscape Areas within 5km of the application areas. (IR 194)

15. The Inspector considers the impact of the proposed development on landscape character in IR 195-202. The proposed development would cover three distinct parcels of land, known as Areas 1, 2 and 3. The impact on each of these application areas is addressed. The Inspector considers the proposal, alongside the existing solar array to the southwest of Area 1, would alter the rural landscape character of the immediate area. However, the impact would be partially mitigated as existing hedgerows between fields would be maintained and allowed to grow. Also, surrounding woodlands would help to break up and screen the development. The Inspector notes that the retention of hedgerows and new planting would ensure the field pattern, which is one of the main characteristics of the area, was retained.

16. On this issue, the Inspector concludes the proposal, combined with the existing array, would result in a limited adverse impact on the local landscape and the character of the rural fields in which it would be located. The Inspector considers the proposal would conflict with relevant LDP policies, however, the conflict would not amount to an unacceptable adverse impact in terms of FW Policy 18(1). (IR 203)

<u>Visual Amenity</u>

17. In terms of visual impact, the Inspector has assessed the effect of the development when seen from a number of public viewpoints and from ground level outside a number of residential properties in the area (IR 204-215). The assessment takes account of the existing Clawdd Ddu Solar Farm. (IR 210). The assessments also take account of any cumulative effects from other operational solar schemes within 5km of the application site (IR 215).

18. In Areas 1 and 2, the Inspector is satisfied close proximity (0-200m) views of the sites would largely be screened by trees and views from properties and roads in and around Tycroes would be limited. For users of the public rights of way, which crosses Area 1, the proposed development would appear overbearing, a major adverse impact on visual amenity. However, the Inspector notes users of the footway would be moving so any impact would be limited and temporary. (IR 205-206)

19. Medium distance (200km – 1km) views of Areas 1 and 2 would be from scattered farmsteads and residential properties. However, the Inspector is satisfied these views would be restricted due to vegetation, other developments and local topography. For footpath users, intervening vegetation means any views of the solar panels would be intermittent and not likely to be a dominant feature. (IR 207-208)

20. In terms of long distance views (over 1km) from Areas 1 and 2, the proposed development would be effectively screened from Ammanford and Pontarddulais, however, the site would be visible from scattered residential properties and open access land, particularly from the south east. (IR 209)

21. The Inspector considers, due to topography, it is not possible to screen the development from long-distance views from the south east. In these views, the application sites would be seen alongside the existing Clawdd Ddu solar farm. Whilst the visual receptors are sensitive, the Inspector agrees with the applicant the combined sites would not dominate the views. (IR 210)

22. From Area 3, close-proximity views would be largely screened by vegetation. A residential property, identified as an involved property (properties owned by landowners involved in the development), "Ty Isaf", would have views of the development from its first floor. The Inspector considers this equates to a medium impact and a moderate adverse effect on this receptor. (IR 211)

23. Medium distance views of Area 3 would be limited due to existing landscaping. The Inspector considers the magnitude of impact to be medium-low and the level of effect to be minor adverse. (IR 212)

24. The Inspector is satisfied any long distance views from Area 3 would be very restricted. (IR 213)

25. The proposed development would be enclosed by a 2.4m high deer fence and monitored by CCTV. The Inspector is satisfied, given existing vegetation and proposed additional planting/management, any impact on views from outside the appeal site would be very limited. (IR 214)

26. In terms of potential cumulative effects from other solar farms, the Inspector is satisfied the proposal would not contribute to any harmful cumulative impacts on landscape character or visual impact. (IR 215-216)

27. On the issue of visual amenity, the Inspector is satisfied the adverse visual impacts will be limited and localised, and largely confined to views from the footpath alongside the appeal site. After mitigation, the development would only have a significant effect when seen from a limited number of viewpoints and these effects would be typically minor and only moderate to major in a few locations. The Inspector is also satisfied, given the proposed design and mitigation measures, the development would have a limited adverse impact on views into and out of the Llwchwr Valley SLA. (IR 217-218)

28. The Inspector concludes, whilst the proposed scheme would have a detrimental visual impact on the rural character of the local area, there would be little effect on the overall tranquil, open and expansive aspects of the character and appearance of the wider area. Although the proposals would conflict with relevant LDP Policies, the conflict would not amount to an unacceptable adverse impact for the purposes of FW Policy 18(1). (IR 219)

<u>Glint and Glare</u>

29. The applicant's Solar Glint and Glare Study assessed 20 dwelling receptors, which could potentially experience a solar reflection from the proposed development. The Inspector notes the study indicates 10 receptors could experience a negative impact, however, given the existing screening and the proposed "managed growth" of the hedgerows, the maximum impact is anticipated to be low. (IR 220 - 221)

30. Regarding road users on the A483, only two locations do not benefit from screening. However, as the reflection would not originate in front of the driver only a low impact is anticipated. In terms of road users on the A48 no impact is anticipated. (IR 222-223)

31. Whilst the Inspector does not disagree with the conclusions of the applicant's study, the Inspector notes dwellings located on the higher ground to the southeast of Area 1 have not been assessed. However, having considered the intervening distance, duration and angle of impact, the Inspector considers any glint or glare observed is likely to be

negligible and would not cause unacceptable harm to local residents or road users. (IR 224-225)

Other residential amenity impacts

32. The Inspector considers other residential impacts in IR 226-228 and does not consider the dwellings in the surrounding area would experience such an adverse impact from the proposed development that would be significantly detrimental to living conditions. Regarding these matters the scheme would accord with development plan policies.

Biodiversity

33. The need to protect and enhance biodiversity in new development proposals, and the support for this principle in FW, national and local planning policy is recognised by the Inspector (IR 229).

34. The applicant's Phase 1 Habitat Survey states all three application areas comprise improved grassland managed for its agricultural value and of negligible value for biodiversity. However, the boundaries comprise species-rich managed hedgerows with diverse native woody scrubs. Hedgerows are listed under section 7 of the Environment (Wales) Act 2016 and are a Local Biodiversity Action Plan priority habitat. The Inspector also notes Area 1 contains running water, a small stream with vegetated banks, which is of site value for biodiversity, and Area 3 borders semi-natural broadleaved woodland which is also of local value for biodiversity. (IR 230)

35. The Inspector states the cable route would pass through habitats which would qualify as a Local Biodiversity Action Plan Priority Habitat and a Habitat of Principal Importance. (IR 231)

36. The Inspector notes analysis of the biological records indicates a number of notable species are present within 1km of the application areas. However, it is only likely that the boundary features would be used for foraging by bats and Dormice, nesting birds, hedgehogs, reptiles and badger. Otters would also use the River Gwili for feeding. (IR 232)

37. There are ten Sites of Special Scientific Interest ("SSSI") within 4km of the application areas and the Caeau Mynydd Mawr Special Area of Conservation ("SAC") is approximately 1.3km to the north of the application site, at its closest point. The Inspector notes the SAC was designated for the presence of Marsh Fritillary butterfly. Habitats in all three application areas would not support suitable plant communities for the Marsh Fritillary, although habitats to the immediate south of Area 2 comprise damp, Molina grasslands with potential. (IR 233)

38. The Inspector is satisfied the solar array layout would avoid impacts on high value habitats, with the panels located primarily on areas of semi-improved grassland. Therefore, the loss of this species poor habitat would not be significant although 3m of hedgerow would need to be removed and replanted in order to create an access into Area 2. (IR 234)

39. The Landscape and Ecology Management Plan ("LEMP"), which would be secured by condition, describes how the application areas would be managed to ensure hedgerows are maintained, including additional planting, and addresses the management of grassland. (IR 235)

40. The LEMP indicates a bat and breeding box scheme would be introduced to provide additional habitats around the boundaries of the application site. Badger gates would be installed to facilitate continued access and Devil's-Bit Scabious plugs (a foodplant for the Marsh Fritillary butterfly) would be planted following completion of construction. (IR 236)

41. During construction, operations buffers would be in place to ensure the woodland and species rich hedgerows are not damaged. (IR 237)

42. The Inspector notes a suitable planning condition can secure decommissioning of the site, including a formal decommissioning strategy for biodiversity. (IR 238)

43. The Inspector considers the measures set out by the applicant would protect and enhance local biodiversity on the application sites. The Inspector notes, following consultation with Natural Resources Wales ("NRW") the applicant revised its approach to the laying of cables and has adopted Horizontal Directional Drilling ("HDD"). The Inspector notes NRW has confirmed this approach is acceptable. (IR 239-240)

44. The Inspector is satisfied, based on the implementation of the proposed mitigation measures, to be secured by condition, there would be no significant harmful impacts on ecological features. The Inspector is also satisfied the proposed development would provide biodiversity enhancement measures to provide a net benefit for biodiversity. Therefore, in relation to this issue, the proposal accords with FW, Technical Advice Note 5: Nature Conservation and Planning, and relevant LDP policies. (IR 241)

45. I note the Inspector has considered the requirements of the Conservation of Habitats and Species Regulations 2017 in IR 278-292.

Heritage Assets

46. The Inspector sets out the relevant statutory duty and policy requirements, regarding listed buildings and Scheduled Ancient Monuments, respectively. (IR 242-243)

47. Whilst none of the heritage assets identified in Cadw's consultation response would be physically altered by the development proposal, the Inspector notes it is the impact on setting which requires consideration. (IR 244)

48. The Inspector finds the proposed development would not significantly harm the setting or significance of the identified heritage assets, it complies with FW and relevant LDP policies. This finding is supported by Cadw. (IR 245 - 247)

Transport and Access

49. The majority of vehicle movements connected with the proposal are associated with the construction period. The Inspector has considered the transport and access proposals for all the application sites, noting a Construction Traffic Management Plan ("CTMP") would be secured by condition, and concludes the proposal would not give rise to any significant highway safety concerns either during or post construction. The Inspector is satisfied the proposed transport and access arrangements comply with FW, Technical Advice Note 18: Transport and the relevant LDP Policy TR3 "Highways in Developments – Design Considerations". (IR 248 - 255)

Flood Risk

50. The application areas are located in Zone A of Technical Advice Note 15 – Development and Flood Risk ("TAN 15"), sites at little or no risk of fluvial or coastal/tidal flooding. (IR 256)

51. The Inspector does not consider the development would raise any flood concerns in itself or increase the risk of flooding elsewhere on the site or in the immediate surroundings. The Inspector is satisfied the proposal accords with relevant development plan policies and TAN 15. (IR 256 – 260)

Land Use

52. The Welsh Government's Land, Nature and Forestry Division has confirmed that a detailed Agricultural Land Use Classification survey is not required to support the application as the site is unlikely to include Best and Most Versatile ("BMV") land. Therefore, the proposal would comply with LDP Policy SP14. (IR 261-262)

Coal Mining

53. The Inspector notes the Coal Authority identifies the site as being located within a Development High Risk Area. It is satisfied with the proposal, subject to a number of recommended planning conditions. (IR 263-264)

Benefits

54. The Inspector notes the Welsh Government, in PPW and its Policy Statement, "Local ownership of energy generation in Wales – benefitting Wales today and for future generations" sets out an expectation that all new development projects in Wales include an element of local ownership. Also, PPW supports the principle of securing financial contributions for host communities through voluntary arrangements. However, the Inspector notes that such benefits or contributions are not planning considerations (IR 265), this is confirmed in the supporting text to FW Policy 18.

55. The Inspector considers, whilst there would be no direct financial support or local ownership proposed, there would be some benefits to the landowner including an element of farm diversification and some economic benefit during the commissioning and construction phase. (IR 267)

56. The Inspector considers the proposed development would have wider community benefits in terms of increasing sustainability and energy resilience. Also, the Inspector notes the proposal would contribute to national and international objectives to increase renewable energy production, which also benefits reliability of supply. The Inspector is satisfied the development delivers positive social, environmental, cultural and economic benefits. (IR 268-270)

Other Matters

57. The Inspector is satisfied a planning condition is sufficient to secure appropriate decommissioning of the site and a planning obligation is not required. (IR 271)

Planning Balance and Preliminary Conclusion

58. The Inspector has considered the concerns expressed by objectors and these have been weighed in the planning balance. (IR 272)

59. Substantial weight is placed by the Inspector on the benefits of the proposal, noting FW and PPW support the development of renewable energy. The Inspector considers the scheme would meet the wellbeing goals of the FG Act 2015 as it would assist towards building a stronger, greener economy, facilitate decarbonisation and make cities, towns and villages even better places in which to live and work. (IR 273)

60. With appropriate mitigation, the Inspector considers any impacts on the living conditions of nearby residential occupiers, biodiversity and land stability are neutral in the overall balance. No other matters considered by the Inspector weigh against the proposal. (IR 274)

61. The Inspector notes FW Policies 17 and 18 set out the Welsh Government's approach to promoting increased production of renewable energy in a way which seeks to strike an appropriate balance with the protection of other relevant interests. The Inspector concludes the proposal complies with the development plan when considered as a whole. (IR 275)

Conditions/Obligations

62. I am satisfied, subject to minor amendments, the conditions recommended by the Inspector meet the relevant tests in Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management. I have included a requirement for the decommissioning scheme to include proposals for effective recycling and disposal of the decommissioned elements. (IR 276-277)

Habitats Regulations Assessment (IR 278 - 292)

63. The Inspector has considered the requirements of the Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations") and identifies a likely significant effect on the Caeau Mynydd Mawr SAC, which the Inspector considers can only be overcome by mitigation measures. Therefore, in accordance with Regulation 63 of the Habitats Regulations the Inspector has carried out an Appropriate Assessment ("AA").

64. The Inspector notes that NRW, based on the applicant's updated Landscape and Ecology Management Plan (February 2021) and the draft Habitats Regulations Assessment ("HRA"), is in agreement with the conclusion that a Likely Significant Effect, alone or in combination, on Caeau Mynydd Mawr SAC can be screened out.

65. The AA acknowledges the applicant intends to use a number of mitigation methods, in particular Horizontal Directional Drilling, to avoid any harm to the SAC. The Inspector is satisfied the use of planning conditions to control these factors would ensure the adverse effect on habitats can be sufficiently reduced so the integrity of the site is not adversely affected by the proposal.

66. The Inspector concludes it is beyond reasonable scientific doubt that this development and associated construction activities, either alone or in combination with other projects, would not have an adverse effect on the integrity of a European Site, namely the Caeau Mynydd Mawr SAC.

67. The Inspector states this conclusion is predicated on the circumstances of the case based on the site's unique context and situation, and on the basis of securing those elements of the identified mitigation and avoidance measures the Inspector found to be reasonable and necessary.

Recommendation

68. The Inspector recommends planning permission be granted, subject to conditions.

Conclusion and Decision

69. I agree with the Inspector's appraisal of the main considerations, the conclusions of the IR and the reasoning behind them, and I accept the recommendation. Therefore, I hereby grant planning permission for DNS/3227364, subject to the conditions in the Annex to this decision letter.

70. In reaching this decision I note the duty to carry out sustainable development under section 2 of the Planning (Wales) Act 2015 and I consider the decision accords with the sustainable development principle set out in the FG Act 2015. In accordance with section 3(2) of the FG Act 2015 and the well-being objectives of the Welsh Ministers, the decision will help "Build a stronger, greener economy as we make maximum progress towards decarbonisation".

71. I accept the findings and conclusions of the AA, set out in IR 278-292. I am content the Welsh Ministers' duties under the Habitats Directive have been discharged and Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 has been satisfied.

72. A copy of this letter has been sent to Carmarthenshire County Council.

Yours sincerely



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

ANNEX - CONDITIONS

CONDITIONS ATTACHED TO THE WELSH MINISTERS' DECISION TO GRANT PLANNING PERMISSION FOR DNS/3227364

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

   Reason – Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the details of the following approved plans and documents, except where amended by conditions attached to this planning permission:

   - Site Location Plan ref. SPLP-D02-PL
   - Site Plan Existing 1 of 3 ref. SP-EP1.D02-PL
   - Site Plan Existing 2 of 3 ref. SP-EP2.D02-PL
   - Site Plan Existing 3 of 3 ref. SP-EP3.D02-PL
   - Site Plan Proposed 1 of 3 ref. SP-SL1-D02-PL
   - Site Plan Proposed 2 of 3 ref. SP-SL2-D02-PL
   - Site Plan Proposed 3 of 3 ref. SP-SL3-D02-PL R06
   - Site Plan Gas pipeline layout ref. SP-PI-D02-PL R06
   - Elevations Plan ref. SP-ELD2-PL
   - Transformer Housing Plan ref. SP-IND2-PL
   - Substation Plan ref. SP-SSD2-PL
   - CCTV Plan ref. SP-CTD2-PL
   - Site Clearances Plan ref. SP-SCD2-PL
   - Fence Plan ref. SP-SFD2-PL
   - Landscape and Ecology Management Plan (LEMP) Version 4; produced by Western Ecology
   - Transport Statement; produced by Acstro
   - Coal Mining Risk Assessment; produced by Yellow Sub Geo
   - Coal Mining Risk Assessment Technical Note; produced by Yellow Sub Geo
   - Construction and Environmental Management Plan (CEMP); produced by Spring
   - Arboricultural Impact Assessment & Method Statement [AIA&MS] Report + Appendices; prepared by Woodland and Countryside Management Ltd
   - AIA&MS Supplementary Report - Underground Cables + Appendices; prepared by Woodland and Countryside Management Ltd.

   Reason – Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

3. This planning permission shall endure for a period of 40 years from the date when electricity is first exported from the solar farm to the electricity grid ('First Export Date'). Written notification of the completion of construction operations and First Export Date shall be provided by the developer to the Local Planning Authority no later than 1 calendar month after that event.

   Reason – Permission is sought for a limited time period.

4. No later than 12 months before the expiry of the permission the following schemes shall be submitted to and approved in writing by the Local Planning Authority:

   i. a decommissioning scheme for the removal of all surface elements of the photovoltaic solar farm and associated development and any foundations or anchor systems to a depth of 1m below ground level;

   ii, proposals for the effective recycling and disposal of decommissioned elements;

   iii. a restoration and aftercare scheme; and

   iv. ecological surveys to inform the decommissioning.

   The approved decommissioning/restoration/aftercare scheme shall be fully implemented within 12 months of the expiry date of the permission.

   Reason – To ensure that, upon the expiry of the lifespan of the development, the development is removed, and the land restored to its former condition. (LDP Policy GP1).

5. If the solar farm fails to produce electricity for supply to the grid for a continuous period of 6 months a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 6 month period for the repair or removal of the solar farm.

   Where repairs or replacements of more than 500 panels in a 90 day period are to be undertaken, the scheme shall include a proposed programme/timetable of remedial or replacement works to be agreed in writing with the Local Planning Authority. Where removal of the solar farm is required the scheme shall include the same details required under the decommissioning condition 4 of this permission and a timetable for decommissioning. The relevant scheme shall thereafter be implemented in accordance with the approved details and timetable.

   Reason – To ensure that, upon the expiry of the lifespan of the development, the development is removed, and the land restored to its former condition. (LDP Policy GP1).

6. 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 development shall only be carried out in accordance with the approved details.

   Reason – In the interests of visual amenity and in compliance with LDP Policy GP1.

7. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of any noise emanating from any electrical equipment to be installed, such that the rating level (as defined in BS4142) will not exceed the existing background noise level at the nearest non financially involved residential property lawfully existing at the time of this planning permission. The development shall only be operated in accordance with the approved scheme.

Reason – To protect the amenities of third parties and in compliance with LDP Policy GP1.

8. No development hereby approved shall be commenced until a Construction Traffic Management Plan ("CTMP") has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall provide details of the measures set out in Section 5 of the Transport Statement. Thereafter, the development shall be implemented in accordance with the approved CTMP.

   Reason – In the interests of highway safety and in compliance with LDP Policy TR3.

9. There shall at no time be any means of construction vehicular access to the development from the road numbered C2134.

   Reason – In the interests of highway safety and in compliance with LDP Policy TR3

10. No development or site clearance shall take place until a Landscape Design Scheme ("LDS") has been submitted to and approved in writing by the Local Planning Authority.

    The LDS shall specifically provide plant stock and planting specifications for additional new native species tree planting to the immediate inside of existing hedge lines in locations where there are:

    - no existing hedge line trees; and
    - there would be no potential shading of PV arrays by expected 40 year future canopy growth.

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

    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; and

    iii. Hedgerow maintenance/management scheme to ensure that highway users, including HGV drivers, are protected from glint/glare.

    Reason – In the interests of biodiversity, highway safety and visual amenity and in compliance with LDP Policy EQ4 and GP1.

11. The approved Landscape Design Scheme ("LDS"), as submitted to discharge condition 10, shall be fully implemented in the first planting season following the commencement of development. Any new landscape elements constructed, planted or seeded, or existing landscape elements retained, in accordance with the approved LDS which, within the lifetime of the proposed development are removed, die, become diseased, damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification.

    Reason – In the interests of visual amenity and in compliance with LDP Policy GP1.

12. No development hereby approved shall take place until additional land control ("LC") information has been submitted to and approved in writing by the Local Planning Authority. The LC information shall include the following:

    i. Land Management Responsibility Plan which provides clear definition of the land control status of all areas within and forming the application boundary including:

    - The extent of land subject to lease agreements to PV operator(s)
    - The extent of land subject to other ownership and details of the constituent landowners.

    ii. Details of the management agent (individual, body or organisation) responsible for implementation of each area of distinct control.

    iii. Details of the legal agreements by which delivery of the LC scheme will be secured and continued through any changes to land control responsibility.

    All landscape maintenance and management operations shall be fully implemented as approved.

    Reason – In the interests of visual amenity and in compliance with LDP Policy GP1.

13. The scheme hereby approved shall be carried out strictly in accordance with the submitted Arboricultural Impact Assessment and Method Statement and associated plans.

    Reason – In the interests of biodiversity and visual amenity and in compliance with LDP Policy EQ5 and GP1

14. The proposed solar scheme hereby approved shall be carried out strictly in accordance with the approved Construction Environmental Management Plan.

    Reason – In the interests of biodiversity and in compliance with LDP Policy EQ4.

15. No development hereby approved shall take place until an updated Landscape and Ecological Management Plan ("LEMP") has been submitted to and approved in writing by the Local Planning Authority. The updated LEMP shall address monitoring of hedgerows and floristic diversity, and details of sowing mixtures. The LEMP shall be subject to 5 yearly review to be approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved LEMP or any other iterations approved by the Local Planning Authority.

Reason – In the interests of visual amenity and in compliance with LDP Policy GP1.

16. No development shall take place until a suitably qualified archaeologist has submitted a written scheme of investigation for approval in writing by the Local Planning Authority. The development shall be implemented in accordance with the requirements and standards of the written scheme.

    Reason – To protect historic environment interests whilst enabling development and in compliance with LDP Policy SP13 and EQ1.

17. No development hereby approved shall take place until an appropriate scheme of intrusive site investigations for the Mine Shaft 257209-001 and 258209-004 has been submitted to and approved in writing by the Local Planning Authority.

    Reason – In the interests of public safety and in compliance with LDP Policy EP6.

18. No development hereby approved shall take place until the submission of a report of findings arising from the intrusive site investigations, set out in Condition 17, has been submitted to and approved in writing by the Local Planning Authority. The report shall include:

    i. The submission of a report of findings arising from the intrusive site investigations; and

    ii. The submission of a scheme detailing any remedial works required.

    Reason – In the interests of public safety and in compliance with LDP Policy EP6.

19. No development hereby approved shall take place until any remedial works approved by condition 18 have been fully implemented. 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 the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

    Reason – In the interests of public safety and in compliance with LDP Policy EP6

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.

APPENDIX 12: INSPECTORS REPORT FOR TY CROES

The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Adroddiad

gan J Burston BSc(Hons), MA, MRTPI, AIPROW

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 08.06.2021

Report

by J Burston BSc(Hons), MA, MRTPI, AIPROW

an Inspector appointed by the Welsh Ministers

Date: 08.06.2021

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 62D

THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (WALES) REGULATIONS 2016

APPLICATION BY SPRING DEVELOPMENT 02 LIMITED

LAND TO THE EAST OF THE A48 (COORDINATES E257386, N 209389) AND LAND TO THE SOUTH WEST OF TYCROES (COORDINATES E259219, N209551; & E259904, N209590)

Cyf ffeil/File ref: DNS/3227364

Abbreviations used in this report:

AA	Appropriate Assessment
BMV	Best and Most Versatile
CCC	Carmarthenshire County Council
CEMP	Construction Environmental Management Plan
CTMP	Construction Traffic Management Plan
DAM	Development Advice Map
DNS	Development of National Significance
EIA	Environmental Impact Assessment
FRA	Flood Risk Assessment
HDD	Horizontal Directional Drilling
HGV	Heavy Goods Vehicle
HIA	Heritage Impact Assessment
HRA	Habitats Regulations Assessment
LDP	Local Development Plan
LEMP	Landscape and Ecological Management Plan
LIR	Local Impact Report
LPA	Local Planning Authority
LSCS	Landscape Sensitivity Capacity Study
LSE	Likely Significant Effects
LVIA	Landscape and Visual Impact Assessment
FW	Future Wales: The National Plan 2040
NLCA	National Landscape Character Assessment
NRW	Natural Resources Wales
PEA	Preliminary Ecological Assessment
PPW	Planning Policy Wales 11
PRoW	Public Right of Way
PV	Photo Voltaic
SAC	Special Area of Conservation

SAM	Scheduled Ancient Monument
SLA	Special Landscape Area
SPG	Supplementary Planning Guidance
SSSI	Site of Special Scientific Interest
SUDS	Sustainable Drainage Scheme
TAN	Technical Advice Note
'The 1990 Act'	The Town and Country Planning Act 1990 (as amended)
'The 2015 Act'	The Planning (Wales) Act 2015
'The DNS Regulations'	The Developments of National Significance (Wales) Regulations 2016
'The EIA Regulations'	The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016
'The Habitats Regulations'	The Conservation of Habitats and Species Regulations 2017
'The Procedure Order'	The Developments of National Significance (Procedure) (Wales) Order 2016
'The Secondary Consents Regulations'	The Developments of National Significance (Specified Criteria and Secondary Consents (Wales) Regulations 2016
WFGA	Wellbeing of Future Generation Act (Wales) 2015
WG	Welsh Government

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DNS Application Ref: APP/3227364

Site address: **Land to the east of the A48 (Coordinates E257386, N 209389) and Land to the south west of Tycroes (coordinates E259219, N209551; & E259904, N209590)**

- The application, dated 07 May 2020, was made under section 62D of the Town and Country Planning Act 1990 (as amended by the Planning (Wales) Act 2015).
- The applicant is Spring Dev 02 Ltd.
- The application was confirmed as valid on 02 September 2020.
- A site visit was made on 25 November 2020.
- The development proposed is the installation of a ground mounted Photo Voltaic (PV) solar farm development, including proposed cable route.

Secondary Consent Applications (Where applicable):

- No secondary consent applications are being made.

Summary of Recommendation: That planning permission be granted.

Procedural Matters

1. In accordance with Article 5 of The Developments of National Significance (Procedure) (Wales) Order 2016, the applicant notified PINS (Wales) on behalf of the Welsh Ministers of the proposed development on 20 December 2019.

2. Further to the applicant's request, made pursuant to regulation 31(1) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 ("the Regulations"), PINS (Wales) provided an Updated Screening Direction on 20 December 2019 confirming that the development is not "EIA Development"[1].

3. On 23 December 2019, PINS (Wales) wrote to the applicant with a Notice of Acceptance of a proposed application for a DNS under Article 6 of The Procedure Order. The submitted application was subject to appropriate pre-application consultation and publicity ending on 2 March 2020, and was accompanied by a Pre-Application Consultation Report, dated 29 April 2020.

4. On confirmation of the validity of the application on 2 September 2020, PINS (Wales) undertook the specified consultation and publicity measures as required by the Order. Carmarthenshire County Council ("CCC") subsequently submitted its Local Impact Report ("LIR") on 21 October 2020.

5. Based on the Application Documents, the Pre-Application Report, the consultation responses and the LIR, the application was to be considered under the written representations' procedure. I carried out an unaccompanied site visit on 25 November 2020.

[1] PINS is authorised by the Welsh Ministers to provide that screening direction.

6. The application sites are 3 distinct parcels of land and are referred to as Area 1 (eastern site coordinates E257386, N 209389), Area 2 (central site coordinates E259219, N209551) and Area 3 (western site coordinates E259904, N209590) throughout this report.

7. Although the Council provided a set of suggested conditions, they did not include the reasons for imposing the conditions. A complete set of conditions and reasons were received on 18 December 2020. This matter is dealt with later in this report.

8. On the 15 January 2021 the DNS process was formally suspended to allow the applicant to provide further information relating to biodiversity and infrastructure. The additional information was submitted on the 22 March 2021 and a formal consultation on this material commenced on 26 March 2021 until 30 April 2021 and 5 representations were received. I have taken account of these representations in the consideration of this application.

9. On the 24 February 2021 Future Wales: the national plan 2040 (FW) and Planning Policy Wales Edition 11 (PPW) were published. On publication of the FW, Technical Advice Note 8 and its supporting guidance were revoked. The applicant and LPA were asked for comments on these publications. These comments were also included in the formal consultation process set out in paragraph 8 above.

10. I have set out at the end of this Report three tables, namely:

    - Documents and plans submitted with the application;
    - Documents submitted since the application was accepted as valid, including consultation responses and the LIR; and
    - Documents submitted as additional information under Regulation 15(2) of the DNS Regulations, including the consultation responses to that information.

The Site and Surroundings

11. The area surrounding the appeal sites comprise undulating fields, mainly set to grass, and encompassed by well-maintained mature hedgerows. Tree copse and parcels of woodland are also prominent features in the landscape. Major arterial roads traverse the broader area including the A48 and A483. The settlement of Tycroes is located to the north east of Area 1, however isolated farmsteads and cottages are scattered throughout. An operational solar array, Clawdd Ddu, lies directly to the southwest of Area 1. This is an approximately 28ha site, with a capacity of 12MW.

12. The development sites are located within the 'Gwendraeth Vales' National Landscape Character Area (NLCA) 33, which Natural Resources Wales (NRW) describes as:

    - *"An area of rolling hills, ridges and minor valleys, comprising the area between the coastal and valley parts of the Tywi, the South Wales Valleys and the Black Mountain part of the Brecon Beacons.*
    - *Unified through its geology.*
    - *Heavily mined for coal and quarried for limestone. In consequence, this part of the area has developed a distinctive linear or ribbon pattern of settlement along roads.*

- *Today, modern residential and industrial estate development breaks the ribbon pattern but nevertheless focuses new development around existing settlements and road crossings.*
- *The countryside setting contrasts entirely, being a complex network of small geometric fields surrounded by lush, high hedgerows and small copses.*
- *Seasonally waterlogged soils in the valleys support rushy grazing of poor agricultural quality while well drained coarse loamy and sandy soils across much of the character area are used for sheep and dairy pasture.*
- *Significant areas have now been reclaimed from former quarries and mines and the somewhat simpler and less mature restoration field layouts can be picked out, despite the inclusion of new woodland planting belts."*

13. The application sites are not directly washed over by any statutory designations. However, four Special Landscape Areas (SLA), ten Sites of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC) are located within a 5km radius. The surrounding area also contains numerous Scheduled Ancient Monuments (SAM), listed buildings and ancient woodlands.

14. Area 1: Covering approximately 24ha of farmland, the area is characterised by enclosed fields and mature hedgerows. Small areas of woodland are located to the north and farm buildings to the west. A public footpath bisects the area, broadly following the field boundaries. The operational Clawdd Ddu solar scheme is located close to the south and west boundaries.

15. Area 2: Covering approximately 1.8ha of farmland, which slopes from north to south and is enclosed by fields. The A483 is close to the northwestern boundary and the operational Clawdd Ddu solar scheme site is a short distance to the southeast.

16. Area 3: Covering approximately 21ha of farmland this site abuts the A48, but separated from it by a wide tree belt. A waste transfer facility and other commercial businesses are located to the north. Mature hedgerows surround the site and a farm track runs through the site linking the A48 to Ty Isaf. The Ty Isaf farmhouse and agricultural buildings adjoin the south eastern boundary.

Planning Policy

17. At a national level, the FW, PPW and Technical Advice Notes (TANs) set out WG's policies and principles on different aspects of planning. Those of relevance here include:

    - FW (February 2021)
    - PPW Edition 11 (February 2021)
    - TAN 5: Nature Conservation and Planning (2009)
    - TAN 15: Development and Flood Risk (2004)
    - TAN18: Transport (2007)
    - Practice Guidance: *Planning Implications of Renewable and Low Carbon Energy Development* (February 2011)

- Welsh Assembly Government Energy Policy Statement '*A Low Carbon Revolution*' (March 2010)

18. At a local level, planning policy is set out in the adopted[2] LDP for CCC as follows:

- SP1(i) Sustainable Places and Spaces

  Proposals for development will be supported where they reflect sustainable development design principles.

- SP2 Climate Change

  Development proposals which respond to, are resilient to, adapt to and minimize for the causes and impacts of climate change will be supported.

- SP11 Renewable Energy & Energy Efficiency

  Development proposals which incorporate energy efficiency measures and renewable energy production technologies will be supported in areas where the environmental and cumulative impacts can be addressed satisfactorily. Such developments will not cause demonstrable harm to residential amenity and will be acceptable within the landscape. Each proposal will be assessed on a case by case basis.

  Large scale wind farms will only be permitted within Strategic Search Areas.

- SP13 Protection and Enhancement of the Built and Historic Environment

  Development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets and, where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.

- SP14 Protection and Enhancement of the Natural Environment

  Development should reflect the need to protect, and wherever possible enhance the County's natural environment. All development proposals should be considered in accordance with national guidance/legislation and the policies and proposals of this Plan, with due consideration given to areas of nature conservation value, the countryside, landscapes and coastal areas

- GP1 Sustainability and High Quality Design

[2] Adopted in December 2014, the Carmarthenshire Local Development Plan (LDP) sets out the Council's policies and proposals for future development and use of land.

Development proposals will be permitted where they accord with a number of criteria relating to, amongst other matters, character and appearance, impact on amenity, incorporation of important local features, landscaping, appropriate access and the historic environment.

- TR3 Highways in Developments- Design Considerations

  The design and layout of all development proposals will, where appropriate, be required to include, amongst other matters, appropriate parking and where applicable, servicing space in accordance with required standards; and required access standards reflective of the relevant Class of road and speed restrictions including visibility splays and design features and calming measures necessary to ensure highway safety and the ease of movement is maintained, and where required enhanced.

- EQ1 Protection of Buildings, Landscapes and Features of Historic Importance

  Proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where it preserves or enhances the built and historic environment.

- EQ4 Biodiversity

  Proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation, (namely those protected by Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006 and UK and Local BAP habitats and species and other than sites and species protected under European or UK legislation) will not be permitted, except where it can be demonstrated that:

  a) The impacts can be satisfactorily mitigated, acceptably minimised or appropriately managed to include net enhancements;

  b) There are exceptional circumstances where the reasons for the development or land use change clearly outweighs the need to safeguard the biodiversity and nature conservation interests of the site and where alternative habitat provision can be made in order to maintain and enhance local biodiversity.

- EQ5 Corridors, Networks and Features of Distinctiveness

  Proposals for development which would not adversely affect those features which contribute local distinctiveness/qualities of the County, and to the management and/or development of ecological networks (wildlife corridor networks), accessible green corridors and their continuity and integrity will be permitted.

Proposals which include provision for the retention and appropriate management of such features will be supported (provided they conform to the policies and proposals of this Plan).

- EQ7 Development within the Caeau Mynydd Mawr SPG Area

  Proposals will be permitted where they accord with the Council's commitment to promote and contribute to the delivery of the Conservation Objectives of the Caeau Mynydd Mawr SAC in line with the Habitats Directive. Where applicable, proposals in the SPG area will be required to contribute towards increasing the quality and amount of suitable habitat for Marsh Fritillary butterfly available within the SPG Area. The SPG Area is defined on the Proposals Map.

- RE3 Non-Wind Renewable Energy Installations

  Large scale schemes located outside defined Development Limits may be permitted in exceptional circumstances, where there is an overriding need for the scheme which can be satisfactorily justified, and the development will not cause demonstrable harm to the landscape. Proposals that would cause demonstrable harm to the landscape, visual impact, noise, ecology, or ground and surface water as a result of the cumulative effect of renewable energy installations will not be permitted

- EP3 Sustainable Drainage

  Proposals for development will be required to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Drainage Systems (SUDs), has been fully investigated, in accordance with TAN 15.

- EP6 Unstable Land

  Development proposals in areas where land instability is known will be dealt with on a case-by-case basis. A preliminary scoping report should identify the nature of the (potential) instability.

19. The following Supplementary Planning Guidance (SPG) is also relevant:

- Wind and Solar Energy SPG - Adopted in 2019, the Wind and Solar Energy SPG sets out the policy and site selection consideration for a range of renewable energy proposals including solar.
- Caeau Mynydd Mawr SPG – Adopted in 2014, the SPG relates to the Marsh Fritillary Butterfly, a mobile species associated with the Caeau Mynydd Mawr SAC.
- Planning Obligations SPG – Adopted in 2014, the SPG was prepared within the context of the LDP to provide a clear picture of what types of obligations developers may be expected to contribute towards, the likely amounts of these

obligations and the trigger at which different obligations will be sought by the Council.

- Nature Conservation and Biodiversity SPG - The SPG draws together the requirements of local and national policy and helps developers identify the nature conservation implications of their developments
- Archaeology and Development SPG - This SPG elaborates and develops on the policies and provisions of the LDP. In so doing it seeks to protect the archaeological heritage of the County, and its setting, by advising how development proposals can best take account of archaeological issues.

The Proposal

20. The application proposes the installation of ground mounted photovoltaic (PV) solar panels, which would operate for a time period of 40 years. The three areas should generate 40MW, which would meet the demand of 15,290 average UK households[3].

21. The proposed layout for each of the 3 areas are shown in:

    - Site Plan Proposed 1of 3 ref. SP-SL1-D02-PL
    - Site Plan Proposed 2of 3 ref. SP-SL2-D02-PL
    - Site Plan Proposed 3of 3 ref. SP-SL3-D02-PL (rev 6)

22. As set out in the applicant's 'Design and Access Statement' dated 1 May 2020, the proposal is made up of the following components:

    - PV panels mounted on fixed metal frames with support posts driven into the ground to a depth of approximately 1.5m, avoiding the use of concrete foundations.
    - The panels are laid out in east-west orientated rows in order to optimise solar gain. The lowest edge of the panels would be approximately 0.8m above ground level with the highest edge being approximately 3.5 m above ground. The rows are spaced approximately 4-5m apart to avoid one row of panels shading the next. The panels are non-reflective and angled at approximately 20-25° to horizontal.
    - Inverter technology, which converts direct current (DC) into alternating current (AC). These are likely to be string inverter (800mm x 1000m x 500m) fixed beneath the PV panels to the PV mounting system.
    - Approximately 24 cabinets containing electrical equipment such as switchgear and transformers housed within flat roofed pre-fabricated units no higher than 3m and with a footprint of approximately 5m x 2.5m.

[3] Based on Ofgem's Typical Domestic Consumption Value of 3,100 kWh of electricity for a house.

- An on-site sub-station.

- Security fencing to a height of 2.4m along with infra-red security cameras which will feature around the perimeter of the development; directed inward only. There will be no external lighting.

- Each of the three areas of land benefit from an established vehicular access directly from both the A48 and the A483 suitable for the delivery vehicles required to deliver the equipment proposed to be installed at the site. Existing gateways and tracks will be used to access the site itself, the surfaces of which would be improved by way of providing additional gravel.

- Cable route linking each of the 3 x solar sites the subject of the proposal. The cable is laid within a shallow and narrow trench measuring approximately 1.4m depth and 0.6m wide. The route utilises existing tracks including the A483 road verge and gated entrances between fields.

23. The construction period for the installation of the solar panels is approximated to be an 18-week period. On completion the site would require infrequent visits for maintenance, by van/4x4-type vehicle until such time as it needs to be decommissioned.

24. In respect of the potential traffic generation, peak traffic generation will occur during the initial construction period, which would generate some 10 to 11 HGV deliveries per day to areas 1 and 3 (40 vehicle movements) or some 2 to 3 HGV movements per hour on the A48 and a similar volume of traffic on the A483.

The Applicant's Case

25. The application areas have been carefully selected having regard for the need to ensure the development is well concealed from local views and residential locations whilst also ensuring minimal installation impacts to wildlife and presenting longer-term opportunities for ecology and landscaping.

26. The application confirms that the location is determined by the rare opportunity to complete an economically viable connection to the local substation at Heol Ddu to the north of the site and to the south of Tycroes. This substation enables a strategically important opportunity for Wales to connect 40MW of clean energy generation that, without subsidy support, is an economically viable renewable energy development.

27. On 20 December 2019, a Screening Direction was issued to confirm that Welsh Ministers direct that the development is not EIA development within the meaning of the Regulations.

28. Nevertheless, whilst a formal Environmental Statement did not accompany the application, it is accompanied by a number of assessments to consider the impact of the proposal in relation to specific environmental considerations.

Planning Policy

29. **The WFGA**: The proposal helps to secure a sustainable future for coming generations by introducing a renewable energy generation facility that will ensure a future supply of clean power for local communities and businesses. The proposal actively contributes to many of the well-being goals of the Act and contravenes none.

30. **FW**: FW sets out strategic and spatial choices which make up the Future Wales' spatial strategy. In particular, Policy 17 (Renewable and Low Carbon Energy and Associated Infrastructure) includes the following:

> "*The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs.*
>
> *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 our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.*
>
> *In Pre-Assessed Areas for Wind Energy the Welsh Government has already modelled the likely impact on the landscape and has found them to be capable of accommodating development in an acceptable way. There is a presumption in favour of large-scale wind energy development (including repowering) in these areas, subject to the criteria in policy 18.*
>
> *Applications for large-scale wind and solar will not be permitted in National Parks and Areas of Outstanding Natural Beauty and all proposals should demonstrate that they will not have an unacceptable adverse impact on the environment.*
>
> *Proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities.*
>
> *New strategic grid infrastructure for the transmission and distribution of energy should be designed to minimise visual impact on nearby communities. The Welsh Government will work with stakeholders, including National Grid and Distribution Network Operators, to transition to a multi-vector grid network and reduce the barriers to the implementation of new grid infrastructure*."

31. To be permitted, FW Policy 18 also sets out 10 criteria that have to be met. The applicant states that it is confident that the submitted application promotes the stated objectives.

32. **PPW** takes forward those already positively worded statements of PPW10 towards renewable energy proposals and directly refers to the seven goals of the Well-Being of Future Generations Act (2015).

33. Prior to the discussions directly relating to renewable energy developments, Paragraph 5.6.13 covers rural diversification and states that: "*Diversification can also include renewable energy proposals such as anaerobic digestion facilities or solar and wind installations, which will help to increase the viability of rural enterprises by reducing their operating costs. These schemes should be supported where there is no detrimental impact on the environment and local amenity*".

34. Support for Renewable Energy is set out in Paragraph 5.7.1 and highlights the Welsh Government's commitment to renewable energy, stating the following: "*The Welsh Government's highest priority is to reduce demand wherever possible and affordable, low carbon electricity must become the main source of energy in Wales*".

35. Paragraph 5.7.7 follows to explain that: "*the benefits of renewable and low carbon energy, as part of the overall commitment to tackle the climate emergency and increase energy security, is of paramount importance. The continued extraction of fossil fuels will hinder progress towards achieving overall commitments to tackling climate change*".

36. Paragraph 5.9.15 states that: "*Outside identified areas, planning applications for renewable and low carbon energy developments should be determined based on the merits of the individual proposal*."

37. Paragraph 5.9.19 sets out how authorities determining applications for renewable energy developments should approach their decision-making process: "*In determining applications for the range of renewable and low carbon energy technologies, planning authorities should take into account: the contribution a proposal will make to meeting identified Welsh, UK and European targets; the contribution to cutting greenhouse gas emissions; and the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development*."

38. Paragraph 5.9.21 states that: "*Prior to an application being submitted, developers for renewable and low carbon energy developments should, wherever possible, consider how to avoid, or otherwise minimise, adverse impacts through careful consideration of location, scale, design and other measures*".

39. The proposal, the subject of this application, is very much supported by the statements of PPW, and the applicant welcomes its adoption and its positive steps towards encouraging such proposals to be brought forward, where sensitively sited, and where the impacts can be shown to be acceptable. The submitted Tycroes solar application documents the site selection and the design evolution process. The application also sets out significant opportunities for ecological enhancements and mitigation measures to accommodate temporary ecological impacts where necessary.

40. Paragraph 5.9.26 discusses the importance for such proposals to consider opportunities for community benefits: "*Experience has shown that there are significant opportunities to achieve local benefits through renewable energy developments. Some benefits can be justified as mitigation of development impacts through the planning process. In addition, developers may offer benefits not directly related to the planning process. Local authorities, where practical, should facilitate and encourage such proposals*."

41. The applicant considers it appropriate for new developments, which are also new businesses that have joined the local community, to contribute to suitable causes that enhance the community. The applicant has engaged with aid organisations local to the project to discuss contributions if planning permission is forthcoming and once the project is built and operational. The applicant considers renewable energy projects are a positive entity in the community and can contribute accordingly.

42. In response to the above, the application has an approximate 40MW design capacity and the proposed solar installation would generate approximately 47,400,000kWh per

annum. The proposal therefore represents an important contribution towards the nation's efforts on tackling climate change. It would contribute significantly to Carmarthenshire County's contribution to achieving carbon emission targets and crucially make a significant contribution towards the nation's target of securing 70% of electricity generation from renewable sources.

43. Further, 40MW of clean renewable power would also provide sufficient electricity to meet the demand of 15,290 average UK households (based on Ofgem's Typical Domestic Consumption Value of 3,100 kWh of electricity for a house).

44. The annual carbon saving would be approximately 10,665 tonnes. This is the equivalent of taking 2,318 cars off the road; assuming the average vehicle on the road has a fuel economy of about 22.0 miles per gallon and drives around 11,500 miles per year.

45. The application confirms that local impacts will be minimised where possible, including a Construction and Environmental Management Plan (CEMP?) that details measures that would be taken to minimise impacts from installation.

46. **Technical Advice Notes (TANs) and Guidance documents**: The Planning Statement sets out that TAN 5 (Nature Conservation and Planning), TAN 6 (Planning for Sustainable Rural Communities), TAN 11 (Noise), TAN 12 (Design), TAN 15 (Development and Flood Risk), TAN 18 (Transport), TAN 23 (Economic Development), and TAN 24 (The Historic Environment), have been taken into consideration when preparing the application, in addition to the 'Welsh Government Practice Guidance: Planning Implications of Renewable and Low Carbon Energy, published February 2011'.

47. **Local Development Plan**: The applicant considers the previously documented policies of the CCC LDP and SPG's are applicable to the proposal.

Review of Potential Impacts

48. **Agricultural Land**: During pre-application discussions with CCC and WG it was confirmed that an ALC survey is not required as it is unlikely to include BMV agricultural land. Accordingly, BMV Agricultural Land Policy (PPW paragraph 3.54 & 3.55) does not apply to this application. Therefore, an ALC Survey has not been undertaken as part of this DNS application.

49. **Landscape and Visual Impact**: The landscape and visual considerations of the proposal are detailed in a Landscape and Visual Impact Assessment (LVIA) undertaken in accordance with the Landscape Institute's guidance for such proposals.

50. The purpose of the LVIA is to identify and outline the existing landscape character and visual amenity receptors within the study area and to assess the potential impact. Impacts and effects are assessed at significant stages in the life of the proposed development, including construction, operation and decommissioning. The assessment also considers the cumulative effects of the proposed development when perceived with others that are operational, under construction, consented and 'In Planning' within the study area.

51. The LVIA, in summary, states that the proposed development will:

- Add a relatively contained built element to the landscape;

- Avoid and will not have a direct and limited indirect influence on any designated landscapes;
- Be set within the regular landscape pattern within mainly mature and well-vegetated field boundaries, which will be protected and enhanced through additional planting, including in-fill planting to the existing boundaries, where necessary;
- Only be partly overlooked from very close proximity from gaps in the hedgerows. This influence dramatically reduces over time and swiftly with distance from the proposed development. Although it would be initially perceived, the proposed development will be a contained built element, set within a well-vegetated landscape, notwithstanding it is temporary and reversible;
- Will be perceived from selected open and elevated locations to the south-east, where it will be viewed in combination with the adjacent Clawdd Du operational solar scheme. The addition of the proposed development will not significantly increase the perception of numerous solar schemes on either the landscape or views and therefore there will be limited additional cumulative effects as a result of the proposed development; and
- Overall, will have limited impacts on landscape relevant designations, landscape character and visual amenity receptors and their views.

52. The LVIA also makes reference to the Carmarthenshire Solar PV Development: Landscape Sensitivity and Capacity Study, which provides guidance to inform the design and siting of solar PV development through setting out a baseline assessment of landscape and visual sensitivity and capacity in relation to different development classifications. The proposed development site is within Area 47: Mynydd Sylen, Llanelli Hills and Pembrey Coastal Hills – East, that has a medium sensitivity to large scale solar schemes, particularly in areas with fewer receptors and where landform and strong field boundaries provide some degree of enclosure. 'Medium' sensitivity is defined as "*the key characteristics of the Landscape Unit may be vulnerable to change but could accommodate some field-scale solar PV development of the specified typology, if sensitively designed and sited*."

53. The indicative overall capacity of Area 47: Mynydd Sylen, Llanelli Hills and Pembrey Coastal Hills – East is "*there is some capacity for small to large scale development in areas where there will be no effect upon the special qualities of the Registered Historic Landscape and the SLAs. Detailed field survey work has identified some areas where enclosure provided by the rolling landform and landcover, particularly in combination with existing infrastructure, may provide opportunities to locate solar PV development*."

54. The proposed development will therefore be acceptable, with reference to the Landscape Sensitivity and Capacity Study, and is:

- Within a 'medium' sensitivity landscape unit;
- Will have no effect on the registered historic landscape or SLAs;
- Will be largely enclosed by the surrounding rolling landform and landcover; and

- Will be sensitively designed to retain and enhance landscape features, within the existing landscape pattern.

55. **Residential Amenity**: The LVIA document identifies the closest residential properties to the site and concludes that properties that are not 'involved' (as a landowner) in the project would experience either a 'low impact' or 'neutral impact'. Of those properties that are involved, one property (Ty-Isaf - immediately to the south and east of Area 3) would be expected to experience a 'medium impact'.

56. In relation to noise, the relevant test for assessing commercial noise on nearest noise-sensitive receptors is contained within the BS4142:2014+A1-2019 guidance. Small amounts of noise are created by transformer / inverter / substation switch gear. However, this is inaudible after a very short distance. Furthermore, these units of electrical equipment within the site have been intentionally sited a considerable distance from local noise receptors.

57. During operation the only noises are from the inverters (50dB(A) @1m) and transformers (58dB(A)@3m) on site. Accordingly, there would be no adverse impacts associated with noise from proposed solar farm electrical equipment and therefore the operation of the solar farm would comply with the BS4142:2014+A1-2019 Standard

58. The submitted Construction and Environmental Management Plan (CEMP) confirms in Paragraph 4.1 that construction of the development will be undertaken 7 days a week. Nevertheless, no activities audible from the boundary of the nearest noise sensitive receptor shall take place on Sundays during the construction period or at times outside 07:30 and 19:30 (or dusk if earlier). Vehicular deliveries including all HGV movements shall arrive, be received or dispatched from the site between the hours of 07:30 and 19:30 (or dusk if earlier) Monday to Friday and 07:30 to 12:00 on Saturdays.

59. The Glint and Glare Assessment reviewed anticipated impacts on residential receptors as well as road users and concludes that the proposal would not result in significant glint or glare impacts.

60. **Heritage**: A detailed Historical Impact Assessment (HIA) was carried out by Archaeology Wales and accompanied the application. The HIA has examined the impact of the proposed installation of a ground mounted PV solar farm development and associated infrastructure over three separate but neighbouring sites, on the sites themselves and the surrounding landscape. It also considered the impact of the development on designated heritage assets within the wider historic environment.

61. With reference to the potential of a solar installation impacting on buried archaeology, the PV panels would be mounted on fixed metal frames with support posts driven into the ground to a depth of approximately 1.5m, avoiding the use of concrete foundations and causing negligible ground disturbance to a depth of 1.5m and absolutely no ground disturbance beyond a depth of 1.5m.

62. The HIA also sets out the impact of the proposal on the setting of heritage assets. With regard to these matters the HIA concludes that harm to buried archaeology may be mitigated against by an appropriate level of archaeological recording to add in a positive way to the existing evidential value, a process utilised at the nearby Clawdd Ddu solar farm site where a programme of archaeological work was included as a condition in the planning approval. This work comprised a geophysical survey before

groundworks commenced, and an archaeological watching brief during the groundworks, a similar scheme on the proposed development could help to better understand and record the potential archaeological resource.

63. Turning to the setting of heritage assets, these impacts could be partially offset by enhancing the hedgerows and designing the solar farm so that it fits in to the existing pattern of enclosed fields and blends into the mature trees in front and behind to more reflect the character of the surrounding field scape. Other than the views from Graig Fawr, the communal value of the site is low and will not be significantly impacted by the development, especially if sympathetic design features are incorporated.

64. **Ecology**: The application areas are approximately 0.5km north of the SSSI designation Caeau Afon Gwili and approximately 0.5km south of Felin Fach Meadows Cwmgwili SSSI. Both are grassland SSSI designations. The proposed solar array when commissioned and operational will offer ecological enhancement opportunities for species rich grassland corridors and therefore is unlikely to have an adverse impact on these SSSI's.

65. All hedgerows surrounding the solar site areas would be retained as part of the installation of the solar panels and these would also be protected with an adequate buffer from the installation.

66. An Ecological Assessment accompanies the application. The desk study and field surveys undertaken have enabled the ecological baseline of the site and wider area to be identified and the features/resources which are present, or potentially present to be identified and evaluated. Where potentially adverse effects may arise, impact avoidance by design and/or reduction through suitable mitigation measures has been identified and will be implemented.

67. The proposal presents the opportunity to introduce and manage new habitats, most notably species-rich grassland, rough grassland, and species-rich hedgerows which will improve habitat connectivity and diversity locally, and result in secondary benefits to the wider area by improving ecological function, and foraging opportunity in particular for a range of local fauna.

68. The ecology surveys confirm that the development can be installed without unacceptable adverse environmental impacts. The Preliminary Ecological Assessment (PEA) and Landscape and Ecological Management Plan (LEMP) acknowledge the potential for impacts on protected species of otter and dormice and therefore sets out a detailed mitigation for avoiding these impacts.

69. Enclosed within Appendix 3 of the PEA is a matrix assessment of the anticipated net ecological impacts of the proposal. The matrix used is that which is being developed by Natural England and which NRW have adopted until such time as they develop their own calculation method. The calculations show that the proposal would have a net gain of 34.10% in habitat units and a net gain of 22.95% in hedgerow units based on the proposed management given in the submitted LEMP.

70. As a result of the further information requested, the applicant states that to avoid any negative impact a change to the installation methodology is required - from an open cut trench to Horizontal Directional Drilling (HDD). This will avoid impacts on sensitive habitat in area F8 and therefore a Likely Significant Effect (LSE) can be

screened out. The Cable Route PEA, the LEMP and the shadow HRA have been updated accordingly.

71. **Flood Risk and Surface Water Drainage**: A Flood Consequences Assessment (FCA) accompanied the application. This included a surface water drainage strategy for the site. NRW has been consulted on the proposal and the proposed arrays have been located outside all the areas identified to be at high and medium risk of flooding.

72. Nonetheless, the solar panel equipment is resilient to wet weather, and is designed to operate in all predicted weathers, subject to normal maintenance. The materials from which the panels, supporting structure, cabling and transformers are manufactured are all durable and will not cause any level of pollution in the ground. The solar farm infrastructure will be set back from watercourses.

73. The FCA states that the proposed development will provide a real contribution to soil improvement and biodiversity, will improve runoff/infiltration water quality and result in a significant reduction in the occasions of runoff, runoff rate and volume, bringing significant overall benefits to the local environment and downstream. The site would be safe and durable, is not at risk of flooding, would reduce flood risk off-site and improve the receiving waters, and therefore is appropriate in terms of the TAN 15 advice on flood risk.

74. **Trees**: A BS5837 (2012) Tree Survey was conducted in November 2019 and an Arboricultural Impact Assessment and Method Statement was provided with the DNS application to reflect the proposed project layout and cable route.

75. The Impact Assessment confirms that the proposed works can be carried out without adverse impacts to trees providing the advice is followed in respect of the protection of trees during construction.

76. **Transport and Access**: The application is accompanied by a Transport Statement that reviews the various transport and access related considerations. It also details the number of vehicle deliveries across the 3 site areas. It is anticipated that the construction of the solar farm will take some 18 weeks. Peak traffic generation will occur during the initial weeks when materials to fabricate the compound areas and access roads are brought to site.

77. Appropriate traffic management would be in place during the construction period. At the A48 access to Area 3, arriving construction traffic would not be permitted to turn right and cross the southbound carriageway. Instead traffic would continue north for some 5km and U-turn at the Cross Hands Business Park grade-separated junction. Appropriate temporary signage would be deployed during the construction period.

78. During the operational phases, the application areas would only experience very infrequent visits for maintenance, by van/4x4-type vehicle.

79. The Transport Statement demonstrates that the construction traffic associated with the development would be modest in volume and would have no significant impact on the operation of the surrounding highway network. It also demonstrates that safe access to the areas would be provided from the public highway.

80. **Coal Mining Risk Assessment**: The Coal Authority were consulted during pre-application discussions with CCC. Their response stated that "*in considering the*

nature of the development proposed, and on the basis that parts of the site are within the defined Development High Risk Area, the planning application should be supported by a Coal Mining Risk Assessment, or equivalent, which will assess the risk to the development from coal mining legacy."

81. A Coal Mining Risk Assessment Report was submitted with the application. The Report advises in Section 7 that "*The risk posed to the proposed development by known or potential shallow coal mining is generally assessed to be of a LOW to NEGLIGIBLE order, with no further assessment work required, with the exception of the presence of three historic shafts*". The Report also details the risks associated with the three historic shafts and provides a mitigation strategy for development. It is anticipated that these mitigation works can also be prescribed through the use of a pre-commencement planning condition to any grant of planning permission.

Lifespan of the development / decommissioning

82. The proposed development would be installed for a 40-year period after which all panels and associated equipment can be removed from the site. The development contains mostly recyclable materials including non-reflective recyclable glass, copper, aluminium, steel, and silicon in semi-conductors. However, since 2012, solar PV modules have fallen within the remit of the Waste Electrical and Electronic Equipment Regulations (The WEEE Directive). This regulates the appropriate treatment of end-of-life products and requires that manufacturers and importers of electronic and electrical equipment ensure the take-back and recycling of their discarded end-of-life products in Europe.

83. As and when the decommissioning of this development is required to take place, the applicant will take full advantage of such schemes which are available. A company will be contracted to collect the materials and take them to be recycled.

Conclusions

84. The application is in compliance with the strategy and policies of the adopted LDP as well as FW and PPW all of which support large scale solar renewable energy developments where appropriately sited and where the environmental impacts of a proposal are acceptable.

Consultation Responses (Original application submissions)

NRW (REP09)

85. In Summary, NRW have identified sensitive receptors (European and UK protected sites) within 2 kilometres of the application areas. The local area supports/has the potential to support European Protected Species (Otter, Dormice, bats and Marsh Fritillary butterfly) which could be adversely affected during the construction phase.

86. Protected sites **-** The European and UK protected sites identified within 2km include:

- Caeau Mynydd Mawr SAC
- Caeau Afon Gwili SSSI
- Felin Fach Meadows Cwmgwili SSSI

87. The Habitats Regulations require the Competent Authority, before authorising a project likely to have a significant effect on a European site, to undertake an appropriate assessment of the implications for that site in view of that sites' conservation objectives. The applicant for development consent for Developments of National Significance must provide the Competent Authority with such information as may reasonably be required for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required.

88. Protected Species - Further to our pre-application response letter of 28th February 2020, revisions have been made to the 'PEA, Land to the east of the A48 and Land to the south west of Tycroes, April 2020' and 'PEA, Proposed cable route: Land to the east of the A48 and Land to the south west of Tycroes, April 2020'. NRW support these revisions.

89. Construction Environment Management Plan (CEMP) - The general approach and principles within the CEMP, produced by 'SPRING' and dated April 2020 appear reasonable. The recommendations from the PEA for the cable route and application site should be included in the CEMP.

90. Flood Risk - The proposed cable route crosses the River Gwili, which is classed as a main river;. it is likely that this activity requires a Flood Risk Activity Permit.

Carmarthenshire County Council (REP08)

91. I write further to the consultation on DNS/3227364. The details of the submission have been reported to Carmarthenshire's Planning Committee as an information item and as a result the following two queries have been identified which are hereby being formally submitted as a representation for consideration.

92. That any approval of planning application DNS/3227364 should contain a condition for the provision of a detailed de-commissioning plan to incorporate:

    - The requirement for payment of a bond to ensure sufficient money was available to undertake the decommissioning works at the end of the 40 year life span in the event of the developer having ceased trading.

    - The safe removal/treatment/disposal of the solar panels to prevent any leakage and subsequent ground contamination to protect the land for future generations.

93. Consideration should be afforded to the issue of the payment of community benefits to the three local community council areas affected by the proposed development.

Cadw (REP07)

94. Cadw has no objections to the proposal.

95. SAMs in the vicinity of the application sites include:

    - CM192 Bryn Maen Standing Stone

    - CM193 Bryn-y-Rhyd Standing Stone

    - GM386 Earthwork on Graig Fawr

    - GM513 Two Burial Chambers on Graig Fawr

96. Listed Buildings in the vicinity of the application sites include:

- 14812 Pantyffynnon Station
- 14813 Pantyffynnon Signal Box
- 19449 Church of Saint Edi
- 19451 Plas-Newydd Mill
- 19453 Plas Mawr (formerly known as Cwrt y Ceidrim)
- 22211 Capel Hendre and Vestry
- 81059 Circular pigsty at Craig Fawr Farm

97. A HIA prepared by Archaeology Wales is included with the documents forming the application. The assessment considers the impact of the proposed development on the above designated historic assets. The conclusions of this work indicate that the proposed development will have a low to moderate impact on the settings of scheduled monuments GM386 Earthwork on Graig Fawr and GM513 Two Burial Chambers on Graig Fawr, with a lesser impact on the settings on Listed Buildings 18453 Plas Mawr and LB19451 Plas-Newydd Mill but none of these impacts will cause significant harm. Cadw concurs with these conclusions.

98. Finally, there may be undesignated historic assets that could be affected by the proposed development and Cadw would advise consultation with the Historic Environment Record held by the Dyfed Archaeological Trust.

Hywel Dda University Health Board (REP10)

99. We have no grounds for objection based upon the public health considerations contained within the application and provided the site is developed and operated in accordance with proposed management conditions.

100. There appears to be no assessment of noise impacts from transformer or plant operation on any sensitive receptors. This would be advised if sensitive receptors are identified with any mitigation measures required implemented.

101. Finally, electricity generation and transmission infrastructure can sometimes lead to concerns regarding health effects from EMF (electromagnetic fields). The current Public Health England position on this, as adopted by Public Health Wales, has been appended to the consultation response.

Dyfed Archaeological Trust Ltd (REP03)

102. First consultation response: We are the archaeological advisers to Carmarthenshire Planning Authority. We have checked the details of the proposed development on land to the East of the A48 and land to the South West of Tycroes, Carmarthenshire against the regional Historic Environment Record. This indicates that the proposed development areas are located within an archaeologically sensitive landscape, with numerous historic assets, both designated and undesignated, recorded within close proximity. These include several Bronze Age sites, with two round barrows (PRNs 1193 and 7389), a standing stone (PRN 676/CM93) and a cist burial (PRN 681) within an approximate 1km radius.

103. We recommend that the potential impact, both directly and visually, of the development on the historic environment should be considered through the preparation of a desk-based assessment, to be submitted before determination of the application. Such a document would consider both designated and undesignated sites and include a walkover of the proposed development area by a qualified, experienced archaeologist to assess the potential for archaeological deposits/features to be preserved.

104. This work should adhere to the *Standard and Guidance for Historic Environment Desk-Based Assessment* published by the Chartered Institute for Archaeologists (December 2014, Updated January 2017).

105. Second consultation response: Having discussed in detail the applicant's submitted Archaeology Wales report we are now satisfied that matters relating to the historic environment have been sufficiently addressed.

106. This report concludes that two of the three areas of the proposed development will potentially have an adverse visual impact on the setting of several designated historic assets including the scheduled monuments (GM386 and GM513) on Graig Fawr. We advise that further consultation with Cadw is required over this issue.

107. Furthermore, the report considers that the proposed development of the solar farms and associated structures will undoubtedly impact upon the evidential and historical value of the site itself, by removing archaeological potential. It is suggested that this may be mitigated through implementing an appropriate level of archaeological recording, as occurred at the near-by Clawdd Ddu solar farm, where an archaeological condition was attached to the consent. This comprised a geophysical survey before commencement of the development and an archaeological watching brief during the groundworks. We concur with these findings.

Land, Nature and Forestry Division of Welsh Government (REP01)

108. The Department has not previously surveyed the site. According to the Predictive ALC Map for Wales (2019), the land East of the A48 (*co-ordinates E257386, N209389*) is ALC Subgrade 3b and the land South West of Ty Croes (*co-ordinates E259219, N209551; & E259904, N209590*) is ALC Grade 4 and 5.

109. A detailed ALC survey is not recommended for this site as it is unlikely to include Best and Most Versatile (BMV) agricultural land. Therefore, BMV Agricultural Land Policy (PPW paragraph 3.58 & 3.59) will not apply to this application.

Network Management Division of Welsh Government (REP05)

110. Access to Area 1 has been previously improved and used for the purpose of solar park construction delivery. In order to operate effectively via the contraflow, we require further details of where vehicles will lay-up prior to exiting the A483 trunk road. Any banksman referred for all areas are for internal site/flow management and such persons should not be used to stop or direct trunk road traffic.

111. Access to Area 2. We accept the principle of improvement at this location which shall be subject to detailed design and a Section 184 Agreement. There are footway works at this location starting within the next month and although construction periods are unlikely to overlap, works would not be permitted concurrently.

112. Access to Area 3 works on a no right turn for delivery vehicles, which would be directed to the grade separated junction in order to make a left turn into the site. Swept paths show that it is critical for deliveries to be coordinated as two articulated trucks cannot access and egress the A48(T) at the same time. There is also no identified place to lay-up vehicles. It is not acceptable to have any significant slowing or stopping on the A48 carriageway and further information regarding mitigation of this issue is therefore required.

113. With regard to glint/glare, there is reference to vegetation mitigating this to a height of 1.2 metres. This should be revisited to consider highway users that are at an elevated position e.g. drivers of HGVs.

The Coal Authority (REP04)

114. The application areas fall within the defined 'Development High Risk Area'. The Coal Authority information indicates that within the site and surrounding area there are coal mining features and hazards, which will need to be considered in relation to the determination of any planning application, specifically probable shallow coal mine workings associated with thick coal seam outcrops and recorded mine entries.

115. The applicant has submitted a Technical Note (dated 25 March 2020) in support of the development proposals. The content of the Technical Note seeks to address our previous concerns in relation to the recorded mine entries, as we confirmed previously that the supporting desk-based Coal Mining Risk Assessment was able to discount any significant risks to ground stability posed by potential shallow coalmine workings.

116. In reference to shaft 257209-001, we note that the proposed panel layout now takes into account the conjectured position of the shaft, its departure for plotting area and its respective zone of influence. Whilst no investigation of the shaft is proposed, the Coal Authority is satisfied that such appropriate mitigatory measures could be ensured by way of a suitable condition on any planning permission to prevent access and to safeguard public safety.

117. In terms of the two shafts along the cable route (258209-003 & 258209-004), we note that the content of the Technical Note is able to confirm that the proposed cable run lies completely outside the zone of influence of shaft 258209-003, but that the only viable position for the cable run is within proximity of shaft 258209-004. Consequently, and having considered both the justification made and that the investigation/remediation of the shaft is now proposed, the Coal Authority is satisfied there would be no harm, subject to the imposition of a suitable planning condition.

118. In the event that the site investigations confirm the need for remedial works to treat the mine entry to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

119. A condition should therefore require that prior to the commencement of development:

- The undertaking of an appropriate scheme of intrusive site investigations for the mine entry;
- The submission of a report of findings arising from the intrusive site investigations;

- The submission of a scheme of remedial works for approval; and
- Implementation of those remedial works.

National Grid (REP06)

120. We would like further information regarding the proposed Solar Farm, if possible. What is the cable transmitting? AC or DC? This particular pipeline has AC Mitigation installed which is susceptible to picking up additional current. What are the proposed access points to the construction area and the types of vehicles to be used/how often these will pass over the pipe? The easement on this section of pipe is a total of 24.4m. We will require a Deed of Consent for the cable to pass over the pipeline, which will also require National Grid supervision for trial holing and installation. We would also require an Earthing Report prior to any cabling being installed.

Dwr Cymru (REP11)

121. We have no comments to make on the Planning Application

Cadent (REP02)

122. Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact 'Plant Protection' before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

123. The apparatus that has been identified as being in the vicinity of the proposed works is:

- National Gas Transmission Pipelines and associated equipment

124. As your proposal is in proximity to apparatus, it has been referred to the

- Land and Development Asset Protection Team (High Pressure Gas Transmission and Electricity Transmission Apparatus)

Other interested parties

125. Name Withheld (OBJ01): "*Following an application made to extend the already extensive Clwadd-Ddu Solar Farm at Tycroes, I wish to register our objection.*

126. *The basis of my complaint stems from the comments made in application of the site being "naturally well concealed". My first question is, from which location was this considered to be "naturally well concealed"? Clearly not from our property, as we can see this site in all its glory! Additionally, there was obviously no consideration made for properties at our location when the 'landscape and visual' nor the 'glint and glare' assessments were carried out, otherwise it would not be considered a viable application, as we are impacted by both.*

127. *Having not been consulted or considered during the initial application, planning and construction of the original installation, we feel strongly about this already monstrous development being extended further. In addition to the original Clwadd-Ddu development, there have already been a further two solar farms erected in close proximity. Our property overlooks this area, and it's certainly not in keeping with the*

natural and rural surroundings. To lose agricultural farms and to watch our original view of green fields being transformed into a sea of glass is incredibly sad and truly distressing, considerably affecting our well being.

128. *Furthermore, we have also had, even more, wind turbines installed behind our property, which emit a considerable amount of noise. We fully understand the need for climate control and, as a family, we do all we possibly can to help. However, we feel we have already endured enough and made sufficient personal sacrifice in the name of sustainable energy regeneration, in our particular location. All these developments will also, no doubt, have a negative impact on the value of our property, for which we have worked hard to achieve – who will compensate us for that?*

129. *The second question we have is, I wonder if Mr Phill Owen, who is quoted in the South Wales Guardian on 23rd September 2020 as saying "looking at glass instead of grass as we pass, is a small price to pay", would hold the same view if it was what he was looking at 24 hours a day , every day? Having to keep his curtains closed on a sunny day to deflect the substantial glare, or having a 'floodlight' area in front of him, at times, when the moon is full. I very much doubt it.*

130. *In conclusion, I wish to reiterate our very strong objection to this application on the basis of fairness and equity, or more accurately, unfairness and inequity. Enough is enough*!"

131. OBJ02: "*Following an application made to extend the already extensive Clwadd-Ddu Solar Farm at Tycroes, I wish to register our objection.*

132. *We wish to complain about:*

- *The comments made in application of the site being "naturally well concealed". My question is, from which location was this considered to be 'naturally well concealed'? Clearly not from our property, as we can see this site in all its glory and at no point did anyone contact us to view the intended site from the 'other side'! Additionally, there was obviously no consideration made for properties at our location when the 'landscape and visual' nor the 'glint and glare' assessments were carried out, otherwise it would not be considered a viable application, as we are impacted by both and no attempt has been made to create any sort of screening!*

- *Having not been made aware of, consulted or considered during the initial application, planning and construction of the original installation, we feel strongly about this additional application to extend what is an already large solar farm. We also feel that not enough publicity has been given to the application - an article in the local newspaper alerted us and then we had to hunt for it!*

- *We also feel that in view of the UK Government's most recent stance on protecting landscape and habitat an extension (*to the existing site*) would impact negatively and permission should not be considered especially as the length of the scheme is 40 years. Reinstating habitat after that length of time is somewhat akin to closing the stable door after the horse has bolted.*

- *This small corner of Wales already has two gas pipelines, lines of pylons and existing solar farms. Surely new sites should now be looked at*."

Consultation Responses (amended information)

NRW (REP09 II)

133. We are now in agreement with the conclusion that a Likely Significant Effect, alone or in combination, on Caeau Mynydd Mawr SAC can be screened out. We have reviewed the updated LEMP (February 2021) and the draft HRA (February 2021) and our concerns regarding the Marsh Grassland fields and the cabling have been addressed. The method for laying cable is Horizontal Directional Drilling (HDD) for all sensitive habitats including the fields of marshy grassland that we raised in our previous response.

CCC

134. Marshy Grassland - We note that it is now proposed to that HDD is utilised below the Marshy Grassland in Field 8 and the submitted documents have been amended to reflect this change. The LEMP still proposes that 200 Devil's-bit Scabious plugs will be planted into the Field F8. These mitigation and enhancement measures are described in the submitted revised documents which we can confirm we are happy with. HDD under Field F13 and Field 8 will ensure the proposed cable route will have no significant effect on any areas of marshy grassland habitat. On the basis of the revised information we are satisfied that the proposals would have no significant impacts on marshy grassland habitats, we consider that during the operational phase neutral - minor beneficial effects will be delivered via the proposed plug planting as specified in the LEMP.

135. Breeding birds - We note that the Cable PEA has been revised to remove any specific mitigation measures that relate to Field 8 as all impacts to this area will be avoided by HDD beneath the field. In relation to the wider proposals, we have no additional comments to make and refer to those made at LIR Stage.

136. Reptiles - We note that the Cable PEA has been revised to remove any specific mitigation measures that relate to Field 8 as all impacts to this area will be avoided by HDD drilling beneath the field. In relation to the wider proposals, we have no additional comments to make and refer to those made at LIR Stage.

137. It has been brought to the attention of the Council that its comments in respect of Future Wales Policy 18 are potentially seen as contradictory to the LIR in respect of Criteria 2. The Council refers to the visual impact as being "significant", however this is not to say that it would be "unacceptable" in terms of the Policy. For clarity, to avoid potential confusion, the word "significant" should be disregarded as the magnitude of impact is down to the decision maker to assess. The LIR refers to the impact being Neutral / Negative, and this stance has not changed.

National Grid

138. National Grid wrote to the applicant[4] following the PINS (Wales) request for further information. National Grid confirmed that it has no objection, subject to a number of conditions being met.

[4] Letter dated 15 March 2021

Local Impact Report (LIR)

139. CCC's LIR bases its assessment on a number of matters, including: climate change, landscape and visual impact, landscape and ecological management plan, residential amenity, noise, glint and glare, ecology, trees and hedgerows, access and transportation, socio-economic, built heritage, public rights of way and flooding. It also includes suggested planning conditions and obligations should permission be granted. The main points are summarised below.

140. **Climate change**: The Welsh Government has a target of 70% energy production by renewable means by 2030. Carmarthenshire set a target of being a carbon neutral authority by 2030 when it declared a climate emergency in 2019. It is estimated that the proposal would generate renewable electricity for over 15,290 average homes per year based on Ofgem typical consumption figures. This is which is equivalent to displacement of 10,665 tonnes of CO2 per year or 426,600 tonnes over the 40 year operational lifespan of the scheme. The scheme would therefore have a positive impact on climate change.

141. **Landscape and visual impact**: The Landscape and Visual Impact Assessment methodology is considered to be acceptable. Overall the local impact is considered likely to be neutral / negative and this is based on the following assessment of the different aspects:

- Effects on Existing Landscape Elements – NEUTRAL
- Effects on Landscape Character – NEUTRAL to NEGATIVE
- Effects on Visual Amenity – NEUTRAL to NEGATIVE
- Cumulative Effects – NEUTRAL / NEGATIVE

142. Subject to further information or appropriate requirements as set out in paragraph 21.4 of the LIR, the scheme would have a neutral to positive impact on the local landscape through the implementation of the LEMP.

143. **LEMP**: This does not provide sufficient detail of the long-term management responsibilities and agreements to enable approval or to ensure a framework for effective compliance monitoring and enforcement. An appropriate requirement is suggested by CCC paragraph 21.4 of the LIR[5].

144. **Residential amenity**: The site being split into three areas will have varying degrees of impact. It is noted that a specific Residential Visual Amenity Assessment, which addresses individual properties has not been provided. However, it is noted elsewhere that the glint and glare assessment has highlighted some impact on neighbouring properties for parts of the year. It is further noted that an assessment has not been carried out in respect of properties in the village of Garnswllt on high ground to the East beyond the

[5] In order to implement the provisions of the Landscape Environmental Management Plan (LEMP) an appropriate legal agreement with any associated landowners may be required.

county boundary in the City and County of Swansea, at a distance of approximately 2km.

145. View is not a material planning consideration, however the presence of development within a landscape can have an impact on residential amenity albeit for a temporary period during the lifetime of the proposal. It is noted that there are relatively few properties affected but for those that are, the impact could be significant.

146. Given the cumulative impact of the proposal seen alongside the existing Clawdd Ddu solar park, and in the absence of an assessment that demonstrates otherwise, it is considered likely that the scheme would have a neutral impact in respect of Areas 2 and 3 and potentially negative impact on residential amenity in respect of Area 1.

147. **Noise:** It is noted that a noise impact assessment has not been submitted with the application. However, it is noted that there are no residential properties immediately contiguous with the site that are not financially linked. Noise is therefore likely to be neutral. However, given the lack of information to the contrary it is suggested that requirements be imposed to ensure that noise at third party properties does not exceed background noise levels.

148. **Glint and glare**: A glint and glare assessment has been submitted. The assessment concludes that it would be geometrically possible for glint and glare to occur at seven locations on the A48 and eight locations on the A483 however given existing intervening vegetation there is not likely to be an impact. At two locations, the impact is considered low so no mitigation is said to be required.

149. The assessment includes analysis of twenty residential properties immediately around the sites, however it is noted that properties further afield on higher ground approximately 2km to the East of Area 1 have not been assessed. The properties to the east are on higher ground so would potentially have a different perspective albeit at a further distance. Ten properties would have potential impacts, of which four would have no impact due to intervening vegetation. Six properties would have a 'low' impact due to effects being limited to less than three months of the year. The report concludes that there would be a low impact and does not therefore recommend mitigation.

150. It is noted that some properties would be affected from the area surrounding the site and those at a further distance to the east have not been assessed, so whilst the numbers of affected properties identified is relatively low, for those properties affected there would be a negative impact during those three months.

151. **Ecology**: After an assessment of issues within the remit of CCC, ecology is considered to be neutral / positive overall. This is based on the following assessment of the different aspects:

- Improved and Semi improved Grassland habitats – Positive
- Marshy Grassland – neutral.
- Streams and rivers – neutral

- Woodland – neutral.
- Breeding birds – neutral / positive
- Reptiles – neutral / positive
- Trees and hedgerows – positive

152. **Transport and access**: The sites are accessed off the main trunk roads, the A48 and A483 which are under the remit of the South Wales Trunk Roads Agency (SWTRA) so they have a minimal impact on the County road network. Area 1 is proposed to be accessed via the Clawdd Ddu access that is proven to be fit for purpose through the development of the existing solar park. Area 2 is an existing access off the trunk road that serves two properties and an agricultural field access. There is sufficient visibility to access Area 2 from the trunk road. Area 3 has an existing access off an unclassified road U2310 which has a junction onto the A48 trunk road. It is proposed to have a 'left in left out' arrangement so vehicles do not have to cross the A48 dual carriageway and management of the deliveries so they are coordinated on the unclassified road. The applicant states that a construction traffic management plan will be submitted and therefore a suitable Grampian requirement is suggested.

153. To the South East of Area 1 is an unclassified road which would not be suitable for construction traffic and a requirement is suggested to preclude use of this road at any stage during construction.

154. On balance, the close proximity of all three sites to the trunk road network is likely to have a neutral local impact overall in terms of additional traffic generation and access.

155. **Socio-economic**: No economic benefit analysis has been submitted, however the transport assessment suggests that there would be between 60 and 120 people employed in the 18 week construction phase. Temporary workers both local and from further afield would spend in the local area during construction. The site is also in multiple ownership so the landowners would have a direct income from leasing the land. There would also be maintenance and management contracts for the operational phase. On balance there is likely to be a positive impact on the local economy.

156. Whilst not a material planning consideration (hence there is no comment) it is good practice to provide a contribution to benefit the local community.

157. **Historic environment**: The application has been accompanied by a HIA. It is noted that the proposal has no direct impact on recorded built heritage assets, however there is evidence to suggest that there are potential unrecorded assets present when cartographical and Lidar evidence is reviewed. The assessment identified several SAMs at Bryn Maen Standing Stone (CM192); Bryn Y Rhyd Standing Stone (CM193); The Earthwork on Graig Fawr (GM386); and Two Burial Chambers on Graig Fawr (GM513) that are situated on high ground to the south east. The site is also relatively close to two Listed Buildings at Plas Mawr LB18453 and Plas Newydd Mill LB19451.

158. The site, in particular Area 1 is considered to be visible from the higher ground to the south east which is home to the burial chambers and earthwork referenced above, so there is likely to be an impact when viewed from their setting. However, it is noted that this would be at a distance of approx. 2.7km so the impact on heritage assets is considered to be neutral.

159. Taking a precautionary approach consistent with the adjacent Clawdd Ddu solar site and based on the advice of CCC's historic advisors, a requirement for a written scheme of investigation is a suggested condition.

160. **Public Rights of Way**: The proposed Area 1 is crossed by footpath 34/27 and 34/28. The transport assessment states that the routes are safeguarded with a separate application proposed to temporarily divert the route during construction. It is noted that an application to divert the footpath has been submitted to CCC and is under consideration. Subject to successful diversion, the proposal would have a neutral impact on public rights of way.

161. **Flood risk**: The application has been accompanied by a FRA. It is noted that none of the sites are classified as being at a high risk of flooding in terms of TAN15. The sites would be permeable in that arrays and fencing will not form a physical barrier to water. The river to the east of Area 3 is proposed to be unaffected by the cable route as directional drilling is proposed to lay the cables underneath. Overall, the scheme is likely to have a neutral impact on flood risk. The scheme will also be subject to sustainable drainage approval so any localised impacts can be addressed.

Local Planning Policies

162. Adopted in December 2014, the LDP sets out CCC's policies and proposals for future development and use of land. Whilst the Plan should be read as a whole, there are a number of specific policies that apply to renewable energy proposals and more specific issues such as the natural and historic environment. These are:

- RE3 – Non-wind renewable energy
- SP11 – Renewable energy and energy efficiency
- GP1 - Sustainability and High Quality Design
- SP13 Protection and Enhancement of the Built and Historic Environment
- Policy EQ1 Protection of Buildings, Landscapes and Features of Historic Importance
- SP14 Protection and Enhancement of the Natural Environment
- Policy EQ4 Biodiversity
- Policy EQ5 Corridors, Networks and Features of Distinctiveness
- EQ7 Development within the Caeau Mynydd Mawr SPG Area
- Policy TR3 Highways in Developments - Design Considerations

163. The following SPG documents are of relevance to the proposed scheme:

- Wind and Solar Energy
- Nature Conservation and Biodiversity
- Caeau Mynydd Mawr

National Policy (including update following publication of FW and PPW 11)

164. All Planning Policy is set within the over-arching WFGA which seeks to establish Wales as a sustainable country as described above with the following underlying goals:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsive Wales

165. **The Habitat Regulations**: Areas 2, 3 and part of Area 1 are within an area affected by a mobile feature of the SAC. Given the significant amount of the site within the SPG area a HRA needs to be carefully considered under the Habitat Regulations, however this is a matter for comment by NRW as it is outside the remit of this authority. Further details are found in the Caeau Mynydd Mawr SPG referenced above.

166. **FW**: The introduction to FW is clear that the 'Development Plan' in Wales comprises three tiers, so in respect of the proposal, Future Wales being the upper tier provides specific policies for DNS. The legislation relating to planning is clear that DNS must be determined in accordance with the national policies as set out in FW. The following appraisal picks out relevant background statements and then provides a commentary on Policies 17 and 18 which specifically refer to renewable energy and DNS applications.

167. In terms of Carmarthenshire, the Local Development Plan is the lowest tier and was adopted in December 2014, so in decision making, Future Wales would be the primary source of policy where there is any conflict.

168. Policy 17 states that the Welsh Government 'strongly supports' renewable energy at all scales. The scheme is broadly in line with the policies and supporting text as it would help meet the renewable energy targets set out in Policy 17.

169. Policy 18 sets out a criteria based framework to assess schemes. The Tycroes proposal would not have a significant impact on landscape features such as trees, hedges, woodland and water courses as the structural landscape features would remain in place surrounding the built form of the arrays. The scheme

includes the necessary environmental safeguards and will need to be implemented in compliance with the mitigation measures as submitted.

170. However, the local authority in the Local Impact Report has highlighted the fact that the scheme has two main areas of concern. Firstly, the scheme would have a neutral/negative landscape and visual amenity impact on the Loughor valley which includes a Special Landscape Area, on its own and when seen cumulatively with the existing Solar farm at Clawdd Ddu. Secondly the scheme would potentially have an adverse impact in terms of 'Glint and Glare' on the properties which view the site from the east.

171. Further, a representation was submitted by the local authority outside the LIR highlighting the need for a comprehensive decommissioning strategy and the need for appropriate community benefits. Carmarthenshire County Council has not been party to any discussions in respect of community benefits but highlights that given the scale of the development and lifetime of some 40 years, the level of the community benefit needs to be appropriate and it is imperative that the Community Councils are engaged in securing an appropriate contribution so that compliance with Policy 17 can be clearly demonstrated.

172. **PPW 11**: Provides general policies for development in Wales, within the framework of the 2015 Act and the WFGA.

173. PPW Chapter 5 'Productive and Enterprising Places' has been amended in respect of Renewable Energy. The emphasis of PPW11 is to achieve ambitious targets of 70% of its electricity consumption by 2030 and for local authorities to be proactive to 'facilitate' renewable energy as follows. Paragraph 5.9.1 states "*Local authorities should facilitate all forms of renewable and low carbon energy development and should seek cross-department co-operation to achieve this. In doing so, planning authorities should seek to ensure their area's full potential for renewable and low carbon energy generation is maximised and renewable energy targets are achieved*."

174. Nonetheless, PPW does however have comments regarding community benefits at paragraph 5.9.24 which states, "*The Welsh Government supports renewable and low carbon energy projects which are developed by wholly Wales based organisations, including community groups, or provide proportionate benefit to the host community or Wales as a whole*". Furthermore, in relation to decommissioning, Paragraph 5.9.30 states "*Energy-related developments should be decommissioned and sites remediated as soon as their use ceases. Planning authorities should use planning conditions or legal agreements to secure the decommissioning of developments and associated infrastructure, and remediation of the site. Planning authorities should consider including appropriate conditions for the decommissioning of energy generating developments and site restoration when they reach the end of their design life, taking into account any proposed afteruse of the site. In addition, operators should ensure that sufficient finance is set aside to enable them to meet restoration obligations. An authority may require financial guarantees by way of a Section 106 planning obligation/ agreement, as part of the approval of planning permission to ensure that restoration will be fully achieved*."

175. The Council concludes that PPW and the FW are more positive in respect of supporting and facilitating renewable energy than the local LDP which is in the process of review and will need to be amended to be in line with the higher tier plan. Ambitious targets are set out in the policy and guidance. The proposal would contribute significantly to meeting these targets. The scheme is considered to be broadly in line with PPW. There are however specific concerns that remain, which the decision taker would assess as part of the examination process and make a balanced decision.

Main Issues

176. Although a Statement of Common Ground has not been submitted, it is evident that there is agreement between the main parties in respect of the: principle of the development; impact on climate change; socio-economic matters; agricultural land; flood risk; highway safety and Public Rights of Way; heritage assets; coal mining; ecology; and trees and hedgerows.

177. It is, therefore, the effect of the development on: the character of the landscape; visual impact; and residential amenity with particular reference to glint and glare, that is at issue between the parties. However, for completeness all the matters set out above will be addressed in this report.

178. In light of the foregoing, I consider the main issue to be whether any harmful impacts of the proposed development would outweigh the benefits of the scheme, including the production of electricity from a renewable source.

179. If I were minded to recommend that planning permission be granted on the basis of the above considerations, I would then have to go on to undertake a HRA namely:

    i. whether the proposed development would adversely affect the integrity of the Caeau Mynydd Mawr European site, having regard to the conservation objectives of that site; and, if it would have an adverse effect; and

    ii. whether, there being no alternative solutions, the development must be carried out for imperative reasons of overriding public interest[6].

Appraisal

Policy

180. Statute provides that this application is to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The FW is the highest tier of development plan and is focused on solutions to issues and challenges at a national scale. It states that "*Wales can become a world leader in renewable energy technologies. Our wind and tidal resources, our potential for solar generation, our support for both large and community scaled projects and our commitment to ensuring the planning system provides a strong lead for renewable energy development, mean we are well placed to support the renewable sector, attract new investment and reduce*

[6] Regulation 64 of the Habitats Regs.

carbon emissions." This is supported by FW Policies 17 and 18. These provide a criteria based approach to enable decision makers to balance the benefits of renewable energy against harm to people and the environment.

181. At a local level LDP Policy RE3 is the most relevant policy. Among other things it supports standalone renewable energy schemes subject to satisfactory assessment of impact on the landscape. However, it sets out that large scale schemes located outside defined Development Limits may be permitted in exceptional circumstances, where there is an overriding need for the scheme which can be satisfactorily justified, and the development will not cause demonstrable harm to the landscape.

182. The supporting text to LDP Policy RE3 elaborates that "*It is anticipated that an increasing number of proposals will come forward for large schemes to be located outside defined development limits, for example Solar Parks. Such schemes can play an important role in assisting WG achieve its renewable energy generation targets, and for this reason, the need for the scheme will be weighed up against the need to protect the landscape from inappropriate development. Such schemes will be assessed against other policies contained within this Plan primarily relating to the impact on the landscape and biodiversity of the proposal and the cumulative impact of renewable energy installations*." Further guidance is also provided in the Wind and Solar Energy SPG.

183. While LDP Policy RE3 generally seeks to protect landscape character, any but the smallest standalone renewable energy scheme in the countryside is likely to have some negative effect on landscape character and visual amenity. Nevertheless, the policy seeks to balance any harmful effects against the benefits that may arise in meeting renewable energy generation targets.

184. The policies of the LDP that have been brought to my attention are broadly consistent with PPW which is an important material consideration. The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales. In this regard PPW at Paragraph 5.7.14 sets out the targets for the generation of renewable energy and paragraph 5.7.15 that the planning system has an active role to help ensure the delivery of these targets.

185. The provision of renewable and low carbon energy is central to the economic, social and environmental dimensions of sustainable development set out in the FW and PPW. There is strong national policy support for the development of renewable energy sources, including solar power, to ensure the country has a secure energy supply, and to reduce greenhouse gas emissions. Whilst I attach significant weight to the contribution the development would make to producing energy from a renewable source, this must also be balanced against the potential environmental impacts of the proposal as required by the Development Plan.

Landscape Character

186. Landscape character can be broadly defined as the distinct, recognisable and consistent pattern of elements in the landscape. It is these patterns that give each locality its 'sense of place', making one landscape different from another, rather than better or worse.

187. In this respect PPW recognises that the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places[7]. Additionally, where adverse effects on landscape character cannot be avoided, it will be necessary to refuse planning permission[8].

188. NRW has defined 48 broad National Landscape Character Areas (NLCA) which are described in LANDMAP 'The Welsh Landscape Baseline' using five datasets:

- Geological Landscape
- Landscape Habitats
- Visual and Sensory
- Historic Landscape
- Cultural Landscape

189. The site lies in an area defined by NRW as NLCA33 Gwendraeth Vales Area. The main landscape characteristics of the area are identified as an area of rolling hills, ridges and minor valleys, comprising the area between the coastal and valley parts of the Tywi, the South Wales Valleys and the Black Mountain part of the Brecon Beacons.

190. The NLCA refers to the countryside setting, in particular, as being a complex network of small geometric fields surrounded by lush, high hedgerows and small copses. Seasonally waterlogged soils in the valleys support rushy grazing of poor agricultural quality while well drained coarse loamy and sandy soils across much of the character area are used for sheep and dairy pasture.

191. I saw at my site visit that the application site and surroundings manifest many of these characteristics; the application sites lie on gentle sloping ground amid undulating agricultural land. Well-established boundary vegetation runs along the site boundaries, consisting of native hedgerow and tree species.

192. Within the 5km[9] study area there are 2 further NLCAs, including NCLA37 South Wales Valleys and NLCA38 Swansea Bay. Given this there is a diverse range of sensitive landscapes, which vary from low (medium-low) to high (medium–high). The applicant's LVIA states that "*The aspect areas defined as high (medium-high) are broadly situated within the expansive uplands and hills landscape focussed towards the fringes of the study area to the north, east,*

[7] Paragraph 6.3.3 of PPW
[8] Paragraph 6.3.4 of PPW

[9] The 5km study area identified in the applicant's LVIA.

south as well as along the river corridors immediately to the east and south and to the south-west."

193. The Carmarthenshire Solar PV Development: Landscape Sensitivity and Capacity Study (LSCS) apportions a similar landscape character[10] to the appeal sites, "*characterised by rolling hills and small valleys with a strong network of field boundary hedgerows and some small patches of woodland. There are scattered farms and several larger settlements. It is traversed by the A48 trunk road and high-voltage overhead lines carried on steel lattice towers. There are a number of operational and consented wind turbines present, and a number of field-scale solar PV installations*."

194. Within 5km of the application areas are also four Special Landscape Areas (SLA), namely:

- Llwchwr Valley SLA immediately to the south of Area 1 (Eastern Site) which extends from the north-east to the south-west, following the river corridor.
- Cwm Cathan SLA, approximately 2.5km to the east of Area 1 (Eastern Site), which extends to the eastern fringes of the study area.
- Mynydd y Betws SLA, approximately 4.3km to the east of Area 1 (Eastern Site), which extends to the eastern fringes of the study area.
- Carmarthenshire Limestone Ridge SLA, approximately 4.8km to the north of Area 3 (Western Site), on the fringes of the study area.

195. Whilst I agree with the general trust of the applicant's LVIA, the local topography does not allow the field pattern described in the NLCA's to register strongly, except when viewed from surrounding higher ground, such as from some of the SLAs. However, I do agree that long range views of the landscape are apparent from elevated positions, but due to the narrow lanes edged with dense hedgerows and occasional woodland block means that locally the landscape is more enclosed in nature.

196. Turning to the local character areas set out in the LSCS, the overall purpose of the Council's LSCS "*is to provide guidance to inform the appropriate design and siting of solar PV development through setting out a baseline assessment of landscape and visual sensitivity and capacity in relation to different development classifications*." Following the approach set out in the LSCS and the assessment of the landscape character I agree with the applicant that the area has a medium sensitivity to large scale solar schemes.

197. To my mind the site is akin to a landscape described in the Council's study where there is potential for solar development. The field pattern is regular with existing mature hedgerows enclosing the fields which form the site. There is a degree of movement due to the presence of the roads and the sites are situated between

[10] Area 47: Mynydd Sylen, Llanelli Hills and Pembrey Coastal Hills – East

various hamlets and farmsteads, with various manmade structures such as the overhead power lines, pylons and sub-station in close proximity to the sites.

198. The proposed development would result in the loss of open fields, changing their use from pasture and introducing a collection of modern, precision-engineered structures that would form an uncharacteristic element in the rural landscape for a period of 40 years.

199. However, the proposed solar panels would be set at a relatively low level, and would follow the contours of the land, so would not alter the existing undulating landform. They would be lower than the existing field boundaries that surround the field site, albeit those boundaries are predominantly deciduous, and gappy in places. The development would be contained within the existing fields and would therefore be consistent with the historic pattern of fields and hedges. The application areas would avoid the semi-natural habitats that exist locally thus maintaining the diversity of the landscape thereabouts.

200. Immediately to the southeast of Area 1 the landscape[11] has a high (medium-high) sensitivity, particularly given that this is one of only a few river valleys of this scale in the country. Nevertheless, the site design of area 1 and the containment of the panels within mature hedgerow vegetation will reduce the impact on the wider landscape character. Furthermore, the strong hedgerow structure as described above, scattered with mature trees, will be conserved, enhanced and sympathetically managed to encourage species diversity and enhanced wildlife habitats.

201. In terms of areas 2 and 3, these sites are located within relatively contained fields, with wooded margins and thus would not disrupt the surrounding and established landscape character. Given the proposed mitigation measures the development would be absorbed within the wider landscape.

202. It is therefore clear that the proposal, alongside the existing solar array, would alter the rural landscape character of the immediate areas by the introduction of these new elements. However, the impact would be partially mitigated in that the existing hedgerows between fields would be maintained and allowed to grow. Also, the surrounding woodlands would help break up and screen the development. The retention of hedgerows and the new planting would ensure that the field pattern, which is one of the main characteristics of the area, was retained.

203. Accordingly, the proposal, combined with the existing array, would result in a limited adverse impact on the local landscape and the character of the rural fields in which it would be located. Whilst in reaching this conclusion the proposals would conflict with LDP Policies RE3, GP1 and SP14, the conflict would not amount to an unacceptable adverse impact as set out in FW Policy 18(1).

Visual amenity

[11] Llwchwr Valley SLA

204. In terms of the visual impact of the development I have assessed the effect when seen from a number of public viewpoints and from ground level outside a number of residential properties in the local area. The existing solar farm traverses a ridge and its full extent is not visible from the application sites. Nevertheless, a high proportion of the existing solar farm would be visible in the same views as the proposed schemes and when seen from the surrounding viewpoints it would appear to be an extension of the existing development[12].

205. Area 1 and 2: In close proximity (0 – 200m) views of the sites would be largely screened by vegetation. Views from properties and roads in and around Tycroes would be limited and the sites would be seen as occupying a thin sliver of land. I appreciate that the occupiers may well regard this as detrimental to the views available from their properties, but it is accepted in planning law that there is no individual right to a view. Moreover, such views would reduce with the managed growth of the hedgerow vegetation.

206. A PRoW crosses Area 1, broadly north to south, it then splits at the southern end of Area 1, with one limb continuing in a southerly direction and the other in an easterly direction. The users of the footpath would have high fences and solar panels along either side of them as they crossed the site and this would have an enclosing effect and substantially increase the apparent presence of man-made features to such an extent that the development would appear overbearing. This would be a major adverse impact on visual amenity. This finding is tempered by the fact that most users of the footpath would be moving and the solar arrays would have a limited and temporary impact as part of a longer journey.

207. In medium distance (200m – 1km) there would be views of Areas 1 and 2 from scattered farmsteads and residential properties. However, such views would be restricted due to a combination of vegetation, other developments and the local topography. From the surrounding road network there would be glimpsed views of both areas through existing gateways and gaps in the hedgerows.

208. For the users of other footpaths in the area, there would be views of the solar panels from time to time along the routes of the footpaths. However, with the layers of intervening vegetation these views would be intermittent and would not be likely to be a dominant feature of the experience of walking any footpath. Furthermore, the LVIA illustrates how the retention and reinforcement of existing hedgerows and trees both within and around the site would reduce the visibility of the proposal from the majority of receptors using the PRoWs.

209. In long distance views, over 1km from Areas 1 and 2, the proposed development would be effectively screened from the larger settlements of Ammanford and Pontarddulais by the existing topography. From scattered residential properties roads and open access land the site would be visible, particularly from the south east where the ground rises towards Graig Fawr.

[12] Particularly Areas 1 and 2.

210. I accept that over time the proposed planting and managed growth of the hedgerows has the potential to soften the visual impact of the development. Nevertheless, in views from the southeast the topography of the site and surrounding area is such that it is not possible to screen the development to any effective extent. In these views the sites would be seen alongside the existing Clawdd Ddu scheme and as such a large proportion of the mass of the solar array would be visible in the mid-ground and from a wide panoramic view. The visual receptors here would be of high sensitivity; however, I agree with the applicant that the combined sites would be perceived, but not dominate the views.

211. Area 3: In close proximity (0 – 200m) views of the site from the road network and PROW would be largely screened by vegetation, including mature hedgerows and tree belts. A residential property 'Ty-isaf'[13] is located immediately to the south and east of Area 3[14]. The two-storey farmhouse is situated on lower ground than the adjacent sloping fields, however views of the proposed development will be possible from first floor windows. Accordingly, there would be medium impact and a moderate adverse effect on this receptor.

212. In medium distance (200m – 1km): There would be limited views of Area 3 due to the existing landscaping. Nevertheless, there will be glimpsed and fleeting views from gateways and gaps in the surrounding vegetation and thus the magnitude of impact will be medium-low, the level of effect will be minor adverse.

213. In long distance views, over 1km from Area 3: Llyn Llech Owain Country Park lies approximately 5km to the north and separated from it by existing development, undulating landform and extensive mature vegetation. Accordingly, any wider views towards the proposed development would be very restricted. This would also be the case for users of the National Cycle Route 47.

214. Security measures: The proposed solar panels and associated plant are valuable, and so the site would be enclosed by a 2.4m high deer fence, and monitored by CCTV infra-red cameras. No security lighting would be used. While the deer fencing would not be at odds with the agricultural character of the area, the cameras would. However, given the height of the existing boundary vegetation and the proposals for additional planting/management, their impact in views from outside the appeal site would be very limited indeed.

215. Cumulative impact: There are 5 operational solar schemes within 5km of the application sites. A further site has been consented and 1 scheme is pending a planning decision. I am also aware that a further site at Blaenhiraeth Farm, Llangennech, Llanelli is also pending a decision through the DNS process.

216. Nevertheless, apart from Clawdd Ddu, they are sufficiently distant from the application sites to ensure that they are not seen in the same view or seen soon before or after the proposed scheme when travelling along roads or public rights of

[13] An involved property

[14] Behind the operational solar scheme

way. Therefore, the proposal would not contribute to any harmful cumulative impacts on landscape character or visual impact.

217. To conclude on the visual impact, the main consideration is the effect on people viewing the site from public places and especially recreational users of public rights of way. The development would be screened by existing and proposed vegetation and this would limit the opportunities for viewers to perceive landscape change. The full extent of the sites would only be apparent within the context of views from the wider landscape. In such views there would be a minor adverse impact.

218. Taking all of this into account, the adverse visual impacts would be limited and localised, being largely confined to views from the footpath alongside the appeal site. After mitigation the development would only have a significant effect when seen from a limited number of viewpoints and that these effects would be typically minor and only moderate to major in a few locations. Similarly given the proposed design and mitigation measures the development would have a limited adverse impact on views into and out of the Llwchwr Valley SLA.

219. I conclude that while the proposed scheme would have a detrimental visual impact on the rural character of the local area there would be little effect on the overall tranquil, open and expansive aspects of the character and appearance of the wider area. Whilst in reaching this conclusion the proposals would conflict with LDP Policies RE3, GP1 and SP14, the conflict would not amount to an unacceptable adverse impact as set out in FW Policy 18(1).

Residential Amenity

Glint and Glare

220. Glint can be produced as a direct reflection of the sun in the surface of the solar PV panel and can cause viewer distraction. Whereas glare is a continuous source of brightness, being a reflection of the bright sky around the sun. Nevertheless, the glass surface of the solar panels is specifically designed to absorb rather than reflect light and have a surface which is anti-reflective and diffusing and so is not reflective in the same way as a mirror or window. Furthermore, I agree with applicant's Solar Glint and Glare Study that "*the significance of a solar reflection decreases with distance. This is because the proportion of an observer's field of vision that is taken up by the reflecting area diminishes as the separation distance increases. Terrain and shielding by vegetation are also more likely to obstruct an observer's view at longer distances for ground-based receptors*." I also acknowledge that there is no specific guidance in respect of the methodology for assessing the impact of glint and glare.

221. The Study assessed 20 dwelling receptors which could potentially experience a solar reflection from the proposed development. From these 10 receptors could experience a negative impact. Nevertheless, given the existing screening and the proposed 'managed growth' of the hedgerows the maximum impact is anticipated to be low.

222. In terms of road users on A483, the study has shown that a solar reflection from the panels is geometrically possible on road users travelling in both directions along the A483 from eight out of ten locations. For the majority of these locations the existing

screening would ensure that no impact is anticipated for any type of vehicle travelling on A483 and no further mitigation would be required. However, for 2 locations there is no screening, but as the reflection will not originate in front of the driver only a low impact is anticipated.

223. Turning to road users on the A48, the study has shown that a solar reflection from the panels is geometrically possible on road users travelling in both directions on the A48 from seven out of nine locations. However, the existing screening would ensure that no impact is anticipated for any type of vehicle travelling on A48 at all seven receptor locations, and no further mitigation would be required. In any event, the height of the hedgerows can be managed to ensure that drivers of larger vehicles are not negatively affected.

224. I do not disagree with the conclusions of the applicant's study. However, I do not consider that it provides a complete picture of the potential impact. I am concerned that dwellings located on the higher ground to the southeast of Area 1 have not been assessed; where a view of a solar panel exists, a solar reflection may be possible. Nevertheless, having considered the intervening distance, duration of any impact and the potential receiving angle, any glint or glare observed would be likely to be negligible. Thus, I do not consider that the dwellings to the southeast would be significantly impacted.

225. Overall, considering the proposed planting, the distances from residential properties and the likely reduced frequency of direct sunshine at the critical times, glint or glare would not cause unacceptable harm to local residents or road users.

Other residential amenity impacts

226. The proposed solar farm would emit no smells and would be unlit. The only noise would be generated by the associated electrical plant, but this would be low-level, and at a sufficient distance from the nearest dwellings not to adversely affect their residential amenities. Moreover, a planning condition could be imposed to ensure that the development would not exceed existing background noise levels at the nearest (non-financially involved) residential property.

227. There is no evidence that the existing or proposed solar farm has/would affect property values and in any event, this is not a material consideration in determining planning applications and proposals.

228. To conclude on this matter, for the reasons set out above, I do not consider that the dwellings in the surrounding area would experience such an adverse impact from the proposed development that would be significantly detrimental to living conditions. The development would accord in this respect with the requirements of LDP Policy GP1 and FW Policy 18 and therefore this matter would be neutral in the final planning balance.

Biodiversity

229. The key principle in any new development proposal is to protect and enhance biodiversity. This is supported at national planning policy level within the FW, PPW and TAN 5 and at the local level in LDP Policies SP14, EQ4, EQ5 and EQ7.

230. The applicant undertook a PEA, dated April 2020, which included a Phase 1 Habitat Survey of all 3 of the proposed areas. This survey stated that all 3 areas comprise of improved grassland managed for its agricultural value and of negligible value for biodiversity. However, the boundaries comprise species rich managed hedgerows with diverse native woody shrubs. Hedgerows are listed under Section 7 of the Environment (Wales) Act 2016 and are a Local Biodiversity Action Plan priority habitat. These hedgerows would qualify as ecologically important for the purposes of the Hedgerow Regulations 1997. Furthermore, Area 1 contains running water which is of site value for biodiversity and Area 3 borders semi-natural broadleaved woodland which is of local value for biodiversity, as well as a number of small ponds with negligible value for biodiversity.

231. The cable route would cross areas of improved grassland, marshy grassland, roadside grassy verges, semi-natural broadleaved woodland, hardstanding, species rich hedgerows and a river. The hedgerows, semi-natural broadleaved woodland, running water and marshy grassland would qualify as a Local Biodiversity Action Plan Priority Habitat and a Habitat of Principal Importance.

232. Analysis of the biological records indicates that a number of notable species are present within 1km of the application areas. However, it is only likely that the boundary features would be used for foraging by bats and Dormice, nesting birds, hedgehogs, reptiles and badger. Otters may also use the River Gwili for feeding, although no holts were found during ecological surveys.

233. There are 10 SSSIs within 4km of the application areas and the Caeau Mynydd Mawr SAC is approximately 1.3km to the north of the application sites (at its closest point). The SAC was designated for the presence of Marsh Fritillary butterfly. Habitats within all 3 application areas would not support suitable plant communities for the Marsh Fritillary, although habitats to the immediate south of Area 2 comprise damp, *Molina* grasslands with potential. In this respect *Molina* meadows on calcareous, peaty or clayey-silt-laden soils can provide habitat to support the plant populations that the Marsh Fritillary larvae feed on.

234. The layout of the solar array would largely avoid impacts on the high value habitats, with the panels located primarily on areas of semi-improved grassland. Accordingly, the loss of this species poor habitat would not be significant. Nonetheless, in order to create an access into Area 2, three metres of hedgerow would need to be removed and replanted once the development is complete.

235. The LEMP sets out that the application areas would be managed to ensure that: hedgerows are maintained with a good structure (including additional planting) to provide connectivity for fauna and to support a diverse flora; buffer grassland would be managed to improve its diversity; grassland beneath the solar panels would be seeded with a suitable grazing mix where necessary; and, any weed growth controlled by mowing with the areas also grazed by sheep.

236. A bat and breeding bird box scheme would be introduced to provide additional habitats around the boundaries of the application sites. Badger gates would be installed at Application area 1 and 3 to facilitate continued access along foraging routes. Within Field F8, close to application area 2, 200 Devil's-bit Scabious plugs would be planted following completion of the construction phase from Mid to late Spring. The location of these is shown on LEMP Map 2.

237. During construction operations buffers would be in place to ensure that the woodland and species rich hedgerows are not damaged. The buffers would be delineated by fencing. The cable route as it passes through woodland, fields F8 and F13, and the River Gwilli would be laid using HDD and a cable trench would be used under hedgerow/banks.

238. On decommissioning the site would be restored to its original condition. This would include pre-decommissioning surveys to establish the value of the site for biodiversity and form the basis of a formal decommissioning strategy for biodiversity. These measures can be secured using a suitable planning condition.

239. The measures set out by the applicant would protect and enhance local biodiversity on the solar array sites. Nevertheless, the construction operations involve the laying of a substantial length of cabling. This cable will cross fields F8 and F13, which contain habitats that have the potential to support the Marsh Fritillary butterfly, as established in the Caeau Mynydd Mawr SAC SPG. This SPG sets out a strategy to ameliorate for the loss of and secure the ongoing and future management of habitat used by the Caeau Mynydd Mawr SAC Marsh Fritillary butterfly metapopulation.

240. The proposal would result in the disturbance to suitable habitat for the Marsh Fritillary butterfly and is therefore within the zone where the evidence points to an impact on the SAC. Following consultation with NRW the applicant revised its approach and has now adopted HDD across fields F8 and F13. HDD is a method of installing underground pipelines, cables and service conduit through trenchless methods. NRW has confirmed that this would be acceptable.

241. Based on the implementation of the proposed mitigation measures as outlined above, and secured by condition, I am satisfied that there would be no significant harmful impacts on ecological features. The application would also provide the biodiversity enhancement measures to provide a net benefit for biodiversity. As such, the proposed development would meet the requirements of the FW Policy 18(3, 4, 5) and LDP Policies EQ4, EQ7 and SP14. It would also be consistent with the objectives of TAN5 to protect nature conservation interests.

Heritage Assets

242. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on decision makers, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

243. In relation to SAMs the provisions of the Ancient Monuments and Archaeological Areas Act 1979 provides no statutory protection to the setting of a SAM. Nevertheless, PPW explains at paragraph 6.1.7 that "*It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way*."

244. There are a number of heritage assets in the landscape surrounding the application areas, as set out in paragraphs 96 and 97 above. It is a matter of fact that none of these heritage assets would be physically altered by the proposed development. Rather, it is the indirect effect of the proposal, in terms of its impact on their settings, that needs to be considered.

245. The applicant identified that there would be a low to moderate impact on the settings of scheduled monuments GM386 Earthwork on Graig Fawr and GM513 Two Burial Chambers on Graig Fawr, with a lesser impact on the settings on Listed Buildings 18453 Plas Mawr and LB19451 Plas-Newydd Mill.

246. As a result of the local topography there is intervisibility between these identified sites and the development proposals. However, the limited visual impact of the proposed development, and the separation distances involved, would result in only a minor change to such views. Further, these impacts would be reduced over time due to the proposed hedgerow management and a planning condition would ensure an appropriate level of archaeological recording.

247. I conclude on this matter that the proposed development would not significantly harm the setting or significance of the identified heritage assets and would comply with the FW Policy 18(6) and LDP Policies GP1, SP13 and EQ1. This finding is supported by Cadw and is neutral in the final balance.

Transport and Access

248. The majority of the vehicle movements connected with the proposal are associated with the construction phase, which is predicted to last for approximately 18 weeks. It is anticipated that at its peak the construction works will generate some 10 to 11 HGV deliveries per day (40 movements) or some 2 to 3 HGV movements per hour on the A48 and a similar volume of traffic on the A483.

249. Access to Area 1 would be via the existing Clawdd Ddu solar array access, some 250m to the north east of the Coopers Road junction. As such this access has previously been 'tried and tested', without any significant concern and therefore the continued use of this access should not cause any significant impacts.

250. Whilst there are a number of PRoWs that dissect Area 1, the applicant has confirmed that these will remain open at all times throughout the construction period and

thereafter. However, for the safety of the PRoW users these routes will be temporarily diverted[15] for the duration of the construction phase.

251. The proposed access to Area 2 is located approximately 300m to the south west of the A483's junction with Coopers Road. The access currently serves two dwellings and a field. There is good visibility in both directions, which the applicant's Transport Statement confirms is at least 215m to the west (where national speed limit applies) and 90m visibility to the east (into the 40mph speed limit area).

252. Access to Area 3 would be via the existing junction from the A48 that serves Ty-Isaf, which is a no through road. The junction also serves a vehicle 'rest area'. The applicant's Transport Statement confirms that during the construction phase of the development, construction traffic will not be permitted to turn right at this junction. Traffic approaching from the south east will instead continue north for some 5km and U-turn at the Cross Hands Business Park grade-separated junction.

253. A Construction Traffic Management Plan (CTMP) would be put in place by the applicant and the Transport Statement sets out the minimum requirement of this at paragraph 5.1. The CTMP could also be used to address the concerns raised by consultees in terms of co-ordinated deliveries and a vehicle lay-up site. The requirement for a CTMP could be conditioned if planning permission were granted.

254. After commissioning, the site will only experience very infrequent visits for maintenance by van/4x4-type vehicle.

255. Accordingly, based on the evidence before me, the proposal would not give rise to any significant highway safety concerns either during or post construction. It would therefore comply with the FW Policy 18(9) and LDP Policy TR3. It would also meet with the objectives of TAN 18 in this regard. As such this matter would be neutral in the planning balance.

Flood Risk

256. The applicant has prepared a FCA, dated 16 January 2020. The application areas are located in Zone A of the TAN 15 Development Advice Map. Accordingly, there would be little or no risk of fluvial or coastal / tidal flooding. Therefore, the impact on local hydrology must be considered to ensure that flood risk is not increased elsewhere.

257. The solar arrays have been laid out to ensure that high and medium risk flow routes are avoided or that landscape gaps are provided so that flows are not hindered. In any event the panels are supported on narrow legs that are resilient to water but do not significantly impede flow.

258. I have also taken into account that the management of the land as described above would lead to the improvement of the soil quality, increase the absorption quality of the land and reduce silt runoff.

[15] Subject to necessary consents.

259. Neither the Council nor Welsh Water has raised any concern to the development in this regard. Therefore, I do not consider that the development would raise any flood risk concerns of itself or increase the risk of flooding elsewhere on the site or in the immediate surroundings.

260. The proposal would accord with LDP GP1. It would also meet with the objectives of TAN 15 to ensure the risks of flooding are assessed and managed for any new development as it relates to sustainability principles. This matter is therefore neutral in the planning balance.

Land Use

261. PPW advises that the best and most versatile (BMV) agricultural land should be conserved as a finite resource for the future. Therefore, considerable weight should be given to protecting such land from development. The WG has confirmed that a detailed Agricultural Land Classification survey is not required to support the application because it is unlikely to include BMV.

262. Given the aforementioned the proposals would comply with LDP Policy SP14 and would be neutral in the final balance.

Coal Mining

263. The Coal Authority has stated that the application sites are within the defined 'Development High Risk Area'. Therefore, it is highly likely that there are coal mining features and hazards in the area including shallow coal mine workings associated with thick coal seam outcrops and recorded mine entries.

264. The applicant has undertaken a Coal Mining Risk Assessment which guided the layout of the solar arrays, thus avoiding the areas of concern. The Coal Authority was satisfied, subject to a number of conditions, that the proposals would safeguard public safety. Given this, the proposals would comply with LDP Policy EP6 and would be neutral in the final balance.

Benefits

265. PPW at paragraph 5.76 states that "*the planning system should secure an appropriate mix of energy provision, which maximises benefits to our economy and communities*." In this regard the WG published a Policy Statement[16] on local ownership of energy developments. Although not a planning consideration this sets out an expectation that all new renewable energy projects in Wales to include an element of local ownership to retain social and economic benefit from future energy developments located in Wales. Further, PPW provides support for the principle of securing financial contributions[17] for host communities through voluntary arrangements.

[16] Policy Statement: Local ownership of energy generation in Wales – benefitting Wales today and for future generations, dated 18 February 2020.

[17] PPW Paragraph 5.9.28

266. The applicant stated in document A31 that it has engaged with aid organisations local to the project to discuss contributions if planning permission is forthcoming and once the project is built and operational. Nevertheless, I have no mechanism before me to secure such benefits and I give this matter no weight.

267. Therefore, whilst there is no direct financial support or local ownership proposed, there would be some benefits to the landowner including an element of farm diversification, thus increasing the financial security of farming, and some economic benefit would flow from the commissioning and construction phase of the development but limited longer term employment.

268. Moreover, the proposed development would have wider community benefits in terms of increasing sustainability and energy resilience in terms of a maximum installed capacity of 40 MW, which would generate sufficient electricity to meet the needs of approximately 15,290 homes / annum and offset about 10,665 tonnes of CO2 emissions / annum.

269. The production of renewable energy would enable a reduction in greenhouse gas emissions and there would be a useful contribution to the national and international objectives for renewable energy production. There would be commensurate assistance in securing a reliability of supply. I have no evidence that the construction, location, design or build of the arrays in themselves give rise to additional climate change impacts. As such, the development delivers positive social, environmental, cultural and economic benefits. A specific agreement to provide community benefits is not necessary to make this development acceptable in planning terms.

270. I give these benefits substantial weight in the overall planning balance.

Other Matters

271. The Council raised concerns relating to the need for a planning obligation to make provision for a bond to fund the decommissioning of the development at the end of the limited period. Nevertheless, I have no evidence that a planning condition could not deal with this matter effectively and address the removal and restoration issue, as has been the case in many other instances of solar farms and other temporary developments. Moreover, the WG Circular 016/2014 states that "*Local planning authorities should seek to overcome planning objections, where appropriate, or secure mitigation by condition rather than by a planning obligation*." In the absence of any evidence to the contrary, a condition could address the removal of the installation and the reinstatement of the land.

Planning Balance and Preliminary Conclusion

272. I have considered the concerns expressed by a number of objectors to this application, and clearly it is vital that local views are taken into account. However, these views must be weighed together with all the other material considerations.

273. I place substantial weight on the benefits of the proposal that I have identified above. Both PPW and the FW identifies as a core principle that planning should support the transition to a low carbon future in a changing climate and encourages the development of renewable energy. It would meet the WFGA wellbeing goals as it would assist in building a stronger, greener economy as we make maximum progress towards decarbonisation and make our cities, towns and villages even better places in which to live and work.

274. I consider that, with appropriate mitigation, the consideration of the living conditions of nearby residential occupiers, biodiversity and land stability are neutral in the overall balance. I have also considered a number of other matters, however these do not weigh against the proposal.

275. FW Policies 17 and 18 set out the WG'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. As FW is the most recently adopted part of the development plan and contains the most directly relevant policy to renewable energy projects of national significance and given that the conflicts that I have identified with the LDP, in terms of landscape character and visual amenity, are relatively minor, therefore I conclude that the proposal complies with the development plan when considered as a whole.

Conditions / Obligations

276. A set of suggested conditions was submitted by CCC in its LIR. I have had regard to the suggested conditions and whether they meet the tests outlined in WG Circular 016/2014. Where appropriate I have amended the suggested conditions for improved clarity and included others I consider necessary. The recommended suite of conditions is included as Annex A to this report.

277. Further to my findings above, I do not find that it has been demonstrated that a planning obligation is necessary to make the development acceptable. It would not therefore meet all three tests outlined in Regulation 122 of the CIL Regulations. It is also important to note that Welsh Office Circular 13/97 '*Planning Obligations*' advises that if there is a choice between imposing conditions and entering into a planning obligation, the imposition of a condition is preferable. Thus, planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Habitat Regulations Assessment

278. Given the conclusion set out in paragraph 275 above, I now go on to consider:

    i. whether the proposed development would adversely affect the integrity of the Caeau Mynydd Mawr SAC, having regard to the conservation objectives of that site; and, if it would have an adverse effect; and

    ii. whether, there being no alternative solutions, the development must be carried out for imperative reasons of overriding public interest[18].

[18] Regulation 64 of the Habitats Regs.

European Sites

279. The appeal site lies within a 2km radius of the Caeau Mynydd Mawr SAC. In relation to this SAC, a change or loss in Molinia meadows on calcareous, peaty or clayey-silt-laden soils habitat associated with the development may lead to a reduction of Marsh Fritillary butterflies, the Annex II species which is the primary reason for which the site is designated. In accordance with the Habitats Regulations, as the competent authority it falls on the Welsh Ministers to undertake an Appropriate Assessemnt (AA but to assist in that process I have set out my assessment below.

280. If the proposed development is not directly connected with or necessary to site management, as is the case here, the decision-taker must determine whether the proposal is likely to have a significant effect on a European site, alone or in combination. An AA is required where there is a probability or a risk that the plan or project will have significant effects in terms of the conservation objectives for which the site was classified.

281. Caeau Mynydd Mawr SAC is situated at the centre of a wider area that sustains one of Wales' most important populations of the Marsh Fritillary butterfly. The butterfly requires large areas of connected habitats in order to maintain a thriving metapopulation.

282. Favourable Conservation Status of the metapopulation requires the appropriate management of a network of 'Potential, Suitable and Good Condition' Marsh Fritillary habitat to include populations of Succisa pratensis (Devils Bit Scabious) which is the main host plant for the butterfly's larvae. Development pressures and changes in agriculture have left the current habitat fragmented and isolated, which can threaten the survival of remaining plant populations as well as the butterfly.

283. Based on the submitted ecology reports and shadow HRA, dated February 2021, submitted by the applicant, NRW has commented[19] that "*We have reviewed the updated Landscape and Ecology Management Plan (February 2021) and the draft HRA (February 2021) and our concerns regarding the Marsh Grassland fields and the cabling have been addressed. The method for laying cable is Horizontal Directional Drilling for all sensitive habitats including the fields of marshy grassland that we raised in our previous response*." And "*We are now in agreement with the conclusion that a Likely Significant Effect, alone or in combination, on Caeau Mynydd Mawr SAC can be screened out*"

284. However, this is based on a number of mitigation measures. In some circumstances, the decision-taker must consider the way in which it is proposed to carry out the project and whether conditions or other restrictions would help to ensure that site integrity was not adversely affected. In practice, this means identifying the potential risks and putting in place a legally enforceable framework with the aim of preventing the risks from materialising.

285. The identified potential risks to the SAC habitat include land take; increased airborne pollutants; and increased waterborne pollutants. In terms of 'land take', habitats within the footprint of the solar arrays comprise managed agricultural grassland and

[19] REP09 III

from the evidence before me are not suitable for the Marsh Fritillary butterfly. During construction operations, there is potential for airborne pollutants and dusts to be created for a brief period of time. The applicant states in the shadow HRA that "*Prevalent winds in this area are from the south west such that any pollutants would be carried towards this SAC, nevertheless dilution over the intervening distance would negate any effect. It not expected that airborne pollutants will be emitted during the operational phase of the development*." Further, "*Site 3 is set close to River Gwili, whilst both Site 3 and Site 1 have small watercourses, these all flow to the south or east, leading away from the SAC and the SPG. There is no pathway for waterborne pollutants associated with the proposed development to impact this SAC or supporting habitats*." NRW have not raised any objection to these statements, and I have no contradictory evidence to to say otherwise.

286. However, the cable route passes through fields F8 and F13 which comprise grassland with potential for *Succisa pratensis* the foodplant of the Marsh Fritillary larvae. Degradation of this habitat and a reduction in this food plant could impact on the long-term viability of the SAC butterfly population.

287. I consider that there is the potential for impacts on the nearby SAC. As such I conclude that there would be likely significant effects arising from this development in the absence of mitigation and avoidance measures.

288. In reaching this conclusion I also have to consider the 'in-combination' impact from other similar developments. The applicant has identified four[20] large scale solar developments within the Caeau Mynydd Mawr SAC SPG area. Limited information was available for these projects to enable any assessment to be made. Whilst, the HRA screening Report of the LDP provides no consideration for renewable energy developments specifically, it does 'screen out' rural developments and infrastructure, of which this type of application could be considered. Accordingly, an AA for this individual proposal only is required.

Appropriate Assessment (AA)

289. As set out in the Biodiversity section above the applicant intends to use a number of mitigation methods to avoid any harm to the SAC. In particular, the use of HDD. HDD provides for the limited disturbance of land and water as there is no excavation except for the entry and exit pit. Accordingly, the ground seedbank and root structure of *Succisa pratensis* would remain undisturbed.

290. The use of planning conditions[21] to control these factors would ensure that the adverse effect on habitats can be sufficiently reduced such that the integrity of the European site is not adversely affected from this proposal. Essentially, condition 2 ensures that the development is completed in accordance with the submitted details, including the LEMP V4 (and any subsequent update), which provides for HDD. In doing so I do not need to consider the above step 'ii' of alternative solutions or public interest.

[20] Council references: E/28026, E/28054, S/27987 & S/27526

[21] Planning conditions are set out in Annex 1. Relevant conditions include Nos. 2; 4; 5; 9; 11; 13; 14.

AA Conclusion

291. I have taken into account all the available evidence and have adopted the precautionary principle in carrying out this assessment. I conclude that it is beyond reasonable scientific doubt that this development and associated construction activities, either alone or in combination with other projects, would not have an adverse effect on the integrity of a European Site, namely the Caeau Mynydd Mawr SAC.

292. This conclusion is predicated on the circumstances of the case based on the site's unique context and situation and on the basis of securing those elements of the identified mitigation and avoidance measures that I have found to be reasonable and necessary.

Recommendation

293. The requirement of the WBFG Act to make decisions "*in accordance with the sustainable development principle*" equates to behaving in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. The WBFG Act also sets out a number of well-being goals and states that in undertaking sustainable development public bodies should consider the five ways of working as set out in the Act. In coming to my recommendation, I have had regard to the extent to which the proposal contributes to the well-being goals.

294. I recommend that planning permission be granted, subject to the conditions attached at Annex A.

J Burston

Inspector

Documents/Plans Submitted with the Application

A1	Application Form
A2	Site Location Plan ref. SPLP-D02-PL
A3	Site Plan Existing 1 of 3 ref. SP-EP1.D02-PL
A4	Site Plan Existing 2 of 3 ref. SP-EP2.D02-PL
A5	Site Plan Existing 3 of 3 ref. SP-EP3.D02-PL
A6	Site Plan Proposed 1 of 3 ref. SP-SL1-D02-PL
A7	Site Plan Proposed 2of3 ref. SP-SL2-D02-PL
A7	Site Plan Proposed 3of3 ref. SP-SL3-D02-PL
A8	Elevations Plan ref. SP-ELD2-PL
A9	Transformer Housing Plan ref. SP-IND2-PL
A10	Substation Plan ref. SP-SSD2-PL
A11	CCTV Plan ref. SP-CTD2-PL
A12	Site Clearances Plan ref. SP-SCD2-PL
A13	Fence Plan ref. SP-SFD2-PL
A14	Landscape and Visual Impact Assessment (LVIA); produced by Amalgam Landscape
A15	Landscape Masterplan; produced by Amalgam Landscape (Figures 18A and 18B contained within the LVIA)
A16	Preliminary Ecological Appraisal (PEA) - solar sites; produced by Western Ecology
A17	Preliminary Ecological Appraisal (PEA) - cable route; produced by Western Ecology
A18	Landscape and Ecology Management Plan (LEMP); produced by Western Ecology
A18	Habitats Regulation Screening Assessment; produced by Western Ecology
A19	Flood Consequences Assessment (FCA); produced by Clive Onions Ltd.
A20	Heritage Impact Assessment (HIA); produced by Archaeology Wales
A21	Transport Statement; produced by Acstro
A22	Coal Mining Risk Assessment; produced by Yellow Sub Geo • Coal Mining Risk Assessment Technical Note; produced by Yellow Sub Geo

A23	Construction and Environmental Management Plan (CEMP); produced by Spring
A24	Glint and Glare Assessment; produced by Pager Power
A25	Arboricultural Impact Assessment & Method Statement [AIA&MS] Report + Appendices; prepared by Woodland and Countryside Management Ltd
A26	AIA&MS Supplementary Report - Underground Cables + Appendices; prepared by Woodland and Countryside Management Ltd.
A27	Design and Access Statement; produced Renplan Ltd
A28	Copy of Screening Direction 3213704 - EIA Not Required (enclosed in Appendix 1 of this Report)
A29	Copy of Acceptance of Notification - Letter to Applicant 23.12.2019
A30	Consultation Report; produced by Renplan Ltd 29.04.2020

Documents Submitted Since the Application was Accepted as Valid

REP01	Consultation Response: Land, Nature and Forestry Division WG
REP02	Consultation Response: Cadent
REP03 I	Consultation Response: Dyfed Archaeological Trust Ltd
REP03 II	Consultation Response: Dyfed Archaeological Trust Ltd
REP03 III	Consultation Response: Dyfed Archaeological Trust Ltd
REP04	Consultation Response The Coal Authority
REP05 I	Consultation Response: Network Management Division WG
REP05 II	Consultation Response: Network Management Division WG
REP06	Consultation Response: National Grid
REP07	Consultation Response Cadw
REP08 I	Consultation Response: Carmarthenshire County Council
REP09 I	Consultation Response: Natural Resources Wales
REP09 II	Consultation Response: Natural Resources Wales
REP10	Consultation Response: Hywel Dda University Health Board
REP11	Dwr Cymru Welsh Water

OBJ 01	Name withheld
OBJ 02	Sue Spratley

Documents Submitted following the Suspension Period and second consultation

A31	Tycroes Covering Letter (PPW/FW)
A32	Tycroes Covering Letter (HRA/National Grid)
A33	National Grid Letter
A34	NRW Letter
A35	Site Layout Plan Ref. SP-SL3-D02-PL R06
A36	Site Layout Plan Showing Gas Pipeline Ref. SP-PI-D02-PL R06
A37	Tycroes LEMP Version 4
A38	Tycroes Cable Route Preliminary Ecological Appraisal
A39	Tycroes HRA Shadow Screening Assessment
REP09 III	Consultation Response: Natural Resources Wales
REP08 II	Consultation Response: Carmarthenshire County Council
REP08 III	Consultation Response: Carmarthenshire County Council

Annex A

Recommended conditions in the event of planning permission being granted:

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

   Reason – Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the details of the following approved plans and documents, except where amended by conditions attached to this planning permission:

   - Site Location Plan ref. SPLP-D02-PL
   - Site Plan Existing 1 of 3 ref. SP-EP1.D02-PL
   - Site Plan Existing 2 of 3 ref. SP-EP2.D02-PL
   - Site Plan Existing 3 of 3 ref. SP-EP3.D02-PL
   - Site Plan Proposed 1 of 3 ref. SP-SL1-D02-PL
   - Site Plan Proposed 2 of 3 ref. SP-SL2-D02-PL
   - Site Plan Proposed 3 of 3 ref. SP-SL3-D02-PL R06
   - Site Plan Gas pipeline layout ref. SP-PI-D02-PL R06
   - Elevations Plan ref. SP-ELD2-PL
   - Transformer Housing Plan ref. SP-IND2-PL
   - Substation Plan ref. SP-SSD2-PL
   - CCTV Plan ref. SP-CTD2-PL
   - Site Clearances Plan ref. SP-SCD2-PL
   - Fence Plan ref. SP-SFD2-PL
   - Landscape and Ecology Management Plan (LEMP) Version 4; produced by Western Ecology
   - Transport Statement; produced by Acstro
   - Coal Mining Risk Assessment; produced by Yellow Sub Geo
   - Coal Mining Risk Assessment Technical Note; produced by Yellow Sub Geo
   - Construction and Environmental Management Plan (CEMP); produced by Spring
   - Arboricultural Impact Assessment & Method Statement [AIA&MS] Report + Appendices; prepared by Woodland and Countryside Management Ltd
   - AIA&MS Supplementary Report - Underground Cables + Appendices; prepared by Woodland and Countryside Management Ltd.

   Reason – Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

3. This planning permission shall endure for a period of 40 years from the date when electricity is first exported from the solar farm to the electricity grid ('First Export Date'). Written notification of the completion of construction

operations and First Export Date shall be provided by the developer to the Local Planning Authority no later than 1 calendar month after that event.

Reason – Permission is sought for a limited time period.

4. No later than 12 months before the expiry of the permission the following schemes shall be submitted to and approved in writing by the Local Planning Authority:

   i. a decommissioning scheme for the removal of all surface elements of the photo voltaic solar farm and associated development and any foundations or anchor systems to a depth of 1m below ground level;
   ii. a restoration and aftercare scheme; and
   iii. ecological surveys to inform the decommissioning.

   The approved decommissioning/restoration/aftercare scheme shall be fully implemented within 12 months of the expiry date of the permission.

   Reason – To ensure that, upon the expiry of the lifespan of the development, the development is removed, and the land restored to its former condition. (LDP Policy GP1).

5. If the solar farm fails to produce electricity for supply to the grid for a continuous period of 6 months a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 6 month period for the repair or removal of the solar farm.

   Where repairs or replacements of more than 500 panels in a 90 day period are to be undertaken, the scheme shall include a proposed programme/timetable of remedial or replacement works to be agreed in writing with the Local Planning Authority. Where removal of the solar farm is required the scheme shall include the same details required under the decommissioning condition 4 of this permission and a timetable for decommissioning. The relevant scheme shall thereafter be implemented in accordance with the approved details and timetable.

   Reason – To ensure that, upon the expiry of the lifespan of the development, the development is removed, and the land restored to its former condition. (LDP Policy GP1).

6. 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.

   Reason – In the interests of visual amenity and in compliance with LDP Policy GP1.

7. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of any noise emanating from any electrical equipment to be installed, such that the rating level (as defined in BS4142) will not exceed the existing background noise level at the boundary of the nearest noise sensitive receptor. The development shall only be operated in accordance with the approved scheme.

   Reason – To protect the amenities of third parties and in compliance with LDP Policy GP1.

8. No development hereby approved shall be commenced until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall provide details of the measures set out in Section 5 of the Transport Statement. Thereafter, the development shall be implemented in accordance with the approved CTMP.

   Reason – In the interests of highway safety and in compliance with LDP Policy TR3.

9. There shall at no time be any means of construction vehicular access to the development from C2134 Road.

   Reason – In the interests of highway safety and in compliance with LDP Policy TR3

10. No development or site clearance shall take place until a Landscape Design Scheme (LDS) has been submitted to and approved in writing by the Local Planning Authority.

    The LDS shall specifically provide plant stock and planting specifications for:

    i. Additional new native species tree planting to the immediate inside of existing hedge lines in locations where there are:
       - no existing hedge line trees; and
       - there would be no potential shading of PV arrays by expected 40 year future canopy growth.

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

    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; and

iii. Hedgerow maintenance/management scheme to ensure that highway users, including HGV drivers, are protected from glint/glare.

Reason – In the interests of biodiversity, highway safety and visual amenity and in compliance with LDP Policy EQ4 and GP1.

11. The approved Landscape Design Scheme (LDS), as submitted to discharge condition 10, shall be fully implemented in the first planting season following the commencement of development. Any new landscape elements constructed, planted or seeded, or existing landscape elements retained, in accordance with the approved LDS which within the lifetime of the proposed development are removed, die, become diseased, damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification.

    Reason – In the interests of visual amenity and in compliance with LDP Policy GP1.

12. No development hereby approved shall take place until additional land control (LC) information has been submitted to and approved in writing by the Local Planning Authority. The LC information shall include the following:

    i. Land Management Responsibility Plan which provides clear definition of the land control status of all areas within and forming the application boundary including:
        - The extent of land subject to lease agreements to PV operator(s)
        - The extent of land subject to other ownership and details of the constituent landowners.

    ii. Details of the management agent (individual, body or organisation) responsible for implementation of each area of distinct control.

    iii. Details of the legal agreements by which delivery of the LC scheme will be secured and continued through any changes to land control responsibility.

    All landscape maintenance and management operations shall be fully implemented as approved.

    Reason – In the interests of visual amenity and in compliance with LDP Policy GP1.

13. The scheme hereby approved shall be carried out strictly in accordance with the submitted Arboricultural Impact Assessment and Method Statement and associated plans.

    Reason – In the interests of biodiversity and visual amenity and in compliance with LDP Policy EQ5 and GP1.

14. The proposed solar scheme hereby approved shall be carried out strictly in accordance with the approved Construction Environmental Management Plan.

    Reason – In the interests of biodiversity and in compliance with LDP Policy EQ4.

15. No development hereby approved shall take place until an updated Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The updated LEMP shall address monitoring of hedgerows and floristic diversity, and details of sowing mixtures. The LEMP shall be subject to 5 yearly review to be approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved LEMP or any other iterations approved by the Local Planning Authority.

    Reason – In the interests of visual amenity and in compliance with LDP Policy GP1.

16. No development shall take place until a suitably qualified archaeologist has submitted a written scheme of investigation (WSI) for approval in writing by the Local Planning Authority. The development shall be implemented in accordance with the requirements and standards of the written scheme.

    Reason – To protect historic environment interests whilst enabling development and in compliance with LDP Policy SP13 and EQ1.

17. No development hereby approved shall take place until an appropriate scheme of intrusive site investigations for the Mine Shaft 257209-001 and 258209-004 has been submitted to and approved in writing by the Local Planning Authority.

    Reason – In the interests of public safety and in compliance with LDP Policy EP6.

18. No development hereby approved shall take place until the submission of a report of findings arising from the intrusive site investigations, set out in Condition 17, have been submitted to and approved in writing by the Local Planning Authority. The report shall include:

    i. The submission of a report of findings arising from the intrusive site investigations; and

    ii. The submission of a scheme detailing any remedial works required.

    Reason – In the interests of public safety and in compliance with LDP Policy EP6.

19. No development hereby approved shall take place until any remedial works approved by condition 18 have been fully implemented. 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

the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason – In the interests of public safety and in compliance with LDP Policy EP6.

END

APPENDIX 13 – INSPECTOR'S EXAMINATION REPORT TO HIGHWAYS ACT 1990 THE FISHGUARD TO BANGOR TRUNK ROAD (A487) (CAERNARFON AND BONTNEWYDD BYPASS AND DE-TRUNKING) ORDER 201

The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Adroddiad

Ymchwiliad a agorwyd ar 13/06/2017

Ymweliadau safle a wnaed ar 4 a 11/07/2017

gan Hywel Wyn Jones BA (Hons) BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18.10.2017

Report

Inquiry opened on 13/06/2017

Site visits made on 4 & 11/07/2017

by Hywel Wyn Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 18.10.2017

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

THE FISHGUARD TO BANGOR TRUNK ROAD (A487) (CAERNARFON AND BONTNEWYDD BYPASS AND DE-TRUNKING) ORDER 201-

THE FISHGUARD TO BANGOR TRUNK ROAD (A487) (CAERNARFON AND BONTNEWYDD BYPASS) (SIDE ROADS) ORDER 201-

THE WELSH MINISTERS (THE FISHGUARD TO BANGOR TRUNK ROAD (A487) (CAERNARFON AND BONTNEWYDD BYPASS)) COMPULSORY PURCHASE ORDER 201-

Cyf ffeil/File ref: APP/Q6810/17/516226

GLOSSARY AND ABBREVIATIONS USED IN THIS REPORT

AADT	Annual average daily traffic flows (over a 24 hour period)
AIES	Assessment of the Impacts on European Sites
AQMP	Air Quality Management Plan
ATA	Active Travel (Wales) Act 2013
BCR	Economic Benefits to Costs Ratio
BMV	Best and Most Versatile (agricultural land)
CEMP	Construction Environmental Management Plan
CPO	Compulsory Purchase Order
DMRB	Design Manual for Roads and Bridges of the Department of Transport / Welsh Government
EIA	Environmental Impact Assessment
ES	Environmental Statement for the Scheme
FCA	Flood Consequences Assessment
GAPS	Gwynedd Archaeological Planning Service
HRA	Habitats Regulations Assessment
JLDP	Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted July, 2017
NCN	National Cycle Network
NMU	Non-Motorised User
NMWTRA	North and Mid Wales Trunk Road Agency
NRW	Natural Resources Wales
ORR	Office of Rail and Road
PMA	Private Means of Access to property
PROW	Public Right of Way
RoC	Register of Commitments

RSA	Road Safety Audit
SAC	Special Area of Conservation
SAM	Scheduled Ancient Monument
SEA	Strategic Environmental Assessments
SIAA	Statement to Inform an Appropriate Assessment
SRO	Side Roads Order
SSSI	Site of Special Scientific Interest
SU	Statutory Undertakers
TAN	Technical Advice Note
TPO	Transport Planning Objective
vpd	Vehicles per day
WBFG Act	Well-being of Future Generations (Wales) Act 2015
WelTAG	Wales Transport Appraisal Guidance
Prefix References:	
WG	Welsh Government Proofs of Evidence
DD	Documents deposited for public scrutiny
ID	Documents raised and submitted during the course of the Inquiry.

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CASE DETAILS

- The Welsh Government's trunk road improvement proposal, known as The Caernarfon and Bontnewydd Bypass, is hereinafter referred to as "the Scheme" in this report. References to Inquiry documentation are given in the brackets that follow each section of the report.
- The draft Line Order would be made under Sections 10 and 12 of the Highways Act 1980 and is known as: THE FISHGUARD TO BANGOR TRUNK ROAD (A487) (CAERNARFON AND BONTNEWYDD BYPASS AND DE-TRUNKING) ORDER 201- (DD001).
- The draft Side Roads Order would be made under Sections 12, 14, 125 and 268 of the Highways Act 1980 and is known as: THE FISHGUARD TO BANGOR TRUNK ROAD (A487) (CAERNARFON and BONTNEWYDD BYPASS) (SIDE ROADS) ORDER 201- (DD002).
- The draft Compulsory Purchase Order would be made under Sections 239, 240, 246, 250, and 260 of the Highways Act 1980 and under Section 2 and paragraphs 1(1)(b), (3) and (4) of Part 1 of Schedule 2 to the Acquisition of Land Act 1981 and is known as: THE WELSH MINISTERS (THE FISHGUARD TO BANGOR TRUNK ROAD (A487) (CAERNARFON AND BONTNEWYDD BYPASS) COMPULSORY PURCHASE ORDER 201- (DD003).
- The draft Supplementary Compulsory Purchase Order would be made under Sections 239, 240, 246, 250, and 260 of the Highways Act 1980 and under Section 2 and paragraphs 1(1)(b), (3) and (4) of Part 1 of Schedule 2 to the Acquisition of Land Act 1981 and is known as: THE WELSH MINISTERS (THE FISHGUARD TO BANGOR TRUNK ROAD (A487) (CAERNARFON AND BONTNEWYDD BYPASS) SUPPLEMENTARY COMPULSORY PURCHASE ORDER 201- (ID007).
- The draft Line Order and draft Side Roads Order (SRO) were published on 24 August 2016 and the objection period ended on 13 October 2016. The draft Compulsory Purchase Order (CPO) was published on 14 September 2016 and the objection period ended on 13 October 2016 (DD013, DD016, DD021). The draft Supplementary Compulsory Purchase Order (CPO) was published on 13 June 2017 and the objection period ended on 5 July 2017 (ID007).
- The scheme was subject to an Environmental Impact Assessment, in accordance with Section 105A of Part V of the Highways Act 1980 (as amended) and EC Directive 2011/92/EU (DD010).
- An Environmental Statement (ES), a Non-Technical Summary of the ES and a Statement to Inform an Appropriate Assessment (SIAA) were published on 24 August 2016. The periods for comment on those documents ended on 13 October 2016 (DD004-DD009, DD014).
- The Orders, if made, would authorise the Minister, acting on behalf of the Welsh Government, to construct the Caernarfon and Bontnewydd Bypass and transfer responsibility for the length of the A487 that currently runs from Llanwnda to Plas Menai roundabout as a trunk road, to Gwynedd Council.

SUMMARY OF RECOMMENDATIONS

I recommend that the draft Line Order be made.

I recommend that the draft Side Roads Order be modified and as modified be made.

I recommend that the draft Compulsory Purchase Order be modified and as modified be made.

I recommend that the draft Supplementary Compulsory Purchase Order be made.

1 PREAMBLE

1.1 I was appointed by the Cabinet Secretary for Economy and Infrastructure, one of the Welsh Ministers, pursuant to Paragraph 7 of Schedule 1 of the Highways Act 1980 and Schedule 13 (2) of the Acquisition of Land Act 1981, to conduct concurrent Public Local Inquiries into the above draft Orders and to report to the Welsh Ministers. For ease of reference I shall refer to the concurrent Public Local Inquiries as "the Inquiry" in this report (DD018, DD201, DD203, DD204).

1.2 I held a Pre-Inquiry meeting at the Celtic Royal Hotel, Bangor Street, Caernarfon, on 25 April 2017. A note of the meeting was sent to all persons who had registered at the meeting or had made objection or representation about the draft Orders. The note is Inquiry Document 1 (ID001) (DD018).

1.3 The Inquiry was also held at the Celtic Royal Hotel in Caernarfon, over 13 days between 13 June 2017 and 12 July 2017. On the last sitting day of the Inquiry, and at the request of Welsh Government, I adjourned the Inquiry to enable a land owner affected by a proposed modification to be consulted. After confirmation of the land owner's response was received, and in accordance with my stated intentions on the last sitting day of the Inquiry, I formally closed the Inquiry and notified those parties present on the last day, in correspondence dated 21 August 2017 (DD018, ID132).

1.4 I undertook an unaccompanied site inspection on 26 June 2017, and two targeted and accompanied site inspections on 4 and 11 July 2017.

1.5 There were 160 objections submitted before the end of the Inquiry. All were considered. At the end of the Inquiry 149 objections remained unsatisfied. The Welsh Government received 20 expressions of support for the principle of the Scheme. There were also 74 items of miscellaneous correspondence received by Welsh Government in connection to the Orders.

1.6 20 alternatives to the Scheme were advanced by objectors in accordance with the programme I set for such alternatives set at the Pre-Inquiry meeting. The Welsh Government developed these into realistic engineering proposals during the early days of the Inquiry. All received some support from the public and counter-objection from interested individuals, companies or authorities. During the Inquiry some of these alternatives were further developed and refined by the Welsh Government, partly in response to detailed clarification by the promoters (ID001, ID039, ID041, ID045, ID049, ID053, ID071, ID076, ID079, ID082, ID083, ID085, ID086, ID091, ID095, ID096, ID098, ID099, ID121, ID127).

1.7 Ten witnesses gave evidence at the Inquiry on behalf of the Welsh Government. Four supporters and 23 objectors appeared, or were represented, at the Inquiry. No counter-objectors to the alternative proposals appeared.

1.8 At the end of the objection period the main grounds for objection to the draft Orders were that:

- the public consultation process which informed the choice of the route was deficient and the resultant decision was flawed
- the Scheme is not justifiable in terms of cost, would not offer value for money, and does not constitute sustainable development
- there would be harmful effects on the Glan Gwna Holiday Park
- the Scheme would adversely affect businesses, specifically Gwalia Garage and more generally the town centre of Caernarfon
- there would be loss and severance of agricultural land, including at Ty Hen Farm, Dinas Farm, Pen-y-Bryn Land, Rhydderch Bach, Crug Farm
- the Scheme would damage farms and agriculture and there would be insufficient agricultural crossings over or under the road
- the roundabouts would not cater adequately for non-motorised users (NMUs), with particular concerns over Lôn Eifion at the Goat roundabout
- the attractive rural landscape would be affected by the significant earthworks and structures
- flooding concerns relating to surface water run-off and impacts on existing rivers and other watercourses
- there would be an adverse impact on ecology and cultural heritage
- the Scheme would introduce traffic noise, air pollution and visual intrusion into the relatively quiet countryside and attractive landscape
- the CPO should be modified to reduce land earmarked for landscaping, the proposed carriageway width and cutting slopes rather than retaining structures
- water supplies would not be properly retained or provided, particularly to farms.

1.9 The Welsh Government confirmed that all the Statutory Procedures had been properly completed before the start of the Inquiry (WGO01).

1.10 The scheme would provide a 9.7km long bypass to the west of Llanwnda, Dinas and Bontnewydd and to the south of Caernarfon. It comprises a single 2+1 wide carriageway that would provide 2 lanes in one direction and 1 lane in the opposite direction, with a separating centre strip. At either end of the Scheme, the existing roundabouts would be modified, with two intermediate roundabouts connecting it to the de-trunked A487 and A4086 (DD019).

1.11 This report contains a brief description of the area, the gist of the cases presented and my conclusions and recommendations. Lists of appearances and documents are appended at Annex A and Annex B respectively. Annex C sets out the modifications proposed by the Welsh Government to the draft Orders.

2 PROCEDURAL AND LEGAL MATTERS

2.1 At the Pre-Inquiry meeting I requested that any legal submissions should be put in writing, and explained that the Inquiry would be run in accordance with The Highways(Inquiry Procedure) Rules 1994 and The Compulsory Purchase (Inquiries Procedure (Wales)) Rules 2010.

2.2 During the Inquiry concern was raised by objectors that the scope of the Inquiry should include the Welsh Government's approach to deciding on its chosen option and its use of the WelTAG process. One objector explained that he had sought informal legal advice but the matter was not pursued any further.

2.3 Throughout the Inquiry Welsh to English simultaneous translation facilities were available and were extensively used by two Welsh Government witnesses, a supporter, several objectors in presenting evidence in Welsh, and by me in questioning participants (ID001).

3 DESCRIPTION OF THE SURROUNDINGS

The material points are:

3.1 Figure 1.2 of the Environmental Statement shows the route of the Scheme superimposed and annotated on an aerial image of the area (DD005). More detail is provided in ID004.

3.2 Most of the route of the Scheme would run through attractive countryside which is predominantly agricultural with sporadic development of mainly farmsteads with single and small groups of houses and a few holiday parks. At its southern extremity it would begin at the Goat Roundabout where the A499 road to Pwllheli connects with the A487. It would run to the west of the villages of Llanwnda, Dinas and Bontnewydd crossing local roads, the West Highland Railway and the Afon Gwyrfai. Much of this area is relatively flat pasture land with pockets of woodland.

3.3 To the north of Bontnewydd the route would cross the existing A487 at Meifod before running to the east of Caernarfon. Much of the land along the next section of the route is farmland with mature hedgerows and pockets of woodland. It is generally more undulating than the southern section of the route. The route would skirt Caernarfon Quarry, crossing side roads before it would be carried over the steeply-sloping Seiont Valley where it would cross over the A4085 and the Glan Gwna Holiday Park.

3.4 From the Seiont valley it would pass along the south eastern edge of the Cibyn Industrial Estate before crossing the A4086. From that point the land is generally more open in character. The route would cross the B4366 before passing close to Caerlan Tibot, a defended enclosure, before finishing at the Plas Menai Roundabout which connects Y Felinheli to the A487, close to the shore of the Menai Strait.

4 THE CASE FOR THE WELSH GOVERNMENT

The material points are:

The Background to the Scheme and the History of Public Consultation

4.1 Building on a 1992 Welsh Office Highways Directorate report which confirmed the feasibility of bypassing Caernarfon a 2007 study considered transport issues and options in the Llanwnda to Plas Menai corridor, leading to feasible options being identified and tested under the WelTAG Stage 1 Appraisal process (WG001).

4.2 In 2009, a WelTAG Stage 2 study aimed at addressing transport problems on the A487 through Caernarfon and Bontnewydd was undertaken and led to two public consultations:

- the first in March to May 2010, and
- a supplementary one in November 2010 to January 2011.

4.3 These led, in July 2012, to the Minister for Local Government and Communities announcing that the preferred Purple Route would be protected against development by the issue of a TR111 plan to the Local Planning Authority (ID010).

4.4 Subsequently the Minister for Economy, Science and Transport reviewed the options and in May 2013 adopted the Yellow Option as the Preferred Route. In reaching this decision it was acknowledged that whilst the Purple Option performed slightly better against objectives than the Yellow that option was £8.5m cheaper.

4.5 The Purple option received more public support during the initial consultation but, after its announcement as the Preferred Route, a significant volume of correspondence was received objecting to the Purple option and supporting the Yellow option. (ID010)

4.6 Since the announcement of the Preferred Route the public were informed of developments at two Public Information Exhibitions held in March and June 2015, and issues raised were fed into the design which formed the basis of the draft Orders which were exhibited on the 20th to 23rd September 2016. In the order of 256 people attended the exhibitions (WG001).

Relevant National, Regional and Local Policies, Programmes and Strategies

4.7 The following Policies, Programmes and Strategies underpin the need for the Scheme.

Taking Wales Forward 2016-2021 (DD131)

4.8 'Taking Wales Forward 2016-2021' sets out how the Welsh Government will deliver more and better jobs through a stronger and fairer economy, improve and reform public services, and build a united, connected and sustainable Wales. It outlines the Welsh Government's priorities for delivering those improvements. The corresponding key actions which the Welsh Government is undertaking in relation to its 'United and Connected' aim relates to 'Transport'

and, in particular, a commitment to "Deliver an M4 relief road, and improvements to the A55, the A40 in West Wales, and other trunk roads" and, " to ensure better access to active travel for all".

People, Places, Future - The Wales Spatial Plan, 2008 Update (DD105)

4.9 The Spatial Plan sets out strategic spatial planning guidance over a 20-year period. The themes for the Plan addresses: the Plan's vision; building sustainable communities; promoting a sustainable economy; valuing our environment; achieving sustainable accessibility and respecting distinctiveness. These themes then relate to each of the Wales Spatial Plan Area Strategies.

4.10 The Plan encourages the safeguarding and enhancement of our environment and aims to achieve sustainable accessibility. The vision for Northwest Wales (Eryri a Môn) is described as: 'A high-quality natural and physical environment supporting a cultural knowledge-based economy that will help the area to maintain and enhance its distinctive character, retain and attract back young people, and sustain the Welsh language'.

4.11 Under 'achieving sustainable accessibility' in relation to Northwest Wales the Plan states that: 'work to address the capacity issues on the Britannia Bridge and the A487 around Caernarfon to help improve this link further is required as is the enhancement of the road network within the region, especially in relation to the main north-south and east-west corridors'.

The Wales Transport Strategy - One Wales: Connecting the Nation (DD106)

4.12 The Wales Transport Strategy (WTS) focuses on the role which transport can play in delivering the Welsh Government's wider policy objectives in areas such as spatial planning, economic development, education, health, social services, the environment and tourism. It sets out a series of high-level outcomes and the steps needed for their delivery. It recognises that transport systems are central to all aspects of sustainable development: to a thriving economy; to giving people in deprived communities better access to jobs and services; and to developing alternatives to private car use and to reducing greenhouse gas emissions. Its goal is to promote sustainable transport networks that safeguard the environment, while strengthening the country's economic and social life.

4.13 The WTS is a high-level strategy that is not route or scheme specific and involved the Welsh Local Government Association, Regional Transport Consortia, and a range of other key stakeholders in its preparation in order to reflect the specific circumstances that apply in different parts of Wales.

4.14 The strategy identified 17 specific long-term outcomes. These are to:

- improve access to healthcare
- improve access to education, training and lifelong learning
- improve access to shopping and leisure facilities
- encourage healthy lifestyles
- improve the actual and perceived safety of travel

- improve access to employment opportunities
- improve connectivity within Wales and internationally
- improve the efficient, reliable and sustainable movement of people
- improve the efficient, reliable and sustainable movement of freight
- improve sustainable access to key visitor attractions
- increase the use of more sustainable materials in our country's transport asset and infrastructure
- reduce the impact of carbon or greenhouse gases
- adapt to the impacts of climate change
- reduce the contribution of transport to air pollution and other harmful emissions
- improve the positive impact of transport on the local environment
- improve the effect of transport on our heritage
- improve the impact of transport on biodiversity.

4.15 The WTS developed these outcomes into 5 strategic priorities. These are set below, together with the way the Scheme aims to meet these priorities:

- *Integrating local transport* – it would ease congestion within the town centre and free local roads for local transport, and improve the flow of through traffic
- *Improving access between key settlements and sites* – it would improve the link between west Wales and Bangor, and, from Bangor, to the A55, onto Ireland, and the rest of Great Britain and Europe
- *Enhancing international connectivity* - it would link the regions of west and northwest Wales to the A55 Corridor on the north Wales coast which provides an important link to the Trans European Transport Network (TEN-T) which links to Ireland in the west and England in the east (and, beyond that, to the rest of Great Britain and the Continent)
- *Increasing safety and security* - the bypass would provide more reliable journeys with increased safety (safe overtaking opportunities) and remove traffic from both Caernarfon and Bontnewydd. This in turn would improve safety of local residents
- *Reducing greenhouse gas emissions and other environmental impacts* – the Scheme would include extensive mitigation measures to minimise the environmental impacts of the Scheme. Environmental improvements would include pollution control measures to control discharge to water courses (WG001).

4.16 A number of key actions are identified within the Strategy. Those applicable to the Scheme include the following:

- Making sure new transport infrastructure is resilient to climate change;

- Taking action to reduce the effects of transport on noise, severance, air and water pollution and biodiversity;
- Developing walking and cycling links in our communities;
- Improving the reliability of the road system especially between key settlements;
- Improving the road infrastructure on the main east-west routes; and
- Improving north-south links by road; and implementing casualty reduction strategies (WG001).

The Wales Infrastructure Investment Plan for Growth and Jobs 2012 (WIIP) (DD108)

4.17 The Plan sets out the Welsh Government's strategic capital investment priorities. It is designed to prioritise, scope and coordinate delivery of major infrastructure investments, to stimulate the economy and support jobs and make a significant contribution to the long term economic, social and environmental wellbeing of people and communities in Wales.

4.18 The WIIP identifies the role that 'economic infrastructure' (which includes roads) plays in economic growth. It highlights that economic infrastructure provides key services to business and private customers by linking them through the transmission of goods, services and information. Of particular importance are those networks that perform the economic function of helping people to access employment. Effective investment in such networks can help raise employment and promote economic growth in ways that go beyond the effects of other large-scale capital investment.

4.19 In relation to transport it aims to secure the most out of the existing road network through well-planned maintenance and upgrades to ensure that the road network operates more efficiently by:

a) prioritising investments which contribute to economic growth – addressing urban congestion and improving access to key areas, and by improving the capacity and reliability of key east-west routes; and

b) being more agile in approach to developing solutions to underlying problems that people face every day.

4.20 The WIIP identifies the Welsh Government's road investment priorities and their timing. The WIIP Project Pipeline Update, published in December 2014, identifies that construction of the A487 Caernarfon and Bontnewydd Bypass works were due to start in end of 2015/early 2016.

4.21 The WIIP also makes clear that the Welsh Government is aware of the impact of its spending upon local communities and the consequent opportunities for employment and training that arise. Therefore, the delivery contracts for major infrastructure schemes are designed to maximise the impact of public spending on the local economy, which results in jobs being supported either directly or indirectly in the construction sector.

4.22 Training and Recruitment would be an essential element in the delivery of the Scheme to maximise employment and training opportunities for local people.

Clauses have been included within the construction contract to ensure community benefits are maximised and commitments were made by the Joint Venture Contractor to recruit and train local people and businesses. This and other proposed scheme initiatives are consistent with the Welsh Government guide 'Community Benefits: Delivering Maximum Value for the Welsh Pound' for ensuring community benefits are maximised from public procurement. (DD109, WG001, WG003)

The National Transport Finance Plan (2015)

4.23 The National Transport Finance Plan (NTFP) (2015) (DD132) was pre-dated by the National Transport Plan (NTP) (2010) (DD102) and the Trunk Road Forward Programme (TRFP) (DD110). It lists the schemes that the Welsh Government will deliver across the different areas of transport for which it is responsible.

4.24 The TRFP which was published in March 2002 unveiled a programme of major trunk road improvements across Wales. In line with the Welsh Government's programme for sustainable development, the TRFP took into consideration social, environmental and economic factors.

4.25 The 2004 Supplement to the TRFP identified the Caernarfon and Bontnewydd bypass as a Phase 3 Scheme that was unlikely to start before April 2010. A further update to the programme was published in 2008, which reprioritised the TRFP. The Caernarfon and Bontnewydd bypass was included as a Phase 2 Scheme, re-programmed to start between April 2011 and April 2014.

4.26 The NTP sets out in detail how the Wales Transport Strategy was to be delivered over the next five years. It set out an integrated transport system for Wales building on previous plans, adding and integrating public and community transport, walking and cycling to ensure that these investments would deliver the overarching One Wales Strategy.

4.27 All intentions within the NTP were subject to an option development process in accordance with the Welsh Transport Planning Appraisal Guidance (WelTAG) to ensure that they fit with the objectives of the Wales Transport Strategy (DD111).

4.28 During the development of the NTP, a Strategic Environmental Assessment (SEA) was undertaken to ensure the integration of environmental considerations into the planning and decision-making process. This was published in March 2010. The SEA was undertaken in line with the SEA Regulations for Wales which implement the requirements of European Directive on the assessment of the effects of plans and programmes such as the NTP on the environment (DD112).

4.29 The A487 Caernarfon and Bontnewydd bypass was included within the proposals (item 69) for improvements to the north-south corridor with works to start by 2014. A key feature of the corridor strategy is to improve reliability, journey time and safety. On the north-south corridor, the NTP also highlighted that opportunities for creating safe overtaking would be examined on works identified on the trunk road in order to improve journey time reliability and safety.

4.30 The NTP was prioritised in December 2011 to reflect the objectives of the Welsh Government as set out in the 'Programme for Government 2011 -2016' (DD101).

4.31 In July 2015, the National Transport Finance Plan (NTFP) was published. The NTFP sets out how the Welsh Government will continue to implement the Wales Transport Strategy and support the delivery of the Programme for Government. It confirms that the A487 Caernarfon & Bontnewydd Bypass will continue to be progressed through to construction (Delivery Schedule, Appendix A, R17).

Moving North Wales Forward (DD133)

4.32 In 2017 the Welsh Government published 'Moving North Wales Forward - Our Vision for North Wales and the North East Wales Metro'. Improving transport services and infrastructure within North Wales and across the border is one of the Welsh Government's priorities for the coming years.

4.33 The vision states that modernising transport in North Wales and the North East Wales Metro will contribute to the achievement of Welsh Government's well-being objectives. This will provide the right platform to deliver sustainable economic development, connecting people, communities and business to employment, services, facilities and markets through reliable, resilient infrastructure and supporting an integrated approach to deliver the transition to a low-carbon and climate resistant society.

4.34 The vision notes that the Welsh Government is currently developing highway schemes and specifically lists the A487 Caernarfon and Bontnewydd Bypass.

Road Safety Framework for Wales (DD116)

4.35 The Road Safety Framework (2013) sets out the Welsh Government's priorities for road safety, focussing on casualty reduction at the heart of all road safety interventions. It notes the most useful measure of progress in road safety is the number of people killed or seriously injured on Welsh roads. The proposed targets within the Framework are set as:

- a 40% reduction in the total number of people killed and seriously injured on Welsh roads by 2020, meaning 562 fewer killed and seriously injured casualties
- a 25% reduction in the number of motorcyclists killed and seriously injured on Welsh roads by 2020, meaning 64 fewer motorcyclists killed and seriously injured casualties, and
- a 40% reduction in the number of young people (aged 16–24) killed and seriously injured on Welsh Roads by 2020, meaning 139 fewer young people killed and seriously injured casualties.

4.36 The Framework outlines the commitments by the Welsh Government in the implementation of any highway improvement or new road schemes on the trunk road network, to ensure safer roads:

- To analyse the impact the scheme will have on collisions. To undertake Road Safety Impact Assessments and encourage local authorities to do the same as part of highway improvement schemes
- Engineers are encouraged to identify high risks and vulnerable groups at specific locations or on routes through analysis of collisions and traffic flow make up to inform road safety engineering schemes, and
- Road Safety Audits evaluate highway improvement schemes during design and the end of construction to identify potential road safety problems that may affect any users of the highway and suggest measures to mitigate those problems. Road Safety Audits are a standard requirement on all highway improvement schemes on the trunk road network in Wales.

The North Wales Joint Local Transport Plan (DD134)

4.37 The North Wales Joint Local Transport Plan (2015) has been prepared by a consortium of Local Authorities in response to the Welsh Government requirement for Local Transport Plans (LTP) to be produced to comply with the legislative requirements set out in the Transport Act 2000. This requires the Plan to contain policies for the promotion and encouragement of safe and efficient transport and that they contain policies for the implementation of the Wales Transport Strategy. This Plan was submitted to the Minister for Economy, Science and Transport for approval in January 2015.

4.38 The LTP complements the work of local authorities in economic development and planning and aims to address the key issues and opportunities for North Wales. The issue raised in the LTP which relate to the strategic road network specifically is that on the trunk road network there are issues with East-West and North-South connectivity which also impact on local road networks. The opportunity presented in relation to the issue is to improve connectivity within the regions so as to help links between businesses and suppliers and improve journey times to work.

4.39 The Scheme would help to address this issue facing the highway network in north Wales and in particular would contribute to improving the strategic north-south connections and improvement of journey times. This therefore aligns with the North Wales Joint Local Transport Plan (WG001).

Anglesey and Gwynedd Joint Local Development Plan (JLDP) (DD128)[1]

4.40 The JLDP written statement sets out the main issues in the area that the land use planning system can influence and sets out a vision for how the Plan area will look by 2026.

4.41 Under Strategic Policy PS [2]4 Sustainable Transport, Development and Accessibility, the Plan states "Development will be located so as to minimise the need to travel. The Councils will support transport improvements that

[1] The Anglesey and Gwynedd Joint Local Development Plan (JLDP) was adopted by both Councils in the period between the last sitting day of the inquiry and its formal closing.

[2] In presenting oral evidence Mr Fernando confirmed that the reference to PS22 in his written evidence should read 'PS 4' and should also refer to policy TRA 1.

maximise accessibility for all modes of transport, but particularly by foot, cycle and public transport. This will be achieved by securing convenient access via footways, cycle infrastructure and public transport where appropriate, thereby encouraging the use of these modes of travel for local journeys and reducing the need to travel by private car." The JLDP states that "The Councils will endeavour to improve accessibility and seek to change travel behaviour. This will be achieved by working with our partners to ……. allocate or safeguard land where appropriate to facilitate the key strategic transport schemes". Policy TRA 1 identifies the A487 Caernarfon to Bontnewydd as a Transport Scheme. The route of the Scheme coincides with that shown as safeguarded for the purpose on the Plan's Proposals Map (ID013)

The Objectives of the Scheme

4.42 There are 5 Transport Planning Objectives (TPOs) for the scheme:

- TPO1 - Reduce journey time (between Llanwnda and Plas Menai) and improve journey time reliability to within +/- 3 minutes of the average journey time throughout the day
- TPO2 - Reduce journey time (between Llanwnda and Caernarfon) and improve journey time reliability to within +/- 3 minutes of the average journey time throughout the day
- TPO3 - Reduce the number of vehicles passing through residential communities, including Llanwnda, Dinas, Bontnewydd and Caernarfon
- TPO4 - Scheme to contribute to the Welsh Government casualty targets:
  - 40% reduction by 2020;
  - 25% reduction in motorcyclists by 2020; and
  - 40% reduction in the number of young children killed or seriously injured by 2020
- TPO5 - Improve network resilience – increase the amount and/or capacity of alternative routes to improve the resilience of the network.

4.43 The scheme would achieve these objectives by:

- TPO1 and TPO2 – Reducing congestion and improving traffic flows (WG002, WG004)
- TPO3 - Diverting through traffic away from the existing trunk road and local roads in Caernarfon thereby reducing by between 12% and 72% traffic passing through the affected residential communities (WG004)
- TPO4 – diverting through traffic from urban areas thereby reducing the number of forecast accidents, resulting in 7 fewer fatal casualties and 71 fewer serious casualties (WG004)
- TPO5 - Providing additional capacity on the highway network (WG004)

The Existing Road Conditions

4.44 The existing A487 Trunk Road passes through the villages of Llanwnda, Dinas and Bontnewydd and the Caernarfon urban area as a two-lane single carriageway urban road, with a short length of dual carriageway around Caernarfon town centre. A network of side roads and accesses connect to the trunk road throughout this length.

4.45 The A487 severs a number of communities, adversely affecting the overall quality of life of local residents, causing difficulties in access to schools and other community facilities. Its difficulties give rise to traffic incidents and the use of unsatisfactory local roads.

4.46 Maintenance of the existing A487 is difficult, owing to its narrow width, urban nature and traffic loading, which negate its resilience as a strategic traffic route. Along the existing A487 there are seven roundabouts of varying size, three traffic light controlled pedestrian crossings and four zebra crossings (WG002).

4.47 Traffic volumes within the urban areas adversely affect air quality and generate noise at various locations, particularly in Caernarfon and Bontnewydd (WG005, WG007).

Road Accidents

4.48 From 2009 to 2014 there were a total of 238 accidents in the study area of the scheme of which 2 were fatal, 45 serious and 191 slight accidents, with clusters along the A487 corridor and fatal accidents in Caernarfon (DD537).

The Proposed Road

Design and Standards

4.49 The Scheme would provide a wide-single 2+1 road in accordance with Departmental Standard TD70/08, which allows for an additional centre lane allocated to directional overtaking. A Differential Acceleration Lane (DAL) is provided at all roundabout exits that are not already designed with two lanes for overtaking. Overall, the Scheme would provide 4.6km of overtaking in the northbound direction with 4.57km southbound. This would exceed the 40% overtaking value requirement of Departmental Standard TD9/93 (DD303, DD532, WG002).

4.50 In accordance with TD70/08 the carriageway lanes would be 3.5m wide, with a 1m median to separate traffic lanes in opposing direction, with 1m hard-strips bounded by 2.5m soft verges. This would give a minimum highway cross-section of 18.5 m unless earthwork and/or boundary treatments necessitate a wider corridor.

4.51 The Scheme would have a 100kph design speed (derestricted) with low-noise surfacing for its length other than at junctions where increased durability would be necessary (WG002, WG007).

4.52 The Scheme would have four at-grade roundabouts. At either end the scheme would connect to the retained sections of the A487 at the Goat and Plas Menai roundabouts, which would be re-modelled to provide additional arms. Two

new intermediate roundabouts are proposed at Meifod and Cibyn. A fifth roundabout would be provided on the B4366 Bethel Road to connect to the local road network. There would be two new priority 'T' junctions located at Pen-y-Bryn Road and at Plas Menai (WG002).

4.53 The Scheme would incorporate one full-standard lay-by in each direction to accommodate the requirements of Design Standards TD69/07 (The Location and Layout of Lay-by and Rest Areas) and TD 70/08 (The Design of Wide Single 2+1 Roads (WG002, WG005).

4.54 To minimise the effects on ecological features and the landscape, road lighting would be provided only at roundabouts and their approaches (WG002).

4.55 All road-surface water run-off would be captured and attenuated to current green-field run-off rates such that watercourse peak flows would be unchanged. Overland drainage and non-main river watercourses would also be captured and routed via cross culverts to maintain existing catchment areas. Surface water treatment and watercourse diversions would be consistent with the Water Framework Directive 2015. Scheme surface water would drain over the edge of the paved surface of the carriageway to grassed verges and swales. This would be replaced at roundabouts by kerb and gully drainage and with structure-specific drainage systems serving the two viaducts. Surface water from each drainage sub-catchment would then be conveyed via pipes, catchpits and manholes to one of the 17 attenuation ponds (DD223, DD558, DD559, WG002, WG008).

4.56 The Scheme would cross 4 designated main rivers, one other river and several tributaries and watercourses and would be acceptable in accordance with Planning Policy Wales Technical Advice Note 15: Development and Flood Risk (DD008, WG008, ID035, ID068).

4.57 The road would be fenced with otter proof fencing near all new structures. Wider span bridges, oversized culverts and dry pipes would provide safe crossing points for wildlife (WG006).

4.58 Embankments would be formed using general fill, of which approximately 96% would be site-won with only 28,828 m^3 of imported fill material needed. The side slope gradient of the cuttings would be 1:2.5 and the embankments would be constructed at a gradient of 1:2 (ID020, WG002, WG003).

4.59 A Stage 1 Road Safety Audit (RSA) was carried out in accordance with DMRB Standard HD19/15, Road Safety Audits and identified twelve safety concerns, of which 8 were confirmed as accepted, with 5 of those incorporated into a revised design. Three outstanding issues: police speed enforcement consultation, lighting columns on roundabout splitter islands and the Plas Menai cycle route crossing placement have been reserved for detailed design (DD501, DD502, DD503, WG002).

4.60 The trunk road section of the design would incorporate 8 departures from normal engineering standards (6 highway and 2 road structure departures) and 5 relaxations of those standards. All have been endorsed by an independent Technical Review Panel. There would be 36 side road departures from standards all which have been accepted in principle by Gwynedd Council (DD506, WG002).

Detailed Alignment, earthworks and structures (WG002)

4.71 The general arrangement of the road is included as Figures 2.1a-i of Volume 2 the Environmental Statement (DD005). This shows that the scheme would start at the southern end with works to the Goat roundabout. A new arm would be created for the bypass and the existing filter lane on the de-trunked section of the road from Llanwnda would be removed. That road would be crossed by a raised Tiger crossing that would accommodate the re-routeing of Lôn Eifion east of the roundabout to a Toucan crossing of the A487(S) 75m south of the roundabout. A treatment/attenuation pond is located to the west of Goat Roundabout.

4.72 From the Goat roundabout the road would be elevated on a 7m high embankment, crossing over Glanrhyd Road on an underpass and the Afon Rhyd Culvert on a culvert. Close to the underpass would be an attenuation pond. The road would then enter a 9m deep cutting where it would cross under an overbridge for the Ty'n Llan side road. The underpass and overbridge would also accommodate existing footpaths FP10 and FP19 on diverted routes. A watercourse would be accommodated by a culvert that would also serve as a connection route for bats. Two attenuation ponds would be sited close to the culvert. The road would approach Dinas Farm on a 5m high embankment within which an underpass would accommodate the farm's private road.

4.73 The Scheme would cross the Afon Gwyrfai floodplain on a viaduct. Near to the northern end of the viaduct would be an attenuation pond. The road would continue on an embankment rising to 8m and would cross Llidiart Gwyn Road on an underbridge. A layby serving northbound traffic would be provided close to this underpass. The road would cross the Welsh Highland Railway by means of an overbridge at Cefnwerthyd which would also accommodate a level crossing of the railway. The height of the embankment would gradually decrease to about 2m high at a point where the existing side road between Bontnewydd and Fron Goch would be stopped up to vehicles and equestrians, who would be diverted along existing side roads, whilst a bridge would maintain access for pedestrians and cyclists. An attenuation pond would be provided close to the road's connection with the Meifod roundabout.

4.74 The farm track which uses the level crossing at Cefnwerthyd links Cefnwerthyd Farm to several fields. The Scheme would replace the existing level crossing of the railway, which lies on a diagonal alignment to the railway with the provision of 2 level crossings perpendicular to the railway and in proximity to one another. This arrangement would require a length of farm track alongside the railway.

Inspector's Note

At the outset of the Inquiry it was explained that the requisite approval for the proposed second level crossing of the railway from the Office of Rail and Road (ORR) was awaited and, despite efforts during the Inquiry, it was not forthcoming before its close (ID092, ID094).

As a consequence an alternative crossing arrangement was presented to me.

It proposed one crossing point, effectively in the same position as the existing crossing, but on a perpendicular alignment. This necessitates the provision of a second length of farm track to run under the bridge alongside the other flank of the railway. The bridge would need to be widened to accommodate this arrangement. The modifications to the draft Orders (SRO Modification 17 and CPO Modification 17) are described in Annex C of this report. The Welsh Government confirmed that although its preferred option would be for the original arrangement (in the event that the approval of ORR is confirmed prior to Welsh Ministers' decision on the Orders), it considers that the revised arrangements are also suitable.

I draw attention to this ongoing issue and the potential impediment at paragraph 9.99 of my Conclusions.

4.75 The Meifod roundabout, located on the northern outskirts of Bontnewydd, would connect the new road with the de-trunked and re-aligned A487. From this point the road would be on an embankment rising to 5m to cross a re-aligned side road, Rhos Bach Lane. The southbound layby for the road would be located close to a proposed bat culvert that would follow the existing line of Rhos Bach Lane. There would be 2 attenuation ponds within this section of the Scheme.

4.76 After the layby an existing side road, Pen-y-Bryn Road, would be stopped up. The road at this point would run within a nominal cutting and then be carried on a low embankment as it skirts the disused Caernarfon Quarry[3]. It would then enter a 6m deep cutting before rising on an 8m embankment where it would cross over a wildlife crossing culvert before being carried over the A4085 Waunfawr Road on an underbridge.

4.77 After crossing the Waunfawr Road, the bypass would cross the Afon Seiont floodplain on an 18m high embankment and then bridge the river and part of the Glan Gwna Holiday Park on a viaduct at which point it enters into a 2m deep cutting. It would skirt the Cibyn Industrial Estate before connecting to a re-aligned A4086 Llanberis Road by means of a new roundabout. Five attenuations ponds would be established between Seiont Viaduct and the Cibyn Roundabout.

4.78 From the Cibyn roundabout the road would follow the existing topography before rising to cross over a diverted footpath FP36, which would be carried in an underpass, at which point there would also be an attenuation pond. Thereafter the road would remain at grade until it crosses the old line of the diverted unnamed side road (between A4366 Bethel Road and A4086 Llanberis Road). Following a short 3m embankment over the culverted Afon Cadnant, (the structure also serving as a cattle creep), the bypass would enter a 4m deep cutting passing under the diverted Bethel Road overbridge.

4.79 The unnamed side road (between B4366 Bethel Road and A4086 Llanberis Road) and Crug Lane would be severed and diverted to the east, to be re-

[3] The Caernarfon Quarry is also referred to by several others names, inkling Seiont Quarry, Seiont Brickworks and Caernarfon Brickworks

connected with the diverted B4366 Bethel Road at a new Bethel Road Roundabout. Two attenuation ponds would be provided between the Afon Cadnant crossing and the Bethel Road roundabout.

4.80 From the new Bethel Road bridge the bypass would emerge from a cutting onto a low embankment before entering a 5m cutting which would deepen steadily to 22m as it descends at a 5% downgrade to the Plas Menai roundabout.

4.81 To the east of the Scheme a new section of side road would divert Crug Lane and an attenuation pond would be provided near the new Crug Lane connection onto Plas Menai Roundabout. On the far side of that roundabout, the existing side road to properties including Plas Menai Watersports Centre would be diverted into a new priority junction on Caernarfon Road to share a re-modelled arm onto Plas Menai Roundabout.

4.82 The design of the Scheme has been the subject of a review by the Design Commission for Wales with further input proposed at the detailed design stage. (DD512, WG002, ID017)

Traffic justification for the Scheme (WG004)

4.83 The Key Stage 3 traffic flows and transport economic appraisal evidence presented at the Inquiry, specifically in WG004, updated evidence prepared at the time of making the draft Orders which include deposit documents DD004, DD006, DD008, DD009 and DD011. The update was prepared in response to the release of revised guidance by the Department for Transport (DfT) guidance in terms of the Value of Time and the National Trip End Model (NTEM) growth forecasts. The updated evidence is based on TEMPro 7.0 as opposed to the previously used TEMPro 6.2. Whilst a further revision (TEMPro 7.2) was released in March 2017 it has a negligible impact on the traffic data (ID022).

4.84 Traffic data was derived from 2009 roadside interview surveys which were reviewed and supplemented in 2015 and refined by manual and automatic classified turning counts, car park, pedestrian and journey time surveys (DD537, DD539).

4.85 This fed a SATURN traffic model, in which three one-hour modelled time periods were examined – an AM peak (0800-0900 hrs), inter-peak period (1300-1400 hrs) and a PM peak (1700-1800 hrs). Two categories of traffic (light and heavy goods vehicles together and, separately, cars) were represented in the traffic model.

4.86 The model provided an analysis for all local roads, the saturation flows at each junction and the impact of the signal timings at the 5 pedestrian crossings within the modelled section of the A487.

4.87 It was calibrated and successfully validated in accordance with best practice. Growth factors were applied to predict traffic flows on the existing and proposed network in 2018 (opening year) and 2033 (design year) respectively

(DD508, DD543, DD534a, WG004, ID034).

4.88 The predicted Annual Average Daily Traffic (AADT) expressed in vehicles per day (vpd) on the proposed bypass are:

	Goat to Bontnewydd	Bontnewydd to Cibyn	Cibyn to Plas Menai
2018	17,110	14,480	12,360
2033	18,240	15,750	13,540

4.89 Without the Scheme, traffic volumes on existing local roads would increase between 2018 and 2033:

- through Bontnewydd from 20,140vpd to 21,970vpd
- through Caernarfon town centre from 19,520vpd to 20,760vpd, and
- east of Bethel Road roundabout from 5,170 to 6,490 (ID005, ID005A).

4.90 The Scheme would reduce A487 traffic through Bontnewydd by 72% and through Caernarfon town centre by 33%. It would also result in a reduction in traffic bound for Caernarfon on the A4085, A4086 and B4366 by 12%, 28% and 31% respectively but would increase flows on the A487 south of Goat roundabout and north of Plas Menai roundabout by 13% and 6% respectively. At the Goat roundabout flows would increase on the A499 by 30% and reduce on Lon Ffynnon near Crug Farm by 73%.

4.91 Pedestrian and vehicular conflict would reduce through Caernarfon and Bontnewydd, whilst journey time savings varying from 4 minutes to 30 seconds for both local and strategic traffic would accrue. In 2033 time-savings for traffic travelling along the bypass rather than along the existing A487 would lie between 3 and 5 minutes.

4.92 The additional highway capacity provided by the Scheme, means that there would be more options for traffic to re-route through the network in the event of an incident, thereby improving the resilience and sustainability of the network.

Cost and economic justification for the Scheme (WG004)

4.93 The cost of the Scheme, including construction, land, preparation and supervision, would be £91m based on Quarter 4 2014 prices. The Economic Assessment Report sets out the beneficial return of the scheme, when considered against the capital and maintenance costs, ie the Benefits to Cost Ratio (BCR). The discounted scheme cost, including maintenance costs, would be £88.7m and the corresponding public benefits that would accrue from it would be £185m. The majority of the Scheme benefits are attributable to travel time benefits. The ratio of benefits to costs provides a BCR of about 2.1 which represents 'high value for money' for public expenditure. In other words, for every £1 invested the public would get a return of £2.1 (DD534b, WG004, ID011, ID057).

4.94 Over a period of 60 years the Scheme would provide £28,890m of accident

related benefits, based on casualty savings of 7 fatal, 71 serious and 568 slight accidents over that period.

4.95 The Scheme would have both positive and negative economic implications on Caernarfon's town centre. The reduction in passing trade would have business consequences for Gwalia Garage and the visual impact of the elevated section of the bypass on the Glan Gwna Holiday Park could lead to loss of trade. The impact on both businesses could lead to loss of some local employment but interview surveys and meetings with companies on Cibyn Industrial Estate demonstrate that the significant improvements to the local road network and relief of congestion in and around Caernarfon would provide significant support to employment retention. Other local businesses, and representatives of the tourism industry, also confirm that they would benefit from improved connectivity. The Scheme would complement local and strategic economic regeneration initiatives in the region, including the Caernarfon Town and Waterfront Regeneration Initiative (DD514, ID033).

4.96 Overall the wider economic benefits of the Scheme would be neutral to mildly positive within the context of the local economy. The Scheme would not be, in itself, a generator of sustained economic growth, but it is a necessary condition to maintain existing employment levels and facilitate potential longer term economic growth. Should the Scheme not proceed, the wider economic consequences would be adverse and threaten the viability of a number of marginal local businesses. (DD510, WG004)

4.97 Funding for the construction of the Scheme has been identified within Welsh Government's published capital plans for the next 4 years (WG001).

Construction matters (WG003)

4.98 The Scheme is anticipated to commence in early 2018 and be completed within 30 months, with a 12-month maintenance commitment for the highway and 5 years for landscape and ecological work. The contractor has been involved in the design development to improve budget certainty and reduce risk. Local employment, training and apprenticeships would ensue and there would be contributions to local education and community initiatives.

4.99 The site working hours would be subject to agreement with Gwynedd Council Environmental Health Department and nominally would be 0700 to 1900 Monday to Friday and 0700 to 1700 on Saturdays. Any works outside these hours would need to be agreed by the relevant authorities and local residents would be informed. Best site practice would control vibration, dust and air pollution and discussions would be held with the Environmental Health Officer of Gwynedd Council to ensure that construction noise is assessed and minimised (WG003, WG005, WG007).

4.100 The CPO includes essential areas for office compounds, storage of materials and plant, prefabrication, temporary works and silt mitigation.

4.101 A Construction Environment Management Plan (CEMP) has been drafted and would be developed and regularly reviewed in consultation with the statutory bodies. An Environmental Coordinator would oversee and control construction

activities in order to create a safe and healthy working environment. All operatives would be trained and receive an induction course on matters of health, safety and the environment through which the Scheme would be constructed. Agreed method statements would control activity on site and day to day monitoring of site activities would be carried out by the Environmental Clerk of Works who would report to the Environmental Coordinator. The Clerk of the Works would manage all environmental aspects of the works such as waste, noise, vibration, materials and protected species.

4.102 Protected species licences would be obtained for bats and temporary and permanent drainage consents sought where necessary. An agreement in the form of an Archaeological Written Scheme of Investigation would be sought with Gwynedd Archaeological Planning Services in respect of site clearance and topsoil excavation and an archaeological watching brief would be established (WG003, WG006, WG009, ID025).

4.103 A Public Liaison Officer has been appointed for the duration of the contract to maintain contact and dialogue with the public. A programme of public meetings that would be rolled-out in advance of key site activities. The public would be kept informed through a visitor centre, the site website, newsletters and leaflet drops, notice boards, exhibitions and a 24-hour help-line. Local Authority Liaison Committee meetings would also be held quarterly to advise elected representatives and address concerns or complaints.

4.104 Construction traffic would use existing roads initially before transferring onto a new haul road within the site boundary, with designated crossing points over the existing road installed. A Traffic Management Liaison Group involving stakeholders would be established to facilitate local liaison and communication. To minimise disruption to traffic, signal controls would be used at designated crossing points of the local highway network. Consideration would be given to the construction of a temporary grade separated crossing over the existing A487 at Meifod. The main site compound would be at Caernarfon Quarry with access from an existing roundabout onto the A487. There would also be 5 other access points to the Scheme for deliveries (ID009, ID023, ID097, ID101).

4.105 The Scheme has been designed to minimise disruption to the Statutory Undertakers (SU) services. Where SU diversions would be unavoidable the works would be carried out by the relevant SU company. Appropriate timescales for required diversion and protection works have been included within the construction programme.

4.106 Internal haul roads would be constructed to facilitate the haulage of earthworks materials, with most embankments created from material excavated from cuttings. Stripped topsoil would be stored on site in earth mounds before being reused.

4.107 Hard rock from the Plas Menai cutting would be excavated by ripping or hydraulic hammers. Some blasting may be necessary but the methods and timing of any would be agreed with Welsh Government, Gwynedd Council and Natural Resources Wales. Pre-condition surveys of properties would be carried out within a zone agreed with Gwynedd Council Environmental Health

Department and there would be local liaison with regard to blasting operations.

4.108 Drainage attenuation ponds and outfalls would be established early to act both as siltation lagoons during construction and to control the rate of site run-off into existing watercourses. Culverts on existing watercourses would be installed early to maintain existing drainage routes, create mammal crossing routes and to allow the earthworks operations to proceed unhindered. Water pollution control measures would be implemented throughout the construction period. (WG003, WG008)

The effects on land and property

4.109 The draft CPO includes about 104ha of agricultural land and 2.23 ha of residential land from 6 dwellings (ID026, ID027). The Scheme would also affect approximately 7.4ha of private commercial land during the construction phase (temporary and permanent). This is in relation to the Glan Gwna Holiday Park (approximately 6.4ha, of which some 2.5ha would be permanent loss), Dwyfor Oils (approximately 0.2ha) and Parciau Solar Farm (approximately 0.9ha). The safeguarded employment area of the Cibyn Industrial Estate would be affected by the Scheme, with 0.15ha of land being lost permanently along the south-eastern boundary of the property. (DD003, WG005, ID093, ID026, ID027)

4.110 No buildings would need to be demolished but 7 caravans or holiday home pitches would be permanently lost. All land included in the draft CPO would be required to construct, maintain and operate the Scheme and its environmental mitigation measures (WG003).

The effects on agriculture

4.111 Of the 104.3 ha of agricultural land that would be needed for the scheme, 55.6 ha would be required permanently with the remaining 48.7ha temporarily needed for construction. The land comprises a mixture of quality from grade 2 to grade 4. Nationally grades 2 and 3a are defined as best and most versatile (BMV) agricultural land, a category protected under Planning Policy Wales which stipulates that "considerable weight should be given to protecting such land because of it special importance". The Scheme would affect about 30-33 ha of the BMV land, most of which is grade 3a. The Scheme would have a major adverse effect on agriculture (DD004, WG005, ID055, ID093).

4.112 Of the 23 farm units or businesses affected by the Scheme, none would become non-viable. Eight of the units would suffer an effect of moderate adverse significance, the remainder would have a minor effect on them. Five of the units would be severed but, in 4 cases that would be offset by underpasses and overbridges wide enough to accommodate farm machinery. Reasonably convenient alternative new accesses would be provided for all other agricultural land severed by the Scheme. Disturbed ground would be re-graded and returned for agricultural use after construction (WG005).

The effect on Travellers

4.113 As part of the Scheme a NMU Context Report (DD008) was prepared following consultation with the Gwynedd Council, Cyclists' Touring Club (CTC) Eryri, CTC Cymru, the Caernarfon and Dwyfor Ramblers, Ramblers Cymru, Sustrans, the British Horse Society and other interested parties.

4.114 During construction a National Cycle Network (NCN) Route, a Regional Cycleway and 6 Public Rights of Way (PROW) would be affected, with temporary diversions and crossing places provided. On completion of construction, permanent enhanced arrangements would be provided, including a dedicated NMU bridge north of Bontnewydd and the realignment of NCN 8 further from Plas Menai Roundabout. Provision would also be made on the A4085 and Bethel Road bridges to enable new routes to be provided in the future.

4.115 The Scheme would sever 2 public footpaths near to Waunfawr Road. Provision is made to connect the severed sections to the Road on the east side of the bypass. Modifications[4] to SRO and CPO would make provision for such a connection on the west side of the bypass.

4.116 During the construction phase there would be increased driver stress levels due to congestion caused by localised traffic management, but these would only operate for short durations. The Scheme, once operational would result in a reduction in drivers' stress levels due to reduced congestion, enhanced road surface quality, reduced frustration, safe overtaking opportunities and reduced fear of accidents. Residents would also benefit from reduced severance between residential areas, community facilities and places of employment (WG005).

The Environmental Statement (ES) for the Scheme (WG005, WG006)

4.117 The Welsh Government has proposed the Scheme through the National Transport Finance Plan 2015 and the National Transport Plan. These national plans and strategies have been subject to Strategic Environmental Assessments (SEA) and, in the case of the National Transport Plan, a Habitats Regulations Assessment (HRA) (DD102, DD132).

4.118 The Environmental Impact Assessment (EIA) has been undertaken in accordance with EC Directive 2011/92/EU[5] (the Environmental Impact Assessment (EIA) Directive) – as amended and the Public Participation Directive 2003/35/EC, which is transposed into UK law by Section 105A of the Highways Act 1980 (as amended). This legislation is enacted by the Highways

[4] SRO Modification 5 and CPO Modification 20 – see Annex C

[5] Directive 2011/92/EU was revised by Directive 2014/52/EU (DD218) in March 2014. Member states have a three-year period in which to transpose the legislation into their domestic legislation. Requirements of the revised Directive need not be implemented until Spring 2017 and therefore were not applied to this Scheme. However, elements of Directive 2014/52/EU have been taken into consideration in some chapters. This includes material assets, effects on climate, human health in relation to noise and air quality and vulnerability of the Scheme to climate change.

(Environmental Impact Assessment) Regulations 2007 (as amended) (DD203, DD207, DD209, DD215).

4.119 The EIA was undertaken following the guidance contained in the DMRB Volume 11, Environmental Assessment (DD313) and other specific topic related guidance. The ES follows the structure outlined in IAN 125/09 (W) (DD329).

4.120 An Environmental Scoping Report (DD511) was prepared outlining the proposed approach, methodology and surveys to be documented in the ES. This report was circulated to, and responses received from, the following statutory consultees: National Resources Wales (NRW); Cadw; Gwynedd Archaeological Planning Service (GAPS); Gwynedd Council; North and Mid Wales Trunk Road Agency (NMWTRA) and the Welsh Government Environmental Coordination and Advice Team.

4.121 The comments received from these consultees were used to establish the required survey and assessment work along with measures to mitigate potential impacts. Since the publication of the draft Orders, there has been on-going consultation with landowners, stakeholders, environmental bodies and members of the public to discuss information contained within the ES, in relation to objections and representations to the draft Orders.

4.122 The ES, including a Non-Technical Summary (NTS), was issued to Statutory Environmental Consultees and made available locally and online. The NTS was delivered to properties as part of the draft Orders publication (WG005).

The Assessment of the Implications for European Sites (AIES) and a Statement to Inform an Appropriate Assessment (SIAA) of the effect of the Scheme on European Sites (WG005, WG006)

4.123 The AIES process is separate from that of the EIA and is relevant in respect of the potential impact on Special Areas of Conservation (SACs), which are defined as sites of European importance. The AIES has been reported separately to the EIA but contained within the ES for convenience. In accordance with Regulation 61 of The Conservation of Habitats and Species Regulations 2010 (DD216), a SIAA has been prepared on the possible impacts associated with the Scheme on the following SACs:

a) Afon Gwyrfai a Llyn Cwellyn SAC
b) Menai Strait and Conwy Bay SAC
c) Glynllifon SAC
d) Meirionnydd Oakwoods and Bat Sites SAC and
e) Gwydir Forest Mines SAC

4.124 The SIAA concluded that, assuming the implementation of the various mitigation measures proposed, there would not be an adverse effect on the integrity of the 3 European Sites that were considered in the Stage 2[6] Appropriate Assessment (the SACs of Glynllifon, Meirionydd Oakwoods and Bat Sites, and Gwydir Forest Mines), whether alone or in combination with other

[6] The 'Screening Stage' Assessment found that there would be no likely significant effects on the Afon Gwyrfai a Llyn Cwellyn SAC or the Menai Strait and Conwy Bay SAC.

plans and projects. The SIAA report was been submitted to NRW and the Local Planning Authority as part the consultation on the ES. (DD006, DD216).

Sustainable Development

4.125 The Well-being of Future Generations (Wales) Act 2015 (DD225) aims to improve the social, economic, environmental and cultural well-being of Wales. It defines sustainable development and identifies 7 Well-being Goals.

4.126 The Sustainable Development Report (SDR) (DD012) on the Scheme notes that it would increase opportunities for economic growth by improving the strategic connectivity and reliability of the road network, improve access to regional and local services and improve social and environmental conditions. These opportunities align with the Well-being Goals. Mitigation for environmental impacts has been developed and, where practicable, enhancement provided to ensure ecosystem resilience in the longer term. Cultural issues both historic and current have influenced the Scheme design and the way that the Scheme is taken forward. Whilst the Report acknowledges potential adverse impacts, they should be considered against the identified opportunities which align with the Well-being Goals. On this basis, the Scheme is considered to align with the Welsh Government's principles of sustainable development (WG005).

The effects on local air quality

4.127 The study area for operational air quality consists of the area both within 200m of the Scheme and any affected roads. The study area for the construction air quality assessment encompasses the areas within 350m of any construction works and within 50m of any roads used for haulage vehicles up to 500m from the site boundary. The air quality assessment considered 3 matters:

- dust emissions during construction
- a detailed level assessment of local impacts on public health, and on sites designated for nature conservation, from vehicle exhaust emissions including nitrogen dioxide (NO_2) and particulate matter (PM_{10}), and
- an assessment of regional impacts from vehicle exhaust emissions for the following pollutants: oxides of nitrogen (NO_x), PM_{10} and carbon dioxide (CO_2).

4.128 During construction the risks to human health and ecology would be negligible provided identified mitigation is implemented. During operation they would be neutral to adverse in relation to Glynllifon SAC/SSSI but the exceedance of the air quality objective is primarily due to the existing background levels. For human health there would be an overall beneficial impact by reducing traffic pollution levels along sections of the existing A487, particularly for parts of the centre of Caernarfon which would otherwise be at risk of exceeding air quality objectives in the future (WG005, ID030, ID060).

The effects on local cultural heritage (WG009)

4.129 The impacts of the Scheme on cultural heritage assets have been assessed with regard to national legislation, local and national planning policy and guidance[7], and completed in line with the methodology outlined in DMRB Volume 11, Section 3 Part 2, Cultural Heritage (DD317). Archaeological remains, historic buildings and historic landscapes have all been considered in the assessment.

4.130 Caernarfon Castle and Town Walls, which are a Scheduled Ancient Monument (SAM) and Grade I Listed Building, and form part of a UNESCO World Heritage Site. The site lies 1.7km to the west of the Scheme. During the Inquiry it was confirmed that, contrary to the findings of the ES, that part of the Scheme would be visible from the uppermost part of the Castle. However, this does not alter the findings that the Scheme would not impact upon the designated site or its essential setting. (WG009, ID059, ID059A, ID131)

4.131 The only SAM that would experience significant long-term indirect impact as a result of the Scheme is Caerlan Tibot, which would lie some 60m from the Scheme at its closest point. The proposed road would replace an existing road which, whilst more modest, would be closer. The proposed road would also be sunk into a cutting and would be subject to landscape screening. The magnitude of change is assessed as neutral/slight beneficial[8]. The only non-designated assets that would be affected are Roman roads, most notably a Roman Road from Segontium to Canovium. As the Roman road is a linear feature and in relative terms only a small section of it would be impacted by the Scheme, the magnitude of the impact would be moderate and the significance of impact, following mitigation to ensure preservation by record, would be minor adverse.

4.132 An archaeological survey of the route of the road and periphery has been undertaken but because of access difficulties only 30 of the proposed 96 trenches could be completed. Consequently, it has been agreed with Gwynedd Archaeological Planning Service (GAPS) that an updated written scheme of investigation (WSI) to identify the scope for mitigation works would be prepared for approval by GAPS to assist in the early identification of features. Thereafter there would be a need to carry out an archaeological watching brief during topsoil stripping and excavation. This would enable GAPS to agree mitigation in response to any assets that are uncovered, allowing preservation in situ where possible. The value of such archaeology, the magnitude of impact of the Scheme, and the significance of any impact cannot be assessed. As such it must be stated as Unknown. (ID012, ID012A, ID104, ID106, ID114)

4.133 Within 500m of the Scheme there are 30 listed buildings, all are Grade II save for Glan Gwna Hall which is II*. The 6 listed buildings that would be impacted are all grade II. They are Glanrafon Fawr, Bryn Eden, Bryn Eglwys (house, stables and coach house, and boundary wall) and a milestone on the A4085.

[7] ID120 provides an update in terms of the latest national guidance

[8] Mr Parry in presenting evidence confirmed that, contrary to his written evidence, this finding was not dependant on providing digital interpretation material

Other than the milestone the effects of the Scheme would be indirect and, after mitigation, are moderate adverse for two of the buildings and minor for the remainder. The milestone would be reinstated after completion of the construction work and therefore the long term effect would be negligible. (DD004, ID120).

4.134 The Scheme would have no significant impact on any Registered Historic Landscapes, Registered Parks and Gardens or Conservation Areas.

The effects on nature conservation (WG006)

4.135 The ecological survey work undertaken includes a general walkover and update of the Phase 1 Habitat Survey of an area within 500m of the Scheme during May 2015 as well as several species-specific surveys and pre-construction monitoring during 2015 and 2016.

4.136 There are 5 internationally designated sites within the Zone of Influence (ZOI) of the Scheme (as agreed with NRW). These are the SACs of Afon Gwyrfai and Llyn Cwellyn, Menai Strait and Conwy Bay, Glynllifon, Meirionydd Oakwoods and Bat Sites, and Gwydir Forest Mines. The Afon Gwyrfai SAC is located within the Scheme footprint, the other SACs range from 0.4km to 25km away. There are 4 internationally designated sites within the ZOI of the Scheme. These are the SSSIs of Afon Gwyrfai and Llyn Cwellyn, Afon Seiont, Glynllifon and Llwyn y Coed. There are also 8 Wildlife Sites within the ZOI.

4.137 Impacts on habitats of the designated sites would be mitigated during construction. Specific measures would be in place during construction and operation to mitigate effects on those species for which the sites are designated, mainly bats, particularly Lesser Horseshoe Bats (LHB) and, in the case of the Afon Gwyrfai a Llyn Cwellyn SAC and SSSI, otters and Atlantic salmon. In the short term, the greatest identified impact is moderate adverse which relates to 4 of the SACs. Air quality within strips of the Glynllifon SAC adjacent to the A499 and A487 are likely to be affected by increased levels of nitrogen disposition but this would not materially affect the habitat structure. The impact on all the designated sites in the medium to long term, once mitigation measures have become established, is assessed as neutral.

4.138 Survey work has identified the need to control and remove invasive species along parts of the route. As mitigation works the Scheme would include planting 13ha of locally native and ideally locally sourced trees and shrubs and some 23km of hedgerow. This would be well in excess of that which would be lost during construction. It would also provide native and species rich grassland seeding and species rich marshy grassland. In the short and medium term, the Scheme would have a slight adverse impact on broadleaved woodland, scrub habitats and hedgerows as new planting matures. For woodland and scrub this impact would lessen and become neutral in the long term (within 15 years of planting), and for hedgerow would be neutral in the medium to long term (within 10 years of planting).

4.139 Given the potential impacts of the Scheme on foraging/commuting bats particularly LHB which are a 'designatory feature' of 3 SACs within the ZoI of the Scheme several mitigating features have been incorporated to maintain

connectivity during and post construction, including culverts and landscaping. In the short term, the Scheme would have a slight adverse impact on foraging/commuting bats, during construction and operation as replacement habitats and habitat features become established. This impact would lessen and become neutral in the medium and long term. The risk of injury/mortality to bats crossing the Scheme during operation would be neutral. For roosting bats measures would be incorporated to minimise disturbance (works affecting confirmed tree roosts or high potential roost trees would be undertaken under an EPS licence obtained from NRW) and to provide alternative roost sites. The Scheme would have a neutral impact on roosting bats both during construction and operation

4.140 The intensive management of most hedgerows and woodlands along the Scheme and the sub-optimal nature of these habitats make it unlikely that dormice are present. However, in the short term the Scheme would have the potential for a slight adverse impact on dormice due to habitat loss and fragmentation which would lessen and become neutral in the medium to long term once the landscape planting has become established. With regard to the other ecological receptors that have been identified as present or may potentially be present, mitigation measures are proposed, in some cases on a precautionary basis, which would include measures during construction and permanent features, such as over-sized culverts, dry pipes and otter fencing. Taking into account these measures the effect on all these species would be neutral. (DD004-DD009, ID036)

Effects on the water environment (WG008)

4.141 In accordance with DMRB guidance the Scheme design has taken into account the effects of routine run-off on surface water and ground water, the pollution impact of spillages and flood impacts. NRW have been closely involved in the design of the Scheme in relation to flood prevention and water quality.

4.142 The Construction Environmental Management Plan (CEMP) would include mitigation measures to protect the water environment during construction. This would set out how construction activities would be undertaken in accordance with the guidance laid out in the Pollution Prevention Guidelines (DD556). The implementation of these measures would reduce almost all construction impacts to neutral significance. Residual risks remain to some of the receptors. However, the effects of filtration, settlement and dilution, which occur naturally, would reduce residual concentrations of pollutants in the majority of water bodies. The potential effects on the water environment associated with run-off from the Scheme and accidental spillages would be neutral given the provision, where required, of impermeable bed layers in swales and attenuation ponds and spillage containment in upstream carrier drains (ID090).

4.143 The Scheme would have some effect on the hydromorphological quality of the river waterbodies where diversions, including a 500m diversion of Afon Rhosdican, and culverts are proposed but this would not be sufficient to reduce the ecological and overall quality status of the waterbody. The mitigation included in the Scheme design means that effects on the hydrological regime are nominal and would limit any morphological effects

such that the associated biological quality status can be maintained.

4.144 The Scheme is based on a Flood Consequences Assessment of the area. The crossing of the Afon Gwyrfai would require 7 supporting piers and part of an embankment to be constructed within the floodplain. The hydraulic modelling shows that the flooding of the Gwyrfai would not pose a risk to the Scheme or nearby property, nor would it materially affect the use of the land. The crossing of the Afon Seiont is over a much narrower floodplain and, again, the effects would not materially increase flood risk. The Scheme would involve some development within land identified as Zone C1 and C2 in the Development Advice Maps, but accords with the thrust of TAN15: Development and Flood Risk which is permissive of less vulnerable development where it is justified. (DD008, ID035, ID089)

4.145 The Scheme would have some effects on groundwater flows where the Scheme passes in cutting through secondary aquifers, but the effects would be insufficient to reduce the quantitative status of the waterbody. None of the rivers crossed by the Scheme are 'navigable waterways' (ID108).

The effects on the landscape (WG005)

4.146 The affected landscape is generally rural with a coastal landscape to the north rising to hills in the east/south east. Significant landscape features nearby include the Menai Straits to the north and several hills to the east, with frequent views of parts of the Snowdonia National Park. There are several rivers within the area which is mostly pasture land. Fields are enclosed by stone walls, cloddiau and hedgerows with some deciduous tree cover throughout with some deciduous and coniferous woodland. Several main roads as well as minor roads and public rights of way traverse the area as does the Welsh Highland Railway. The setting of residential properties ranges from dense urban to remote rural in character. There is also an industrial estate, Cibyn, and several holiday caravan parks in the area.

4.147 Within the study area, but not directly affected by the Scheme, is the Ynys Môn Area of Outstanding Natural Beauty which includes most of the coastal zone of Anglesey, the Snowdonia National Park and several Special Landscape Areas, as identified in the JLDP.

4.148 A detailed level Landscape assessment was carried out in accordance with Interim Advice Note IAN 135/10(W) (DD334) and the Guidelines for Landscape and Visual Impact Assessment, Third Edition (DD516). The potential visual impact of the Scheme has been assessed against a baseline of 37 key views which have been selected as representative or important views. Within the identified Zone of Visual Influence there are 21 landscape character areas based on a review of LANDMAP data.

4.149 A Landscape Strategy (DD006) has been prepared which identifies a range of potential landscape mitigation measures, including planting details, retention of vegetation, earthworks and rock cutting treatments and finishes to structures. Several plots of land have been included in the CPO for essential landscape mitigation. Road lighting would be limited to roundabouts thereby limit impacts on the night-time landscape and visual amenity. The mitigation

proposed would achieve a reduction in adverse effects of the Scheme rather than complete removal but the Scheme would introduce significant adverse effects where it directly impacts on the landscape. In particular, the introduction of incongruous embankment forms in the coastal plain would create significant and long-term adverse effects (in excess of 15 years post construction). This would also be the case for the major viaduct structures at the Afon Gwyrfai and Seiont crossings. The mitigation measures would soften and reduce aspects of its impact on the rural setting. However, there would be a residual Major adverse impact on two landscape character areas and a Moderate adverse impact on seven landscape character areas in the Design Year (2033).

4.150 The Scheme would result in a range of visual effects and impacts, determined by distance, aspect, elevation and intervening topography and vegetation. Mitigation planting would reduce visual impact over time. Nonetheless by 2033 of the 37 viewpoints assessed, there would be 11 viewpoints with a residual impact of substantial adverse significance and 8 of major adverse significance.

4.151 The visual impact on properties assessment identified that of the 247 individual and groups of properties assessed, the majority would suffer no significant visual impact by Year 15 after opening. Thirty-four of the permanent residential properties, or groups of properties, would be subject to a substantial adverse impact in winter of 2033 and 52 to a Moderate adverse impact. This would be reduced in summer with the greater mitigating effects of the screen planting in full leaf.

4.152 The assessment of visual impact on properties illustrates that a relatively small number would be subject to long-term significant impacts, once mitigation planting is established, and those impacts are primarily as a result of proximity.

The effects on geology and soils (WG005)

4.153 The Pen-y-Bryn Regionally Important Geological Site (RIGS) is present on the south-eastern wall of the former Caernarfon Quarry site. It refers to the superficial deposits of sands and gravels overlying the bedrock only. Where the route would pass the former Caernarfon Quarry, the Pen-y-Bryn RIGS site would suffer a minor adverse change, although approximately 70% of the relevant exposure would remain. There is an opportunity within the proposed cut at Plas Menai to permanently expose interesting geological structures comprising a graben and fault feature. This would be a minor benefit in a region of limited geological exposure and where few, if any, graben structures are exposed.

4.154 The engineering design and associated mitigation measures appropriately address the potential effects relating to geology and soils that are likely to be encountered along the Scheme, such that no significant impacts are anticipated.

The effects of noise and vibration (WG007, WG007B)

4.155 Baseline noise surveys were undertaken at 9 locations over 7 days during June

and September 2015. The locations included 6 sites adjacent to existing main roads and 3 at residential properties in rural and semi-rural areas away from main roads.

4.156 To minimise the impacts of noise and vibration the route alignment of the Scheme has been designed to provide maximum distance from as many receptors as possible, subject to other constraints. Noise containing cuttings have been incorporated in the design and a low-noise carriageway surfacing material would be laid on the trunk road carriageway except at roundabouts which require harder surfacing. The use of other mitigation measures including noise buffers was rejected on visual impact and cost grounds.

4.157 In 2033, 4,345 residential properties would experience a decrease in noise levels, of which some 307 would experience a moderate or major decrease. 1,510 properties would experience an increase in noise levels, of which 165 would have a moderate or major increase. Sixty-four non-residential sensitive receptors would experience a noise reduction, of which 6 would be moderate reductions, whilst 12 would be adversely affected to a negligible or minor extent.

4.158 The operation of the Scheme is expected to lead to a large proportion of the affected properties experiencing reductions in airborne vibration nuisance.

4.159 The potential for noise impacts during construction can be mitigated to avoid significant effects by limiting most activity to day time and by keeping within limits imposed by the Local Authority. Construction. Activities would be conducted so as to minimise vibration that could arise from piling and rock removal.

The Register of environmental and construction commitments

4.160 Following concerns over the potential environmental impacts, both during construction and thereafter, a Commitments Register has been produced and would bind the Welsh Government and contractor to the specified actions during the construction process (ID130).

Inspector's Note - Supplementary CPO

4.161 *Shortly before the opening of the Inquiry it became evident to the Welsh Government that the extent of the CPO did not extend over land required to construct a small bund required to protect a proposed culvert in the vicinity of Crug Farm which would otherwise be at risk of flooding during extreme events. This would undermine its intended function as a mammal underpass that forms part of the Scheme's ecological strategy of maintaining connectivity across the route of the road as described in the ES. Accordingly a Supplementary draft CPO, which is described in more detail at Annex C, has been presented which would facilitate the necessary works including fencing and future maintenance, thereby ensuring the Scheme can be carried out in accordance with the Environmental Masterplan (DD004, DD005, ID007, ID103, ID129).*

Order modifications sought by Welsh Government

4.162 The Welsh Government, following discussion with landowners, objectors and with interested parties where appropriate, proposes modifications to the Side Roads and Compulsory Purchase Orders. These modifications are summarised at Annex C of this report. Details of the proposed modifications and their justification are set out at ID129. Modifications that require written acceptance have been formally confirmed (ID129).

5 THE CASE FOR THE SUPPORTERS

The material points are:

Supporters who attended the Inquiry

Mr John Idris Jones (SU3)

5.1 Mr Jones is Chair of the Snowdonia Enterprise Zone which covers Trawsfynydd and Llanbedr airport. There are ambitions to attract high quality jobs to the area including Centres of Excellence, for research into unmanned aeroplanes at Llanbedr, and for low carbon technologies, including small modular nuclear reactors, at Trawsfynydd. Infrastructure that will facilitate the movement of goods in and out of the area is very important and the bypass would assist in this respect. It would ensure improved connections from the area to other Enterprise Zones in North Wales, at Anglesey and Deeside, as well as other centres of excellence further afield such as Sheffield and Warrington. The bypass would tackle the perception of remoteness of the area and create a more positive image for investors.

5.2 The new road would improve access to residents of Meirionnydd, including Trawsfynydd and Blaenau Ffestiniog, to the new jobs that are anticipated in Anglesey as a consequence of Wylfa Newydd and the University's new science park. The Scheme would promote the economy of Gwynedd and would increase the opportunities for employment for its residents, particularly in higher paid jobs.

Mr Andrew Bilcliff (SU16)

5.3 Mr Bilcliff is a Director of Operations for Morlais Tidal Energy and, through Menter Môn, is a Member of CBI Wales. He was previously a Director of Npower Renewables with responsibility for Hydropower. He has recently chaired a group reporting to the former Minister for the Economy, Science and Transport that examined the potential for North Wales to be a world leader in marine energy development. To realise this ambition improved transport links from the region to Cardiff and Northern England is important.

5.4 Some 3,500 or so jobs are envisaged in the marine energy sector in North Wales. Significant elements of this initiative are the Enterprise Zone designation and the Energy Island project on Anglesey and a proposed tidal lagoon in Colwyn Bay. To deliver these jobs and ensure the wider area benefits from job opportunities requires good road connections. The A55 has greatly improved links eastwards but there remains a problem between

Caernarfon and mid Wales. The present bottlenecks during peak flows act as a disincentive for the young end of the labour market to travel daily to access work. As a consequence, people are more likely to commute into the area from Liverpool and Manchester rather from mid Wales because their journey is seen as unhindered, even though the distance travelled is greater. Improving access to good quality jobs would allow local youngsters to stay in their areas, thereby protecting the area's cultural identity and character.

5.5 Pursuing any alternative option for an urgent project of this magnitude would inevitably cause delay and that must be avoided.

Mr Arnold Kammerling (SU17)

5.5 Mr Kammerling is a long-serving committee member of the North Wales CBI. He is Managing Director of Carl Kammerling International Limited, a well-established hand-tool manufacturer that has been operating from Pwllheli for over 70 years, employs 80 people and has a turnover of £16.5m. All its materials come to Pwllheli, and all its goods leave Pwllheli. The company has a marketing centre near Northwich, and its staff move backwards and forwards. It is proud of its online ordering system, and its ability to make next day deliveries from Pwllheli to anywhere in the UK. The delays often experienced when travelling through Bontnewydd and Caernarfon and journey time uncertainty creates problems for the business and even saving a few minutes would make a difference.

Mr Mark Woolfenden (SU18, ID113)

5.6 Mr Woolfenden is Managing Director of Afonwen Laundry, which employs 230 full time staff in Pwllheli and a further 1,000 or so staff across the England and Wales. From Pwllheli the company serves customers in Liverpool and Manchester. The introduction of A55 transformed the business and opened up new markets that were hitherto limited to Llandudno. The importance of reliable connections has become even more important as many delivery/collection windows into city centres have been reduced from 4- to 2-hour slots. From Pwllheli the company's lorries travel 1.7 million miles annually. As some 90% of the journeys include the A55, improving the connection to it from Pwllheli would be of great benefit, especially given the increasing regulation of driver hours. As the lorries are often required to travel in the early hours the Scheme would prevent residential disturbance that are arise in Bontnewydd and Caernarfon.

5.7 The Scheme would attract more tourism, benefit the local economy and encourage economic investment by demonstrating that the area is 'open for business'. It would be an investment in the economic prospects of the area's future generations.

Written Support

5.8 In addition to those supporters appearing at the Inquiry there were 15 expressions of written support for the scheme. This list includes correspondence from Ms Sian Gwenllian AM, Mr Hywel Williams MP, Mr Dyfed Edwards (in his capacity as the Leader (at the time of writing) of Gwynedd Council), the Institute of Directors Wales, Business Network International, the Federation of Small Businesses Gwynedd Branch, North Wales Business

Council, and Grŵp Llandrillo Menai. In addition, several local residents and representatives of local businesses have expressed support.

5.9 Some of the expressions related to the principle of the Scheme without commenting on the merits of it. Other supporters considered that the Scheme could be improved.

5.10 The main matters raised in the expressions of written support include the:

- increasing traffic flows is affecting communities along the route of the existing road, that adversely affects including Dinas, Bontnewydd and Caernarfon, in terms of disturbance, air quality and safety
- harmful effect of time-wasting congestion on the local economy
- general benefit to road users of reduced journey times
- the opportunities to train local people in time to allow them to take advantage of the further opportunities that would be available on the Wylfa Newydd construction project
- concerns at the delay that would be caused by pursuing an alternative route, including the potential for the construction period to overlap with the Wylfa Newydd project thereby limiting the benefits of sequential construction, and
- the Scheme represents the best option which avoids the various problems associated with some of the alternatives.

6 THE CASE FOR THE OBJECTORS

After the end of the objection period, but before the closure of the Inquiry discussions took place between parties leading to agreements being reached between the Welsh Government and certain Objectors. By the close of the Inquiry 11 objections had been withdrawn, mainly as the result of negotiations/discussions with Welsh Government. Of those withdrawn objections, 3 have confirmed their support for the Scheme (SU19, SU28, SU29).

The objection numbers of those that have been withdrawn are: 1, 5, 6, 9, 36, 55, 54, 61, 73, 82 and 84. For the confirmed objections I have structured this section of the report in the following order: Statutory Objectors who attended the Inquiry; Non-Statutory Objectors who attended the Inquiry; written objections from Statutory Objectors; and written objections from Non-Statutory Objectors.

The material points are:

Statutory Objectors who attended the Inquiry

<u>Mr Hugh O'Donnell on behalf of Mr W W and Mrs R W Williams (OB14) (ID125)</u>

6.1 Mr and Mrs Williams farm a 400-acre intensive dairy unit at Dinas Farm. Some agreement has been reached with the Welsh Government (which

includes re-routeing a proposed farm track which is the subject of proposed modifications (Nos CPO 19 & SRO 19), but pressing issues remain.

6.2 The scheme would involve the permanent and some temporary loss of good quality pasture and high yielding silage fields, thereby significantly negating production. Its proximity to the milking parlour would be a particular threat but the losses could be reduced by redesigning the Dinas underpass by the introduction of retaining walls to replace embankments. Mr and Mrs Williams would, in principle, consider taking on the future maintenance responsibility for these walls.

6.3 The draft CPO includes easement rights over the Dinas Farm access track (parcel 2/2e), which would enable its use by construction and for post-construction inspections for maintenance and ecological monitoring purposes. That would cause disturbance and loss of privacy to the residents of the farmhouse and visitors staying at the attached holiday home. Some ecological visits would take place at night which would be particularly intrusive. Such visits along the track used daily by dairy cattle would disrupt farming operations and would give rise to biosecurity risks, particularly when vehicles and visitors are likely to have travelled from other farms. A letter from Mr and Mrs Williams' veterinary surgeon supports the biosecurity concerns (ID111).

6.4 It would be possible to avoid the use of the farm track by providing an alternative route.

6.5 The Scheme would adversely affect local drainage with the potential to increase flows to the Gwyrfai. The erection of the supporting pillars to the viaduct would lead to scouring and the loss of soil. There is also need to ensure minimum headroom of 3.5m below the underside of the viaduct.

Mr Hugh O'Donnell on behalf of Mr E S & Mrs M E Salisbury and EHP Ltd (OB31, OB32) (ID125)

6.6 Mr & Mrs Salisbury, who also own EHP Ltd, farm a sheep and beef cattle enterprise at Ty Hen. They welcome Welsh Government's confirmation that:

- only light weight construction traffic and light maintenance traffic would use the farm lane
- it would assume responsibility for repairing damage to the tracks that may arise
- that there would be arrangements for dealing with livestock in affected fields
- and that the attenuation ponds would be maintained and
- that the rate of discharge would be controlled- details are sought regarding the proposed attenuation pond and its drainage, and
- there are no new public rights of way proposed over the land.

6.7 The Scheme would create fields that are too small to farm without removing existing boundaries. It would sever the land holding and create impractical farming, particularly in relation to the movement of livestock which could be offset by the provision of a 3.5m high underpass to maintain connectivity.

The costs of such a provision should not be a determining factor given the savings that would arise in relation to compensation and the underpass would also provide an opportunity to re-route a public right of way.

Mr Emyr Hughes on behalf of Mr E V Williams and Mr G G Williams (OB66) (ID125)

6.8 Mr Williams gave evidence in person to explain his objection to the Scheme. From a global perspective the continued concreting over of greenfield land is a trend that cannot continue. Whilst in a worldwide context the scale of the Scheme would be small, the piecemeal erosion of each small area is the concern especially as the despoliation of the countryside is not justified by the modest gains that motorists would experience. There are other more modest means of improving traffic flows on the existing road. The increase in traffic speeds that would arise from the Scheme would increase rather than decrease accident rates.

6.9 The Williams' main farm complex is at Bron Fedw Isaf, Rhyd Ddu on the slopes of Snowdonia. It also includes Pen-y-Bryn Land, Seiont, comprising some 25 acres close to Bontnewydd which is some 8-9 miles from the main holding. Although that land is a relatively small proportion of the 600 acres farmed, it plays an important role because of its relatively low elevation compared to the main upland holding. Spring arrives some 4-5 weeks earlier and the land is of better quality. It is used to keep sheep during the winter months when the conditions on the higher ground is too severe, and is then used by cattle and for silage. It would be very difficult to find equally convenient alternative land to replace that which would be affected. The line of the Scheme would cross part of this land, severing it into 4 parcels and resulting in the loss of some 12.37 acres[9] and resulting in parcels so small as to severely restrict their practical use and would lead to the loss of mature trees.

6.10 The Scheme should be amended to avoid the re-routeing of Rhos Bach Lane by using the existing route or extinguishing the route. If it were stopped up for motorised vehicles it is suggested that NMUs could be accommodated along this route by enlarging the proposed culvert to act as an underpass. Such a solution would cause inconvenience to Mr Williams but overall would be less disruptive to the farm[10].

Mr Emyr Hughes on behalf of Mr J R and Mrs H Jones (OB67)

6.11 Mr and Mrs Jones' farming business is based at Glanrafon Bach, Caeathro from where they milk some 140 cows. Total head of livestock is some 360 cattle. The Scheme would take part of their land holding of some 20 acres at Rhydderch Bach, Pen-y-Bryn.

6.12 The Scheme would permanently take at least about 7 acres. Most of the land holding is used for silage and for grazing cattle and is particularly useful

[9] During the examination of Mr Williams' evidence Welsh Government confirmed that this figure was correct acknowledging that it differed from that set out in its rebuttal statement.

[10] This suggestion was presented at the Inquiry as a potential refinement to one of the Objector's Alternative Proposals (OAP) which is numbered 5A and is described in section 9 of this report.

during periods of drought. The extent of the land that would be lost would mean that livestock numbers would have to be reduced unless replacement land was obtained. Suitable alternative land is not likely to be available.

6.13 The Scheme would sever and fragment the holding to 7 small parcels, which would be impractical for use by modern harvesting equipment and very difficult to use effectively by livestock because of the need to move them often as grazing becomes depleted.

6.14 The proposed stopping-up of Pen-y-Bryn Road and Rhos Bach Lane would provide a secluded location that would attract fly-tippers and livestock thieves. There is also concern over the possibility that the proposed presence of a layby adjacent to this land holding would result in its anti-social use by a few as an 'unofficial toilet' or for fly-tipping. The same suggestion as described in Mr E V Williams' representation above is made with regard to omitting the proposed re-routeing of Rhos Bach Lane and maintaining the existing route.

6.15 The land in question lies close to the excavated face of the former Caernarfon Quarry and parts have been subject to slippage and resulted in damage to a barn on the land. This raises questions over the structural integrity of a road built on this land.

Mr John Pritchard[11] and Mr David Gale-Hasleham on behalf of Glan Gwna Country Holiday Park (OB42) (ID125)

6.16 Whilst Mr Pritchard does not dispute that the WelTAG process that led to the choice of the route is not directly a matter for the Inquiry, the flawed methodology adopted and the ineffective local consultation has led to a route being chosen that is inferior to other options, specifically OAP1 and 2. These general comments were made by Mr Pritchard on behalf of Glan Gwna and also Gwalia Garage[12] and it was confirmed that neither business objected to the principle of a bypass but rather took issue with the line of the central portion of the route.

6.17 The Glan Gwna Country Holiday Park comprises 200 chalet pitches and some 290 pitches[13] for caravans together with extensive facilities which include a shop, bar, reception, launderette and outdoor swimming pool. The pitches are set within pockets of woodland on the valley floor and steeply sloping sides of the Seiont which provides a secluded location. The park has planning permission for a further 350 static caravan pitches. It also has planning permission for the relocation of 75 of these pitches to a part of the Park which is on the line of the Scheme. Progress on implementing that permission has been halted pending the decision on the Scheme.

6.18 The proximity of the line of the road, exacerbated by its elevation on a large viaduct, would greatly impact on the attraction of the Holiday Park for visitors

[11] Mr Pritchard also represented Gwalia Garage at the Inquiry and produced one Proof of Evidence to cover both. The general points raised that are common to both objections are reported under the Glan Gwna objection and in the interests of brevity are not repeated under Gwalia Garage, which is reported as a non-statutory objection (OB62).

[12] The Gwalia Garage business's more specific concerns are reported separately.

[13] The number of caravans has been referred to as 290 and 300 in the evidence.

as a result of the visual, noise and pollution impacts that would arise. The negative effect is already being witnessed as holidaymakers are deterred from buying chalets or caravans and existing owners are concerned that these impacts, particularly intense during construction, would cause a significant loss in value of their chalet/caravan. These harmful impacts would undermine the quiet enjoyment of the holiday homes. Demand for pitches and for the chalets and caravans would reduce which would jeopardise the overall viability of the business.

6.19 There are concerns that the full extent of the permitted area of the Holiday Park was not realised at the time the route was being designed. Subsequently it is disappointing that the noise impact analysis of residential properties did not include the caravans and chalets given that some owners pay Council Tax (it was acknowledged that the units' occupation is limited (by licence and planning conditions) to less than eleven months in the year).

6.20 Mr Pritchard considered that the BCR is wrong in that it has not taken into account that the negative effects on the business as a cost of the Scheme. However, he deferred to Mr Gale-Hasleham on this matter who subsequently confirmed that he was not in a position to dispute the BCR figure produced by Welsh Government. Mr Gale-Hasleham estimated that the potential contribution of the business (including the presently undeveloped but permitted static pitches) to the economy was in the region of £5m. He pointed to the 6 vacant pitches in the vicinity of the road line as evidence of the threat to future occupancy rates. He drew on his experience of representing a holiday park affected by the Newtown bypass which is presently under construction. In that instance the bypass bisected the 80-pitch site and whilst only 6 pitches were directly affected the extent of the impact on the business and degree of uncertainty caused meant that Welsh Government had purchased the whole site. Mr Gale-Hasleham could not estimate the extent to which the Glan Gwna business would be affected but considered that the whole business would be at risk.

Mr Clive A Hulse on his own behalf and that of Glan Gwna 600 (OB63)[14] (ID125)

Mr John Millett (OB35), Mrs & Mrs Mappin (OB44), Mrs C Niblock (OB85); Mrs Carol Richards (OB86); Catherine Wright (OB87); Mr & Mrs D Thomson (OB88); Mrs D C Porritt (OB89); Gavin W Jones (OB90); Simon & Karen Element (OB91); H J Marvil (OB92); Helen Hemingway (OB93); Mr & Mrs Bowman (OB94); Mrs D Smart (OB95); Margaret Rees (OB96); Marilyn Langridge-Jones (OB97); Nicola Yendley (OB98); Howard Kendall (OB99); The Owner of Chalet No. 188 (OB100); Mr A G Evans (OB101); Mr & Mrs J Farren (OB102); Stuart & Alison Nelson (OB103); Mr & Mrs Morrison (OB104); Anne Armstrong (OB105); Mr & Mrs D Clark (OB106); John & June Fletcher (OB107); G A Urmston (OB108); Christine & Roy Harrison (OB109); James & Carole Hunter (OB110); Mrs M Wilkes (OB111); D J Cullen (OB112); Claire & Eddie Brown (OB113); Dorothy & Frank Duckett (OB114); David & Brenda

[14] Mr Hulse is not a statutory objector but as he was also representing the Glan Gwna 600, which comprises owners and occupiers of chalets and caravans at the Park, and includes several statutory objectors, his representations are reported here.

Rickard (OB115); Mr & Mrs Brutton (OB116); Mrs Joyce Lewis Santo (OB117); Heather & Graham Wright (OB119); R Sanderson (OB120); Vivien Minshal (OB121); D W Hartshorn (OB122); John Barber (OB123); A Davey & S Penny (OB124); Ms Georgina Tang (OB125); Kate Joyce (OB126); Mrs P Hawksley (OB128); Angela Roberts (OB129); Mr & Mrs J Hesson (OB131); R Penny (OB132); Barbara & Ronald Todd (OB133); David Roberts (OB134); G Hancock (OB135); Stephen Duggan (OB136); Mr Ian & Mrs Barbara Hay (OB137); Mr & Mrs Sisson (OB138); Mrs J Middleton (OB139); Jim Perry (OB140); R C Watson (OB141); Mr & Mrs F & C D Brown (OB142); P T Evans (OB143); Mr John & Mrs C Paul (OB144); Mr P H & Mrs J L Edward (OB145); Carl Meig (OB146); Miss Clare McDermott (OB147); Mrs V J Bamford (OB148); Wendy & Howard Pilkington (OB149); Lee Schofield (OB150); Mrs Bailey (OB152); E J McCammon (OB153); Mrs Susan Henderson (OB154); E A Taylor (OB155); Joanne & Michael Fazakerley (OB156); Mr & Mrs Bennett (OB157); Beryl Horton (OB158); Mr & Mrs Jump (OB159); and Dr Steve Ennion & Dr Tania Webb (OB160)[15]

6.21 Mr Hulse owns a pitch on the Glan Gwna Country Holiday Park. He is Vice Chairperson of the Glan Gwna 600 which represents the owners of chalets and caravans and spoke on the Group's behalf. Shortly after the Pre-Inquiry Meeting was held other owners and occupiers of holiday homes on the Park submitted individual objections. All have chosen to rely on their written submissions.

6.22 Most of the individual objectors listed above are owners or lessees of pitches on Glan Gwna[16].

6.23 At the outset of his oral evidence Mr Hulse emphasised the inconvenience he had suffered because of the late presentation of the Welsh Government's rebuttal statement. This had necessitated working into the early hours in preparing his statement in response.

6.24 Mr Hulse confirmed that the Group is not opposed to the bypass in principle. However, the present scheme would adversely impact on Glan Gwna in many ways which would greatly impact on the site's status as a premier tourist park with a consequential reduction in visitor spending locally. The proposed viaduct which would be some 20m above the adjacent ground level within the Park would be visually intrusive and damaging to its landscape quality.

6.25 It would also harm the setting of the historical hall and the area's ecological value. Noise and vibration disturbance, both during and post construction, would severely harm the present enjoyment of the holiday accommodation. Pollution levels emitted by traffic would also increase. The loss of vegetation that would be necessary would increase the risk of flooding and other drainage problems. There would be a significantly harmful effect on the valuable local wildlife, which is enjoyed by many of those staying at the Park. Construction

[15] Given the degree of commonality in the matters raised and for ease of reference, all other objections relating to Glan Gwna, all of whom rely on written representations, are also reported here.

[16] The list also includes Mr Gavin Jones and Mr Simon and Mrs Karen Element who were introduced to me during the Inquiry as owners of the Park. Mr Jones, in the presence of Welsh Government representatives, accompanied me on my visit to the Park.

work would disrupt journeys on the local highway as well as within the Park and there are concerns over safety should a vehicle break through safety barriers.

6.26 As a result of these harmful effects visitors would not choose to stay at the Park which would deny rental income that many leaseholders of the pitches depend upon as well as devaluing their property. The chosen route is unsuitable and costly. It has failed to take into account the costs associated with compensation for the impact on Glan Gwna. Contrary to the Welsh Government's calculations, it performs poorly in terms of BCR[17].

6.27 The substantial damaging effect of the Scheme on Glan Gwna and its environs could be readily avoided by routeing the road along one of the alternatives that have been advanced (OAP2). Such an alternative (described in section 8 of this report) would require a much smaller viaduct and fewer other structures, and thus would be less expensive. The Scheme would be close to the new housing estate at Gwel y Llan and Ysgol yr Hendre primary school, both of which have been built since the Scheme was first designed. This proximity gives rise to concerns over the effect on the health of residents and occupiers, in particular school children. The Scheme would also affect businesses in Caernarfon town centre and the nearby Gwalia Garage. Mr Hulse submitted that it was unlikely that pursuing an alternative route would require another inquiry, or if it did, the inquiry would be focussed on a relatively small change and thus could be undertaken quickly; any delay would be minimal.

Mr D Pritchard Jones (OB18)

6.28 Detailed concerns regarding Mr Pritchard Jones' access onto the public highway have been addressed through proposed CPO modification 9. The remaining concerns relate to the excessive land take of the Scheme, the environmental damage caused by the extensive removal of hedgerows and trees, and the absence of a justification for the bypass. On the last point it is suggested that the present traffic queues could be alleviated by removing the existing roundabouts and by commuters changing working hours to reduce peak flows.

6.29 As Senior Coroner for North West Wales Mr Pritchard Jones has extensive experience of matters relating to road traffic fatalities. On this basis he expressed reservations at the Inquiry on the accuracy of the published Welsh Government statistics which had been used by them to inform its assessment of the scheme, but acknowledged that he had no alternative figures to present and accepted that the concern could have been raised in advance of his appearance at the Inquiry. The bypass would facilitate faster driving speeds which would mean that the effect of collisions would be more serious. This is borne out by the fact that road traffic accident fatalities are more common on unrestricted rural roads than urban areas.

[17] As explained in reporting the Glan Gwna objection (OB42) above, the basis of Mr Hulse's assertion on BCR appears to have relied on Mr Hasleham-Gale evidence. When presenting evidence Mr Hasleham-Gale confirmed that he was taking no issue with the stated BCR figure.

Mr Jonathan Powell on behalf of Mr M Brymer (OB43) (ID125)

6.30 In the lead up to Mr Brymer's appearance at the Inquiry there had been several exchanges between him and Welsh Government, including a meeting convened a few hours earlier. As a consequence of 'productive discussions' Mr Powell confirmed that his client was satisfied that modifications to the proposed access arrangements to his farmland would address his concerns, and this was subsequently confirmed[18]. Other concerns, including the maintenance of boundaries, diversion of a watercourse and provision of water supply, were matters of details (the latter has been included in the Register of Commitments (ID130)) which did not warrant taking Inquiry time. Mr Brymer sought a commitment that the de-trunked road onto which access would be gained would be subject to a 30mph speed limit. Objection has been raised to the inclusion of the whole of "Field 3".

Inspector's Note:

6.31 In advance of appearing at the Inquiry Mr Brymer indicated that he sought full reimbursement of the costs he had incurred from Welsh Government. He subsequently received an undertaking from Welsh Government that they would consider meeting reasonable professional fees on matters where it has agreed to amend the Scheme in response to his concerns. No application was made when he and his Counsel attended the Inquiry. Subsequent to that appearance Mr Brymer submitted to the Inquiry a Written Application for Costs document dated 7 July 2017[19]. In summary Mr Brymer considers the Welsh Government has behaved unreasonably and that he should be awarded his full costs. That behaviour has led Mr Brymer to incur additional costs in repeatedly having to pursue Welsh Government to secure additional details, responding to matters at short notice, clarifying confusion and correcting errors, and in attending the Inquiry. The application acknowledges the Welsh Government confirmation regarding its position on the matter, and confirms that it is seeking 'Inquiry costs not covered by such expenses'.

Non-Statutory Objectors who appeared at the Inquiry

Mr Mike Vitkovitch (OB16) on behalf of the British Horse Society; Mr John Mather (OB17) and Mr Chris Crompton (OB19) both members of Cycling UK; Mr Roy Spilsbury (OB52) on behalf of Cycling UK (ID048); Dr Richard Keatinge (OB57) on behalf of Beicio Bangor and Cycling UK (ID054); Mr Dave Woods (OB21) on behalf of Caernarfon and Dwyfor Ramblers (ID047); Mr Max Grant (OB26) on behalf of Ramblers Cymru; and Mr Vincent Mears (OB37) on behalf of Arfon and Dwyfor Local Access Forum[20] (ID125)

[18] Proposed CPO Modification 15 and SRO Modification 4

[19] Document included in the objector's bundle of representations and correspondence (OB43)

[20] Although each of the listed objectors presented individual evidence to the Inquiry there was a great deal of commonality in the matters raised (NMU provision, and in particular the Goat roundabout arrangements) thus they are reported together.

Mr Paul Gannon (OB8); Mr Andrew Patience (OB12); Mrs Rhian Jones (OB13); Canon Edmund and Mrs Rachel Plaxton (OB20); Ms Tracey Page (OB23); Ceri Williams (OB24); Mr Dave Cooper (OB25); Mr Glyn Evans on behalf of Sustrans Cymru (OB28)[21]; Mr Nigel Fisher (OB29); Mr Dafydd Grant Jones on behalf of Caernarfon & Dwyfor Ramblers (OB30); Ms Kath Woods (OB34); Mr Berwyn Jones (OB38); Mr Ken Cross (OB39) ; Ms Angela Charlton, Director Ramblers Cymru (OB59); Ms Lowri E A Evans, Secretary Chester & N Wales CTC (part of Cycling UK/Beicio UK) (OB65); Lesley Conran on behalf of Beicio Bangor (OB70); Mr Roy Milnes (OB72); Dr K D Griffiths (OB75); Ms Margaret Lowe (OB76); Ms C M Jones (OB79); Ms Rhian Jones (OB127); and Mr Huw Davies of Antur Waunfawr (OB151)[22]

6.32 Lôn Eifion is a public right of way that runs for some 20km, linking Caernarfon and Bryncir. The route is also part of Lôn Las Cymru, a national cycle route (NCN8) that extends from Holyhead to Cardiff. It is not only used by long distance cyclists but is also a popular recreational route used by local people of all ages as well as visitors for walking and cycling. Many objectors referred to the particular value that they placed on this route as regular users. The main points that arose are:

- the hard, wide surface and the gentle gradient of Lôn Eifion make it particularly suitable for children and those with mobility difficulties. Antur Waunfawr provides specialist cycles, including 3 and 4 wheeled cycles for hire or sale, which allows those with mobility difficulties to enjoy the route. Pupils at Ysgol Pendalar, a school for pupils with additional needs in Caernarfon, make regular use of the route for cycling
- evidence provided by an objector shows that the level of usage exceeds that recorded in an earlier survey relied upon by Welsh Government
- the route is segregated from motorised vehicles for almost the whole of its length, with only a few at grade crossings of minor roads
- previous local trunk road improvements, for instance at Groeslon and Penygroes, provided bridge and underpass crossings and there is no reason not do so in this case
- at the Goat roundabout Lôn Eifion crosses the A499 Pwllheli Road at a point close to the junction which is facilitated by dropped kerbing and a traffic splitter island between the carriageways
- most objectors accepted that the present arrangements were not ideal. The traffic island was an unsuitable arrangement as its size was inadequate to provide a safe refuge for cyclists especially in a group or for adapted cycles, or for horses. The proximity of the crossing to the roundabout was also identified as an issue as approaching drivers

[21] Mr Evans presented a 'Proof of Evidence' to the Inquiry. As he subsequently did not present any oral evidence that document is effectively a supplementary statement.

[22] For ease of reference those objections which rely on written representations only that mainly relate to NMU provision, including the Goat roundabout arrangements, are reported here.

would have limited awareness of those crossing as they sought to exit the roundabout

- at the Inquiry, it was acknowledged that the latest iteration of the Scheme's crossing arrangements at the Goat was an improvement over earlier proposals[23]. However, there remained serious concerns over the suitability of the arrangements with objectors strongly preferring grade separation between Lôn Eifion and the roads
- the proposed arrangements represented a worse provision for users of Lôn Eifion than the present arrangement. Not only would it involve 2 separate crossings rather than the existing one, but it would also require crossing a much busier road than at present, which also raised concerns over safety
- the provision of a controlled crossing would require the introduction of a 40mph speed limit. There are concerns that such a restriction on a hitherto unrestricted, downhill section of a wide, rural road would not be observed by drivers, meaning that some would not be able stop in time in response to the red light of the crossing. The views of the North Wales Police may be helpful in this regard.
- there is the potential for the traffic lights to fail and for accidents to occur before the maintenance regime can respond
- the raised crossing on the de-trunked section of the road is so close to the roundabout that some motorists may not react in time to users crossing it
- the Scheme does not align with Interim Advice Note 95/16, including paragraph 1.3. Although it applies only to highways in England Mr Mather, relying on his previous experience as an engineer, suggested that such standards are likely to be adopted by the devolved administrations in due course
- Mr Mather referred to a ROSPA fact sheet (ID046) which identifies cyclists entering the road from a pavement, including at a pedestrian crossing, as the second main contributory factor to the fatal and serious injuries recorded. He acknowledged that the risk of accidents which was identified did not relate to the type of controlled crossings proposed by the Scheme
- the at-grade crossing arrangements would be less safe for NMUs than grade-separated options, particularly for children and other less able users which are protected under equality legislation. To accommodate the greater time that such users would need to negotiate the signal controlled crossing sensors would be required that hold the red-light control until the crossing has been completed. In response to Welsh Government's assurance at the Inquiry that there would be sensors, those objectors present acknowledged its benefit

[23] These changes are described at the start of the summary of Welsh Government's response to these groups of objectors in Section 7 of the report

- the proposed crossings would cause increased delay for NMUs of Lôn Eifion who would have to wait twice before crossing the roads
- some users would cross without using the crossing points, impatient to follow the diverted route and await the lights to change to allow their safe crossing
- the re-routeing of Lôn Eifion around the Goat would expose its users to the impact of road traffic to a greater extent than at present which would intrude more on the otherwise peaceful ambience of the route
- the need to stop at 2 crossings would have a more disruptive impact on the rhythm of the journey, which is a valued aspect of the cycling experience for enthusiasts
- the financial costs of providing at-grade crossing facilities feature as a cost saving because of their inherent safety benefits. However, such an approach fails to acknowledge the greater cost benefits associated with a safer, grade-separated crossing
- the costs of a grade-separated solution would be a relatively modest proportion of the overall costs, especially taking into account the sunken costs of the Scheme (ID050)
- the Scheme's proposed expenditure on bat mitigation measures is questioned in the context of the failure to make appropriate accommodation for NMUs on the basis of cost
- concerns have been raised over the Road Safety Audit process, in particular the Designer's Response to the Stage 1 Road Safety Audit (ID100), which was presented towards the end of the Inquiry
- even if the proposed modifications marginally improve the arrangements at the Goat roundabout, it is not an acceptable solution given the opportunity that is available to provide a much better solution through grade-separated crossing. There have been 8 options that have been suggested as alternative arrangements, as described in section 8 of this report
- the British Horse Society's concerns relate to the Goat roundabout; it is otherwise supportive of the scheme. Whilst it considered a Pegasus crossing to be preferable to the proposed Toucan crossing it confirmed at the Inquiry that a grade-separated crossing would be required at the Goat
- by the Welsh Government's own admission in oral evidence, the present crossing is unsuitable for equestrians - this explains the lack of recorded equestrian activity at the roundabout
- the proposed traffic signal control would be the only such control on the section of the A487 extending from Porthmadog to the A55. Such an impediment to the free flow of traffic runs counter to one of the Scheme's objectives. The delays caused by a school crossing patrol officer holding traffic in favour of pedestrians at Bontnewydd is evidence of the impact

- There is a potential for traffic held at the controlled crossing to queue back onto the roundabout particularly at peak flows during the tourist season. This possibility would become more likely in the future as tourism expands in North Wales.

6.33 Other concerns, which have been raised by Dr Keatinge and Sustrans in particular, relate to the failure of the Scheme to ensure adequate provision for NMUs elsewhere along the length of the bypass and in the wider area. For instance:

- there would be no dedicated NMU provision at the Meifod roundabout for users of the de-trunked A487 which would continue to carry a significant volume of traffic
- there would be no adequate routes across the bypass to connect Caernarfon to its hinterland on the 3 new roundabouts proposed and the existing one at Plas Menai
- improving such connections would benefit residents of the villages in this area to commute to work by bicycle on routes that would cross the bypass
- the Scheme should provide direct connections for motorised vehicles from the bypass onto the A4085 and the B4366 – this would reduce traffic on the local roads to the benefit of NMUs
- Sustrans[24] considers that the Scheme should make improved provision for NMUs along a network of routes in the locality including works to the de-trunked section of the A487
- whilst it is noted that the bypass would reduce traffic flows along the de-trunked road it would not be to a sufficiently low volume to entice people to change their travel behaviour
- the Scheme should provide a cycle track along the route of the bypass.

6.34 Dr Keatinge draws on propensity to cycle surveys undertaken in 3 English cities to establish the potential for greater use of cycling as a means to travel to work in the locality which was estimated to give rise to between 100 and 200 regular commuters to travel from Penygroes to Bontnewydd or Caernarfon. It was acknowledged at the Inquiry that drawing exact parallels with the English surveys was difficult in light of the differences in the physical environment and the potential for other influencing factors such as the availability of cycle storage and shower facilities at the workplace.

6.35 The lack of adequate provision for NMUs at the Goat roundabout and more widely along the route means that the Scheme conflicts with the duties imposed on the Welsh Ministers by the Active Travel (Wales) Act 2013 (ATA) (DD210). The Scheme falls short of meeting the duties of the Act to take reasonable steps to enhance provision for walkers and cyclists. It would

[24] A Proof of Evidence (ID125) was produced by Sustrans (OB28) but it subsequently explained that it did not have adequate resources to attend the Inquiry. Thus the document is treated as a supplementary statement

reduce the quality of provision for walkers and cyclists in contravention of the duty under Section 10 of the ATA. Adequate attention has not been paid to the associated Design Guidance (DD562, DD563), including specific guidance to ensure that bypass schemes avoid severing existing cycle and pedestrian routes.

6.36 The Welsh Government team has failed to adequately engage with specialists on this issue, including Sustrans and the Government's policy team that oversees the ATA. The team relies on standards such as DMRB instead of recognising the more-weighty provisions of the ATA. The failure to make adequate provision in these respects does not align with the goals of the Well-being of Future Generations (Wales) Act 2015 (DD225).

Mr D Rhys Prytherch (OB11) (ID125)

6.37 Rather than cross above the A4085 Ffordd Waunfawr, the proposed road should connect to it by means of a roundabout. Such a connection would avoid the cost of the proposed large bridge structure, and would provide better access to the nearby Peblig Industrial Estate (ID058), thereby enhancing its attractiveness and reducing heavy vehicles having to use local roads. Delays at the roundabout would be insignificant.

6.38 The steep gradient of the section of the proposed route that would connect to the Plas Menai roundabout is such that it would deter use by heavy goods vehicles some of whom would choose to continue to use the B4366 through Bethel as a link to the reminder of the proposed bypass from the A5/A55.

Mr Nigel Spaull (OB22) (ID125)

6.39 The elevation of the proposed road from Pont Llidiart Gwyn to the Cefnwerthyd crossing would create a harmful, visually imposing feature for residents and a noise impact on the 6 properties facing it. The 5 neighbours have confirmed their concerns by signing a petition presented by Mr Spaull. There are alternative means of constructing the road along this section of the bypass which would either replace the embankment with a cutting or significantly reduce its height.

Mr Hugh Prys Jones (OB33) (ID125)

6.40 It is notable that there are no local residents who have appeared at the Inquiry in support of the Scheme, but there are many who have appeared to object. The numbers of formal objections (and other indicators of concern, including a petition of 800 signatories collected by Fforwm Llanfaglan) shows that the Welsh Government's consultation process, as required by WelTAG, was ineffective. There was a failure to respond to local concerns and a failure to provide an alternative to the Bontnewydd section of the bypass. Local elected representatives have not pursued the concerns of local objectors.

6.41 One of the Scheme's objectives (TPO1) focusses on the route between Llanwnda and Plas Menai whereas the vast majority of journeys, especially those undertaken for business purposes, would be further afield. Therefore, the improvements that are sought should be extended to include better links to the A55 by avoiding the delays at Faenol Hill and avoiding the continued use of 'rat runs' through the villages of Bethel and Pentir. The need for a 2+1

carriageway is questioned especially in light of new rules governing HGV speeds, which allow faster speeds thus reducing the need for overtaking. The Scheme would not address the problems faced by local motorists who would continue to have to negotiate the very narrow bridge at Llanrug.

6.42 The proposed route would give rise to difficulties in respect of:

- cycling at Llanwnda
- flooding and noise problems at Llanfaglan, Felinwnda and Saron
- accessing the road from Ffordd Waunfawr, including Peblig Industrial Estate, and
- maintenance costs of the bridges and the lagoons.

6.43 The bridge west of Bontnewydd represents the noisiest, least environmentally friendly option and would be very expensive to build. Noise bunds have not been provided at Bontnewydd. Successful local businesses would be devastated by the proposal.

6.44 In addition, there would be significant inefficiencies arising from constructing a new road to run parallel to a proposed section of the bypass road between Crug Farm and Griffiths Crossing. The Welsh Audit Office has expressed concern over the cost effectiveness of the Scheme. Future maintenance cost is a concern bearing in mind the number of new structures proposed. Failure to maintain the proposed lagoons in the long term would give rise to flooding problems.

Dr Gareth Parry Jones (OB45) (ID125)

6.45 The approach to choosing the route was flawed. WelTAG guidelines are not appropriate for a project of this magnitude and the public consultation was seriously inadequate. There are better routes available, in particular the black route. The decision to pursue the chosen route was made against engineering expertise and was illogical, unduly influenced by a number of local businesses along the chosen route. There were inaccuracies in the detailed analysis of the scheme. The scheme does not perform well against TPOs 1, 2 and 4.

6.46 The Scheme has the potential to damage local communities and the Welsh language. There is concern that the cumulative impact of the Scheme and the quarry operations has not been fully assessed, including the impact on Dr Parry Jones's home, Bryn Eglwys, outbuildings and wall, all of which are Grade II listed buildings. There have been several errors and inadequacies in the assessment of the impact on heritage assets. This includes wrongly asserting that the Scheme would not be seen from Caernarfon Castle.

6.47 The approach to the assessment of health impacts is not clear, and there are inadequacies in the assessment of several wildlife species. The degree of inconsistency between the ES undertaken for another development within the same area raises questions over the adequacy of the Scheme's ES in relation to ecological matters. There is concern over the impact on the watercourse close to the Caernarfon Quarry. The extent of the errors in the process of preparing the Scheme and the associated assessments is a serious concern.

Mr John Pritchard on behalf of Gwalia Garage (OB62) (ID125)

6.48 Mr Pritchard confirmed that the concerns relating to WelTAG process and public engagement which are reported earlier in this section under the case of the Glan Gwna objection (OB42) are shared by Gwalia Garage (see paragraph 6.16).

6.49 Gwalia Garage is a long-established business which comprises a petrol filling station and convenience goods retail outlet. There is also a vehicle repair workshop with MoT bays, a large vehicle recovery depot, a car wash and a vehicle hire depot. It has an annual turnover in excess of £6 million and employs 41 full time and 11 part-time staff. It is an important component of the local economy.

6.50 The garage lies adjacent to the roundabout intersection of the A4085 and an unnamed road at Caeathro. The unnamed road presently carries a significant volume of traffic that uses it between the Plas Menai and Goat roundabouts as an unofficial bypass to the existing A487, especially during peak times. This traffic represents an important element of the passing trade, upon which the business relies. The bypass would take a significant proportion of the traffic away from this road thereby reducing the potential for passing trade which is particularly important for the petrol and convenience goods trade. The reduction in petrol sales would potentially affect the ability of the business to retain is contract with a branded company, which could jeopardise this element of the business. The various elements of the business are inter-dependent and, thus, the loss of one element has the potential to undermine the whole entity.

6.51 At the Inquiry, it was acknowledged that the suggestion that passing trade would be reduced by 73% was not correct and accepted that some 5% of passing vehicles would stop at the Garage, and that the likely loss of trade that would be caused by the new road would be up to 30%. It was also confirmed that, whilst it is difficult to estimate the number of jobs that would be lost as a result, a range of 10-15 jobs as indicated by Welsh Government (WG004) was realistic.

6.52 Whilst Welsh Government refers to the 800 or so workers employed at Cibyn Industrial Estate in the context of the numbers that could be lost at Gwalia, there is no reason to believe that an alternative route to the bypass would undermine job security at Cibyn. Moreover, the proposed route would prevent the development of part of the employment land allocation as defined in the JLDP.

6.53 The Scheme would make it difficult for Waunfawr residents and others on the A4085 to access the new bypass. Hence the Black Route is a better option (this alternative route, OAP1, is considered later in this section of the report).

Mrs Jean Thomas (OB118)

6.54 Mrs Thomas confirmed at the Inquiry that she did not object to the Scheme in principle and accepted that in the delivery large infrastructure projects some individuals must suffer. She also confirmed that some of her concerns had been addressed in discussion with the Welsh Government representatives. One of her outstanding concerns related to the visual impact of the Scheme on

the pleasant outlook that she has enjoyed for several decades, and confirmed that she did not wish to accept the Welsh Government's offer to undertake landscape screening planting within her garden but welcomed planting on the proposed road embankment. The other remaining concern related to noise disturbance, both during construction and from traffic once the road was opened.

Statutory Written Objections

Mr Alex Springs[25] of Ffestiniog and Welsh Highland Railway (OB2)

6.55 The Ffestiniog Railway Company is the statutory operator of the narrow-gauge railway that runs from Porthmadog to Caernarfon and across the line of the Scheme. The Welsh Highland Railway operates the train service. After lodging its initial objection (which referred to concerns over compensation, loss of rights, the details of the proposed bridge and operational issues during construction) discussions have been held with the Welsh Government.

6.56 In a subsequent submission Mr Springs confirmed the objection to alternative route OAP4, which would accommodate the railway on a bridge to be erected over the proposed road as set out in section 8 of this report.

6.57 In an email submitted shortly before the close of the Inquiry Mr Springs suggested that the proposed changes to the arrangements at the railway crossing at Cefnwerthyd (CPO Modification 17 and SRO Modification 17) was preferable to the original layout as it reduces the railway crossings from two to one.

Mr R G W & Mrs N P Griffiths (OB4)

6.58 Consideration should be given to realigning the highway close to a proposed new access (CPO parcel 1/14a). Clarification is sought on several detailed matters including water supply and drainage, noise attenuation measures, boundary enclosures and topsoil protection. Alternative route OAP9 is supported.

Mr and Mrs Wynn-Jones (OB46)[26]

6.59 The Scheme would not contribute to casualty reduction targets as set out by TPO 4 and would urbanise rural communities. It would adversely affect the local economy and contribute towards the decline of Caernarfon and conflict with a number of the well-being goals listed in the Well-being of Future Generations (Wales) Act 2015. The Scheme would create adverse impacts in terms of noise, vibration, smell, fumes, smoke and artificial lighting. It would result in the irreversible loss of best and most versatile agricultural land, an

[25] Mr Springs presented a 'Proof of Evidence' to the Inquiry (ID125). As he subsequently did not present any oral evidence that document is effectively a supplementary statement.

[26] A 'Proof of Evidence' (ID125) was prepared on behalf of Mr and Mrs Wynn-Jones but as neither the objectors nor their representatives presented any oral evidence to the Inquiry the status of the document is a supplementary statement.

action which would be inconsistent with taking property under section 226 of the Town and Country Planning Act 1990.

6.60 The Scheme would adversely impact on the objectors' farming business. The uncertainty created impacts on cropping and general farm planning. There are also direct financial impacts that may arise as well as concerns over services, access and signage for the business. There is objection to the proposed closing of the present access to Crug Farm and concern over the safety implications of the likely increased volumes of traffic that would be attracted onto the local road.

6.61 Access into enclosure N0002 is likely to be made more difficult by the Scheme and there is objection to the reduction in this parcel of land as it serves as an important windbreak to the nursery business. The publication of the draft Orders appears to exclude the title areas of land that are likely to be interfered with by the existing scheme e.g. N0003, part enclosure L0004. There is particular concern over the loss of parcels 9/5e and 9/5f which are among the best of the nursery land. There is concern over the loss of several mature trees. The scheme makes no access provision for enclosures N004 and N0010.

6.62 There is objection to any "unjust enrichment" that could arise from the excavation of extensive quantities of stone and minerals within the proposed cutting. Also concerns arise over the impacts from extraction and blasting of rock. It is suggested that enclosure N0010 would provide a better source for such extraction than N0004. There are flooding concerns, including specific concerns in relation to a proposed attenuation pond at plot 9/11.

6.63 Mr and Mrs Wynn-Jones have also objected to Supplementary CPO 1 on the basis that:

- the additional land sought is not considered necessary to provide a mammal tunnel or for the construction of earthworks to prevent water entering the tunnel
- a mammal pass could be provided elsewhere, and
- that the owners have not been given the opportunity to negotiate with the Acquiring Authority a purchase by agreement of the land.

<u>Mr Aled R Jones (OB47)</u>

6.64 The Scheme would not contribute to casualty reduction targets as set out by TPO4 and would urbanise rural communities. It would adversely affect the local economy and contribute towards the decline of Caernarfon and conflict with a number of the well-being goals listed in the Well-being of Future Generations (Wales) Act 2015. The Scheme would create adverse impacts in terms of noise, vibration, smell, fumes, smoke and artificial lighting, and result in the irreversible loss of best and most versatile agricultural land.

6.65 The Scheme would reduce access to enclosure E0012 and parcels further north and would adversely impact on the objector's farming business. The uncertainty created impacts on cropping and general farm planning. There are also direct financial impacts that may arise as well as concerns over

services. The proposed elevated level of the highway would increase the risk of the surrounding land flooding.

Mr E Hughes (OB53)

6.66 Given the size of the land holding at some 5.66 ha, its subdivision would create 3 parcels of limited agricultural use which would cause significant detriment. Detailed concerns regarding accommodation works are raised and it is asked whether Welsh Government could purchase the land ahead of CPO to allow other replacement land to be purchased[27].

Ms Jenny Emmett, Gwynedd Archaeological Planning Service (GAPS) (OB58)[28]

6.67 Following exchanges with the Welsh Government team shortly before and during the opening week of the Inquiry the position of GAPS was significantly revised[29]. GAPS confirmed its role as acting on behalf of Cadw as the archaeological curator for the Scheme. Its position is neutral, neither supporting nor objecting to proposed development. Cadw have a statutory role in respect of commenting on the effect on designated sites.

6.68 There has been concern over the limited extent of the field work undertaken to establish the archaeological value of the land affected by the proposed work, which has been 'resolved' in terms of the best available methodology for managing risk by the production of a Statement of Common Ground (ID104) and a Written Scheme of Investigation. There remains concern that the extent of the potential impact on archaeological resource is not known nor is the potential implications to the construction programme of responding to unexpected discoveries during excavation.

6.69 In relation to Caerlan Tibot the physical severance of the monument from its landscape would be unavoidable. Proposed enhancement measures are viewed as responding to the residual, operational impact of the Scheme rather than the direct impact of the construction on setting. Visualisations produced on behalf of the Welsh Government team suggest that the impact would be less than previously envisaged but there remain reservations regarding distant mountain views. Whilst acknowledging that GAPS lacks technical expertise to counter the technical noise evidence that suggests that there would be a reduction in noise levels, it remains concerned about the perception that noise would be more intrusive.

Mr H P Parry (OB60)

6.70 The Scheme would sever the farm holding and would require significantly more work in managing the land including livestock movement. Details are sought of proposed access arrangements and assurance that the present water supply and livestock pens would be maintained. Adequate provision for drainage, boundary treatments and topsoil protection are also sought.

[27] In more recent correspondence Mr Bibby indicated that the sale of the land to a third party has been agreed.

[28] A 'Proof of Evidence' (ID125) was prepared by GAPS but at the outset of the Inquiry Ms Emmett explained that she did not intend to give oral evidence and thus the document is a supplementary statement.

[29] It confirmed its revised position in a letter dated 19 June 2017.

Mr Steve Edwards of SP Energy Networks (OB68)

6.71 The proposals appear to cross the 132kV network and therefore there is a "holding objection" based on the likely effects on the operational network and land rights that it holds with third parties. The Company requests 'shape files' of the proposed bypass in order to check against the network in more detail.

Mr Gwyn & Mrs Nerys Hughes (OB71)

6.72 The scheme would result in the loss of a large proportion of their smallholding at Llidiart Gwyn and suggest that the route could be moved northwards to minimise the impact.

Mrs C Tuck (OB164)

6.73 Mrs Tuck objects to proposed CPO Modification 4. As the current owner she did not approve of the compulsory purchase of land which could be rented (plots 1/11 and 1/11a).

Non-Statutory Written Objections

Mr Robin and Mrs Kelly Evans (OB3)

6.74 The ES fails to identify several mature trees between the property and the proposed works. These should be protected. Further details of the scheme are sought, including in terms of appearance and the likely noise impact on their home.

Mr Robert Fogg (OB7)

6.75 The project would lead to a small but qualitatively detrimental increase in traffic, traffic pollution, noise and traffic speeds in the Colwyn Bay/Llandudno area making cycling and crossing the road more dangerous. There would be a loss of valuable countryside which is necessary for health and leisure. There is concern that car advertisements have distorted people's views of the benefits of car use and road schemes. The reinstatement of the railway from Bangor to Caernarfon is an alternative to a bypass.

Mr David Abbot (OB10)

6.76 The main concerns relate to:

- the possibility of avoiding traffic diverting through Y Felinheli in the event of an accident on the present bypass
- the potential impact on wildlife
- the possibility of introducing a rail connection between Caernarfon and Bangor
- whether archaeological investigations have been done and whether the impact on the Roman road could be avoided
- flood mitigation measures, and
- alternative traffic arrangements in the event of an accident on the road.

6.77 In a subsequent communication Mr Abbot suggests that he is satisfied with the rebuttal comments of the Welsh Government and that much of his concerns are addressed through on-going work during the Inquiry.

Mr Gareth & Mrs Eleri Owens (OB15)

6.78 Stopping up Pen-y-Bryn road would increase traffic on Rhos Bach Lane above its capacity and would compromise highway safety. There are concerns over increased flooding from the elevated section of the road. The Owens' home is believed to be closer to the Scheme than indicated and is closer as a result of the re-siting of the Meifod roundabout. The value of their property would be reduced and its occupiers would be harmed by pollution disturbance from noise, lighting, fumes and odours, and vibration. The property's roof mounted solar array may also be affected. Mature trees should be planted on a section of the road's embankment and the height of the embankment should be reduced between Meifod roundabout and the Quarry.

6.79 The Scheme would not contribute to the casualty reduction targets (TPO4), would adversely affect the local economy and contribute to the decline of Caernarfon, and would cause the irreversible loss of the best and most versatile agricultural land. The choice of route did not adequately take into account local opinion, and insufficient regard has been had to local health and well-being. It is in conflict with a number of the well-being goals listed in the Well-being of Future Generations (Wales) Act 2015.

Thomas J Wheeler (OB27)

6.80 The scheme is incompatible with the principles of sustainability and the well-being of future generations and does not encourage a modal shift from private cars to public transport. It has not been sufficiently justified and traffic growth assumptions are questioned. Reinstating the Caernarfon to Bangor rail link would serve any traffic increase along that route.

Mr Neil C Jones (OB40)

6.81 The Scheme should provide a connection with the A4085. It would be a disservice to local residents and visitors and fails to meet TPO5. There would be little benefit to those undertaking local journeys.

Mrs Elen Fletcher (OB41)

6.82 The Scheme would have a devastating effect on the quality of life and reduce the value of property. The construction and operation of the Scheme, particularly the new Meifod Roundabout, would have a catastrophic impact on air, light, noise and visual pollution and disastrous ecological effects. Mrs Fletcher spends much of the daylight hours in her garden which presently benefits her well-being.

Mrs Rhiannon Humphreys Jones (OB49)

6.83 The Scheme would not contribute to casualty reduction targets (TPO4) and would urbanise rural communities. It would adversely affect the local economy and contribute towards the decline of Caernarfon and conflict with a number of the goals listed in the Well-being of Future Generations (Wales) Act 2015. Mrs Jones's home would be adversely affected by excavation works and the use of

the road, in terms of noise, vibration, smell, fumes, smoke and artificial lighting, and the value of the property would be reduced. It would result in the irreversible loss of best and most versatile agricultural land, a matter which would be inconsistent with taking property under section 226 of the Town and Country Planning Act 1990. The process for choosing the route has had insufficient regard for the opinion of local residents or their health and well-being.

6.84 Mrs Jones's home is believed to be closer to the Scheme than indicated and is closer as a result of the re-siting of the Meifod roundabout. Mature trees should be planted on a section of the road's embankment and the height of the embankment should be reduced between Meifod roundabout and the Quarry.

6.85 The Scheme would encourage greater use of Pen-y-Bryn Road and there is not provision currently to improve the safety and quality of this road. Following construction of the Scheme, traffic on Pen-y-Bryn Road would have impaired forward visibility which would reduce safety to all users of the road. The height of the proposed road gives concerns over localised flooding.

The Rt Hon R V Wyn and The Hon Mrs A P R Budgen (OB50 & OB51)

6.86 Mr Wyn's concern relates to reserved sporting rights, and mineral and mining rights. Mrs Budgen's concern relate only to the latter rights. In relation to enclosure No. B0003 (CPO plot references 1/8-1/8v) the Scheme would severely restrict sporting rights and mineral and mining rights in the future, and would sever the remaining rights so as to make their continued use questionable.

6.87 The purchase of land (in Enclosures C0010, C0011, and C0012 (CPO plot references 2/4-2/4q) and in Enclosures D0005, D0006, D0008-14 (CPO plot references 3/4-3/4ae)) and the proposed easements (across Enclosures C0010, C0011, and C0013 (CPO plot references 2/4b, 2/4e, and 2/4s) and across Enclosures D0005, D0007, D0009, D0010, and D0012-14 (CPO plot references 3/4b, 3/4f, 3/4t and 3/4u)) would severely restrict mineral and mining rights in the future and would sever the remaining rights as to make their continued use questionable.

Ms Shoned Rees Griffith (OB56)

6.88 Ms Griffith sought information with regard to the local road leading to Caernarfon Quarry.

Ms Mair Evans (OB69)

6.89 The route was chosen following a fundamentally flawed process, particularly because of inadequate consultation and political intervention. The route would discourage HGVs from using Y Felinheli bypass, which would create traffic issues in Bethel. The Black route is the best option and should be pursued.

Mr John Pritchard (OB77)

6.90 The scheme should take the opportunity to address the restriction to traffic at Pont Rug bridge, where virtually every vehicle has to stop. The route should begin to the south of the Goat roundabout and to the east of Bontnewydd.

Mrs Olwen Strello (OB81)

6.91 Mrs Strello seeks compensation for the impact on her two properties at Cae Samuel in relation to devaluation, noise pollution especially from emergency sirens at weekends/traffic noise, artificial light disrupting wildlife and affecting fish stock, general traffic pollution, overlooking from the elevated section of proposed road, loss of view and environmental damage/vibration and noise, and flooding.

Heather and Nick Hopkins (OB83)

6.92 There is concern over a reduction in the market value of their house due to the proximity of the Scheme and reduced interest in a potential future holiday let, flooding of the Seiont from increased surface water run-off, adverse impact on local wildlife, increased traffic noise and nuisance from dust, pollution and increased traffic during construction. Contrary to advice received from Welsh Government indicating that there would be further consultation, no such exercise was undertaken.

Mr Alwyn Jones (OB130)

Inspector's Note: Although recorded as an objector Mr Jones merely requested information from Welsh Government. Thus, I make no further comment in this report.

Mr Matthew Jones (OB161)

6.93 Object to any changes to the published Scheme that might involve the need for traffic to come through the village of Caeathro in order to gain access to the new bypass.

Mr R M and Mrs J E Wakefield (OB162)

6.94 The road is a short-term answer to a long-term problem of centralising growth in the towns. Other means of traffic reduction should be explored, including a focus on reducing peak flows through flexible working hours. The Scheme would slow down traffic on side roads and would impact negatively on farming and on wildlife and the environment, create noise pollution and affect drainage. The raised section would impact visually on nearby residents. An alternative scheme should be pursued, in particular the elevation of the road should be reduced so that it passes under, rather than over, the West Highland Railway. Consideration should be given to the use of porous surfacing to avoid spray and flooding.

Mrs Kim Parry and Mr Albert Parry (OB163)

6.95 The extent of present traffic problems cannot justify the irreparable damage that would be caused to the countryside and tourism. Modest improvements to the existing road would address the problems adequately. The Scheme would ruin 3 campsites/holiday parks and cause noise impact for 3 others. If they close it would have a big effect on the local tourism economy. Present traffic pollution is not significant given the dissipating effect of prevailing on-shore breeze from the sea.

Llanfaglan and Llanwnda Forum (OB165)

6.96 The road's elevation above the presently attractive, rural area would be visually harmful and noisy, to the detriment of the enjoyment of recreational users of the road between Bontnewydd and Llanfaglan. It would impact on the local heritage of the area. There is no need for a 2+ 1 carriageway and the road should be sunk below the railway line. It would not assist local car journeys. There are concerns relating to flooding. Local farmers would lose valuable land. Prevailing winds would carry harmful vehicle emissions over to Bontnewydd.

6.97 Most local Councils are not supportive. There has been inadequate local consultation, and an inadequate response to the petition submitted by the Forum in 2010. There should be a risk assessment undertaken in relation to the TPOs. Neither a visual impact nor a health impact assessment was undertaken at the beginning and local residents have still not received these reports. Traffic accidents in the area are relatively low. The Scheme is likely to increase risk given the higher speeds and the change in the 2+1 arrangement. The Welsh Government places significant weight on the observations of the County Council, but it did not disclose the proximity of the purple route to the new Ysgol yr Hendre or Glan Gwna.

7 WELSH GOVERNMENT RESPONSE TO OBJECTIONS AND REPRESENTATIONS

The material points are:

Statutory Objectors who appeared at the Inquiry

Mr Hugh O'Donnell on behalf of Mr W W and Mrs R W Williams (OB14)

7.1 It is accepted that agricultural quality of field C0006 is high. However, the loss would be confined to its edge and would represent some 3% of the land farmed and 5% of Dinas Farm in isolation. This would affect grazing and mowing land and overall stocking potential but would not prejudice the farm unit's viability. During construction there would be a loss of potential silage production on land occupied temporarily. Alternative fodder to compensate for this would be a matter for negotiation with the District Valuer. Providing a graded cutting rather than retaining walls is justified given the latter's additional construction costs (ID063 estimated the cost as some £310,000) and future maintenance considerations, and the ecological benefits of the former.

7.2 Welsh Government has proposed modifications to the Scheme[30] that would realign a proposed farm access track to a more direct route that better suits Mr Williams' preference.

7.3 There would be no construction traffic using the farm lane thereby avoiding disruption to occupiers of the farm house and holiday cottage, and to the dairy herd and milk production movements (ID067). Post construction there would

[30] CPO and SRO Modifications 19

be a need to use the lane for maintenance (ID064A) and to monitor wildlife mitigation measures. These would be infrequent visits and the potential disruption would be minimised by giving advanced notice with consideration given to carrying night time monitoring visits on foot. Whilst it is accepted biosecurity is an important concern on a working dairy farm they are overplayed in this instance. Mr Kernon did not consider that tyres posed a real risk given that they would have driven on public roads in between farms. Those visiting would follow good practice in terms of cleaning footwear, as Ms Shove confirmed at the Inquiry. A brief letter from a veterinary surgeon (ID111) submitted after Mr Williams gave evidence had provided no opportunity to cross-examine that evidence. Given the modest disruption that would be caused, the additional costs associated with providing an alternative access track of about £38,000 (ID061, ID064) would not be justified.

7.4 The land required for mitigation would be necessary for planting woodland. The plots shown for essential licence are required for construction purposes and need not be retained by the Welsh Ministers as part of the Scheme. Mature trees would, where possible, be retained. Future maintenance of affected hedgerows and highway fencing would rest with Welsh Government and the Trunk Road Agent. A 4m wide track would be provided by Welsh Government between field C0007 and the main access track through C0006.

7.5 It is confirmed that be a minimum of 3.5m headroom would be provided beneath the Gwyrfai Viaduct. Modelling has been undertaken to understand the speed and turbulence of the river in flood and the design of the Scheme would include protection against the effects of scouring around the base of the viaduct pillars (ID065, ID066). The diversions of existing drainage ditches have generally been designed to ensure that they continue to drain to the same catchment areas. There would be no material increase in flows to the Afon Gwyrfai would occur (ID065).

Mr Hugh O'Donnell on behalf of Mr E S & Mrs M E Salisbury and EHP Ltd (OB31, OB32)

7.6 The Scheme would give rise to about an 8% reduction in this holding which would not impact significantly on this part-time farm. It is confirmed that heavy construction traffic would not utilise the existing access track, and those using it to carry out future maintenance would provide advance notice so that suitable arrangements to deal with any livestock may be made.

7.7 There would be no intention to remove further field hedgerows to enlarge the fields that would remain post construction. Those hedgerows have been identified as being important for bat connectivity between habitats. Plots 1/6d, 1/6e, 1/6f, 1/6j, 1/6k, 1/6l, 1/6m would only be required during the construction period and if a licence can be negotiated for that period ownership could remain unaltered.

7.8 Diversions to the existing public rights of way over the land would be put in place. The severance of an existing farm track connecting land to the east of the bypass land with the farmyard and buildings would be an inconvenience as movements of livestock and machinery would be diverted onto a minor road. The severed land is small and the frequency of livestock movements, given its use for grazing, need not be frequent. It is common for farms to have to move cattle or sheep on rural lanes. Whilst that would be an added task that

is not currently necessary, it would not render either the holding or the severed land un-farmable. The costs of providing an underpass or providing a segregated path alongside the minor road would represent significant additional costs (estimated at £281,000 and £185,000 respectively) (ID105) which cannot be justified in this case.

Mr Emyr Hughes on behalf of Mr E V Williams and Mr G G Williams (OB66)

7.9 The Scheme would require 3.4ha of the 10ha holding. The remaining land would be divided into 4 parcels, even so the land would continue to be usable for grazing although it may be necessary to provide some shelter planting which would be a matter of accommodation works. The holding forms a small and remote part of the overall farming business which is some 243ha, centred on the upland farm at Rhyd Ddu. Its loss would not have a serious impact on the business.

7.10 For reasons detailed in relation to Alternative proposal OAP5C in section 8 of this report, the proposed re-routeing of Rhos Bach Lane would be necessary, and thus the additional severance of the land holding justified. Other detailed concerns raised are matters that would be addressed as accommodation works.

7.11 Some mature trees would be lost and it would not be possible to replace them with comparable specimens. However, there would be extensive tree planting undertaken, including on the land within this holding.

7.12 The CPO is required to ensure the timely acquisition of land and rights required for the Scheme and to enable the Welsh Ministers to fulfil their statutory duty to provide new highways and private means of access to premises to replace those being stopped up. Under the CPO rules, fair compensation for land would be provided to all those affected. The District Valuer would be appointed to deal with specific matters of compensation or accommodation works.

Mr Emyr Hughes on behalf of Mr J R and Mrs H Jones (OB67)

7.13 Of the 8 ha of land, 2.8 ha would be lost to the Scheme with the rest divided into 7 parcels. The holding is a modest part of the 90 ha farm. The fragmentation of the land to small fields would limit its usefulness given that some would be too small for silage production. The reduction in grazing and fodder production would have an impact but not one that would undermine the farming business.

7.14 A comprehensive ground investigation has been undertaken to inform the Scheme's design to ensure that the structures and earthworks are appropriate for the existing geology and ground conditions. In general, the ground conditions along the proposed alignment do not represent significant challenges to design and construction; this has formed part of the route selection criteria for the proposed alignment. Areas of geotechnical significance would be managed using conventional engineering techniques.

7.15 The provision of a layby is a requirement of DMRB. Future responsibility for its maintenance would fall on NMWTRA with Gwynedd Council having responsibility for sweeping and cleaning of the bypass and its associated

laybys as necessary as well as for fly-tipping on side roads that are stopped up. The arrangements for stopping up Pen-y-Bryn Road include provision for a private means of access to be maintained to the fields.

7.16 The comments made in response to OB66 above in relation to alternative proposals, to CPO procedure and to accommodation works are also made in response to this objection.

Mr John Pritchard[31] and Mr David Gale-Hasleham on behalf of Glan Gwna Country Holiday Park (OB42)

7.17 In response to concerns over the process of choosing the route of the Scheme, including the WelTAG methodology, it is pointed out that the principle of the Scheme has been settled since it received Ministerial approval in July 2012. The route originally chosen - the Purple Route - was reviewed by the Ministers in 2013 who decided to change to the Yellow Route. The reasons for that were explained at the time in the Supplement to the Statement of Result from Public Consultation. That change is a political matter and is not for consideration at this Inquiry.

7.18 It is acknowledged that the proposed viaduct and embankment would have a significant effect on the Park. Taking into account proposed mitigation measures, the landscape impact has been assessed as major adverse. There would be a slight adverse visual impact on Glan Gwna Hall and a moderate adverse impact on the Lodge. The main visual impact would be on those parts of the Park directly affected by the viaduct, both during and after construction (ID081).

7.19 Air quality at present is very good and the impact of the Scheme would be minor. Noise and vibration impact during construction has been assessed as has traffic noise during operation. At the Inquiry Mr Perkins explained that for the purposes of noise assessment the caravans and chalets are not classed as dwellings. Nonetheless they have been assessed and ID080 sets out the predicted effects. Mitigating factors in terms of noise impact is the height of the road above the valley floor for those pitches closest to the viaduct and, for pitches at a higher level that are close to the road, the fact that the road would be in a modest cutting. These features would have the effect of reducing the potential noise impact. None of the pitches at Glan Gwna would experience a level that exceeds the upper threshold of acceptability of 68 dB. Generally, levels would range from the high 40s dB to the mid-50s dB that would represent a gradation in impact from moderate to major adverse. ID080 also addresses the noise impact at the nearby housing estate which is under construction and the recently completed Ysgol yr Hendre.

7.20 It is accepted that the parcel of land previously described as scrubland has an extant planning permission for caravans and would be affected by the

[31] Mr Pritchard also represented Gwalia Garage at the Inquiry and produced one Proof of Evidence to cover both. The general points raised that are common to both objections are reported under the Glan Gwna objection and in the interests of brevity are not repeated under Gwalia Garage, which is reported as a non-statutory objection (OB62).

Scheme. The direct effect on pitches would be the permanent loss of 7 caravans and the temporary loss of 24.

7.21 The basis of Mr Pritchard's assertion that the contribution to the local economy is £5 million is disputed. During the presentation of Mr Gale-Hasleham's evidence errors in the calculation of this figure were established which indicates that the extent of the impact on the local economy has been exaggerated. The overall effect of the Scheme has been assessed as neutral to mildly positive. The BCR calculation has been based on the transport costs and benefits. It was decided not to take into account wider economic benefits.

7.22 It is accepted that there would be an adverse impact on the Holiday Park but the objector has not sought to quantify the number of job losses that is anticipated. It is noted that it employs 25 full time equivalent workers compared with some 800 workers at the Cibyn Industrial Estate. The Scheme would contribute to safeguarding jobs of a number of marginal local businesses on this Estate and elsewhere.

7.23 The response in relation to the relative merits of an alternative route is summarised in the part of this section of the report dealing with Alternative Proposals OAP1 & 2.

Mr Clive A Hulse on his own behalf and that of Glan Gwna 600 (OB63)[32]

Mr John Millett (OB35), Mrs & Mrs Mappin (OB44), Mrs C Niblock (OB85); Mrs Carol Richards (OB86); Catherine Wright (OB87); Mr & Mrs D Thomson (OB88); Mrs D C Porritt (OB89); Gavin W Jones (OB90); Simon & Karen Element (OB91); H J Marvil (OB92); Helen Hemingway (OB93); Mr & Mrs Bowman (OB94); Mrs D Smart (OB95); Margaret Rees (OB96); Marilyn Langridge-Jones (OB97); Nicola Yendley (OB98); Howard Kendall (OB99); The Owner of Chalet No. 188 (OB100); Mr A G Evans (OB101); Mr & Mrs J Farren (OB102); Stuart & Alison Nelson (OB103); Mr & Mrs Morrison (OB104); Anne Armstrong (OB105); Mr & Mrs D Clark (OB106); John & June Fletcher (OB107); G A Urmston (OB108); Christine & Roy Harrison (OB109); James & Carole Hunter (OB110); Mrs M Wilkes (OB111); D J Cullen (OB112); Claire & Eddie Brown (OB113); Dorothy & Frank Duckett (OB114); David & Brenda Rickard (OB115); Mr & Mrs Brutton (OB116); Mrs Joyce Lewis Santo (OB117); Heather & Graham Wright (OB119); R Sanderson (OB120); Vivien Minshal (OB121); D W Hartshorn (OB122); John Barber (OB123); A Davey & S Penny (OB124); Ms Georgina Tang (OB125); Kate Joyce (OB126); Mrs P Hawksley (OB128); Angela Roberts (OB129); Mr & Mrs J Hesson (OB131); R Penny (OB132); Barbara & Ronald Todd (OB133); David Roberts (OB134); G Hancock (OB135); Stephen Duggan (OB136); Mr Ian & Mrs Barbara Hay (OB137); Mr & Mrs Sisson (OB138); Mrs J Middleton (OB139); Jim Perry (OB140); R C Watson (OB141); Mr & Mrs F & C D Brown (OB142); P T Evans (OB143); Mr John & Mrs C Paul (OB144); Mr P H & Mrs J L Edward (OB145); Carl Meig (OB146); Miss Clare McDermott (OB147); Mrs V J Bamford (OB148); Wendy & Howard Pilkington (OB149); Lee Schofield (OB150); Mrs Bailey

[32] Mr Hulse is not a statutory objector but as he was also representing the Glan Gwna 600, which comprises owners and occupiers of chalets and caravans at the Park, and includes several statutory objectors, his representations are reported here.

(OB152); E J McCammon (OB153); Mrs Susan Henderson (OB154); E A Taylor (OB155); Joanne & Michael Fazakerley (OB156); Mr & Mrs Bennett (OB157); Beryl Horton (OB158); Mr & Mrs Jump (OB159); and Dr Steve Ennion & Dr Tania Webb (OB160)[33]

7.24 Many of the responses to the matters raised in these objections are summarised in the response to the Glan Gwna Country Holiday Park objection and, thus, are not repeated here. Details of compensation matters have been raised by some objectors but are not reported here as they are not matters for me.

7.25 Of the 7 caravans or holiday homes that would be permanently lost, 3 have objected (Mr and Mrs Rickard (OB115): Plot 571; Mr and Mrs Pilkington (OB149): Plot 569; Ms Tang (OB125): Plot 565). Other pitches would be directly affected during construction works and many others would be affected to varying degrees by the works and by the use of the road. For several of the objectors their chalet or caravan provides an important source of income through rentals. Those most severely affected would be dealt with by compensation.

7.26 The modelling work to assess air quality has taken into account prevailing winds. It shows that the forecast increase in pollution levels would be well below that which would affect human health both within the site and in the wider vicinity.

7.27 The effects on ecology have been considered in detail in the ES, and there are mitigation measures that have been identified, some of which are of direct relevance to the concerns raised with regard to the Holiday Park and its environs.

7.28 Several objectors refer to the existence of a covenant that provides for their 'quiet enjoyment'. However, in this context, that phrase confers protection for tenant against being constructively evicted by a landlord as opposed to the ordinary meaning of the words which are suggested to confer protection from noise disturbance.

7.29 The visual impact on Glan Gwna Hall is assessed as slight adverse by 2033 when the screening effect of the proposed landscaping works would have taken effect.

Mr D Pritchard Jones (OB18)

7.30 The detailed concern relating to ownership of the access to Mr Pritchard Jones' home has been addressed by proposed CPO Modification 9. The extent of the CPO land includes not only land required to build the road but also peripheral pockets of land required to carry out essential works of mitigation, for instance to provide planting necessary to landscape the Scheme and promote wildlife connectivity.

[33] Given the degree of commonality in the matters raised and for ease of reference, all other objections relating to Glan Gwna, all of whom rely on written representations, are also reported here.

7.31 Plot 4/2 would be required to allow minor works to be undertaken at the driveway entrance to Mr Pritchard Jones' home. If an essential licence can be agreed the ownership need not change. The proposed access arrangements would incorporate adequate visibility splay provision. The Welsh Government statistics that have been used to inform the assessment of the Scheme is the best available data.

Mr Jonathan Powell on behalf of Mr M Brymer (OB43)

7.32 In response to Mr Brymer's concerns relating to detailed aspects of the proposed access arrangements from the proposed new section of road that would link the de-trunked section of the A487 to Meifod roundabout a series of communications led to changes to the proposal. These changes have been agreed with Mr Brymer who has also confirmed his agreement to the proposed modifications to the CPO and SRO[34].

7.33 Welsh Government confirms its responsibility to maintain drainage arrangements and the supply of water and explains that surface water would be trapped and flows attenuated to watercourses. It also confirms that the additional land which is not part of the engineering works is required as part of the essential landscaping works.

Non-Statutory Objectors who appeared at the Inquiry

Mr Mike Vitkovitch (OB16) on behalf of the British Horse Society; Mr John Mather (OB17) and Mr Chris Crompton (OB19) both members of Cycling UK; Mr Roy Spilsbury (OB52) on behalf of Cycling UK; Dr Richard Keatinge (OB57) on behalf of Beicio Bangor and Cycling UK; Mr Dave Woods (OB21) on behalf of Caernarfon and Dwyfor Ramblers; Mr Max Grant (OB26) on behalf of Ramblers Cymru; and Mr Vincent Mears (OB37) on behalf of Arfon and Dwyfor Local Access Forum

Mr Paul Gannon (OB8); Mr Andrew Patience (OB12); Mrs Rhian Jones (OB13); Canon Edmund and Mrs Rachel Plaxton (OB20); Ms Tracey Page (OB23); Ceri Williams (OB24); Mr Dave Cooper (OB25); Mr Glyn Evans on behalf of Sustrans Cymru (OB28); Mr Nigel Fisher (OB29); Mr Dafydd Grant Jones on behalf of Caernarfon & Dwyfor Ramblers (OB30); Ms Kath Woods (OB34); Mr Berwyn Jones (OB38); Mr Ken Cross (OB39) ; Ms Angela Charlton, Director Ramblers Cymru (OB59); Ms Lowri E A Evans, Secretary Chester & N Wales CTC (part of Cycling UK/Beicio UK) (OB65); Lesley Conran on behalf of Beicio Bangor (OB70); Mr Roy Milnes (OB72); Dr K D Griffiths (OB75); Ms Margaret Lowe (OB76); Ms C M Jones (OB79); Ms Rhian Jones (OB127); and Mr Huw Davies of Antur Waunfawr (OB151)

7.34 At the Goat roundabout Lôn Eifion presently crosses the A499 which has daily traffic flows in excess of 5,000 (AADT). It is proposed to re-route Lôn Eifion such that it crosses the de-trunked section of the A487 to the north of the roundabout and the A487 to the south. It is forecast that when the Scheme is operational daily traffic flows on the de-trunked A487 would be less than

[34] CPO Modification 15 & SRO Modification 4

2,000 vehicles and on the A487 south of the Goat Roundabout would exceed 10,000 vehicles.

7.35 Shortly before the Inquiry commenced Welsh Government met with several objectors who had raised concerns about the proposals for Non-Motorised Users (NMUs) at the Goat Roundabout (ID116). As a consequence, the Welsh Government presented details of revised crossing arrangements in the vicinity of the roundabout at the outset of the Inquiry (ID002). These involve moving the proposed point of crossing of the A487 to the south of the roundabout further from the junction. The design of the proposed crossing of the de-trunked section of the A487 to the north of the roundabout has also been altered to provide parallel, separate provision for pedestrians and cyclists on a platform crossing. These revisions to the crossing arrangements can be achieved within land owned by the Welsh Government. Modifications to the draft Orders have been presented[35] (ID028, ID051, ID051A, ID072).

7.36 At present the crossing point of the A499 is only facilitated by dropped kerbs and the splitter island. This is a sub-standard arrangement that provides no priority for those crossing the road, nor are there any railings. There is limited visibility of those crossing for drivers exiting onto the A499 from the roundabout especially as they are focussed on the roundabout and given the tight bend drivers travelling from the south along the A487 must negotiate. Several objectors acknowledged the deficiencies of the present arrangements.

7.37 The 2 at-grade crossing points at the Goat would provide little or no inconvenience to active travel users compared with other options including grade separated alternatives. The details of the proposed crossings and diversion of Lôn Eifion have been reviewed and refined on the basis of an assessment of active travel guidance and additional surveys associated with development of the NMU Audit Report.

7.38 The proposed crossing of the de-trunked A487 would be significantly easier than the present crossing on the A499 given the raised table and Belisha beacons that would provide a safer crossing experience and the lower traffic volumes encountered. It would also incorporate parallel pedestrian and cyclist crossing lanes. The Toucan crossing of the A487 to the south of the roundabout would result in a minor decrease in the "directness" key criteria at this location as a result of the short delay associated with an additional crossing but this would be more than compensated by improvements relating to safety and comfort for all users compared to the existing uncontrolled crossing of the A499.

7.39 The extension of the 40mph speed limit along the A487 southwards from the roundabout would reduce driver speeds as they approach the crossing. Forward visibility for north bound motorists would provide sufficient warning of the potential need to react to the signal controls. The design meets with the highest score category (green) against a number of the key requirements of the walking and cycling route audit tools set out in the Active Travel (Wales) Design Guidance. Both crossings meet the relevant standards and guidance, including DMBR, Sustrans Design Manual, Active Travel Wales, Design Guidance and Guidance on the use of Tactile Paving Surfaces. The design of

[35] CPO Modification 6 & SRO Modification 1

these crossings has been considered by the project's Non-Motorised User Auditor and Road Safety Auditors and this has raised no safety concerns.

7.40 The project team acknowledged that the Lôn Eifion user surveys undertaken during an October half term and in November provided only a snapshot and thus undertook sensitivity testing based on an estimate of peak or typical daily usage. It used two proxy sites of similar characteristics, where year-round data was available, to provide robust estimates. The estimates show a daily summer peak (Monday to Saturday) of 95 cyclists, and typical month daily usage (Saturday-Sunday) of 118 cyclists. At the busiest periods it is anticipated that the crossing would get called no more frequently than once every 4 minutes on average.

7.41 The Toucan crossing would take 5 seconds from pressing the button to the lights turning. The normal crossing time has been calculated as less than 10 seconds. However, to allow for groups or those with mobility difficulties, it was confirmed at the Inquiry that sensors would be used to detect the presence of persons crossing and to extend the standard 20 second duration until the crossing is complete. The effect of this extended red-light timing on the trunk road traffic has been tested (at 40 seconds duration) and showed that queuing traffic would extend to 50m, which would be well within the available stacking capacity of 75 metres between the proposed crossing location and the roundabout. Factoring in the small seasonality factor to reflect the increases in traffic flows in July and August would have no more than a minor impact. The journey time delay to traffic has been assessed as a negligible impact.

7.42 The existing 40mph speed limit at the roundabout would be extended to encompass the approach to the proposed Toucan crossing. There is no reason to believe that traffic along this section of road (which has been surveyed and shows that the 85th percentile is within the present limit) would not respond to the lowering of the limit, particularly on approaching the crossing and the roundabout. The arrangement conforms to the relevant standards, and there is no evidence to suggest that a departure from the guidance is justified in this case. Objectors are concerned that there would be risk associated with the arrangement. As risk cannot be eliminated the design of the Scheme, in accord with relevant guidance, has sought to minimise risk (ID043).

7.43 The Lôn Eifion Cycleway is not a designated bridleway, but is a permissive recreational route (as defined by Gwynedd Council). The recent surveys of Non-Motorised Users (NMUs) showed no equestrian activity during the survey period. There is no evidence to support the provision of facilities to cater for equestrians especially given that the proximity of Lôn Eifion to the railway line at Dinas means that horses are not permitted on the route from that point northwards.

7.44 The provision of grade-separation for Lôn Eifion as part of the Llanwnda to South Llanllyfni improvement of the A487 was a consequence of the lowering of a section of the road which resulted in Lôn Eifion being diverted on a bridge over the road and then back under the road on a river underbridge.

7.45 The predicted accident rate which has been forecast for the Scheme is based on modelling the whole project, and is not an assessment of safety benefits of

specific features of the project. In this case the traffic modelling software has responded to the introduction of a traffic controlled crossing into the Scheme by predicting a slight reduction in predicted traffic flows, which explains the identified reduction in predicted accidents.

7.46 It is noted that the objectors are not agreed on an alternative solution to the crossing arrangements at the Goat roundabout, and it appears that different types of users would prefer different alternatives. Objections have appeared to be fixated on the statement of principle of grade separation without demonstrating why the proposed arrangement is unacceptable.

7.47 The Project Team has particularly focussed on the Goat roundabout in terms of appraisal of active travel because of the direct interaction between the bypass and the Lôn Eifion recreational route at this point.

7.48 The Active Travel (Wales) Act 2013 requires Highway Authorities to have regard to the needs of walkers and cyclists in exercising their functions under parts 3, 4, 5, 9, and 12 of the Highways Act 1980 and, in so far as it is practicable to do so, to take reasonable steps to enhance the provision made for walkers and cyclists. 'Active travel journeys' are defined by the 2013 Act as those which are made to or from a workplace or educational establishment or in order to access health, leisure, or other services or facilities (see section 2(7)). The Act outlines a number of exceptional circumstances where highway authorities may properly determine that it would be unreasonable or impracticable to enhance provision for walkers and cyclists in highway construction, improvement or maintenance.

7.49 It has been shown that the development of the Scheme has taken reasonable practicable steps to enhance the provision for walkers and cyclists on the Scheme, in particular where there are interfaces with the existing highway network, e.g. the terminal roundabouts at Goat and Plas Menai, the intermediate roundabouts at Meifod and Cibyn, and where local roads and public rights of way cross the Scheme.

7.50 The Scheme's development has taken into consideration the Active Travel Design Guidance, appropriately taking into consideration existing and forecast demand, the DMRB standards, environmental impacts and cost (ID042). Taking into account the principles of the Act, the extent of provision to enhance active travel must be necessary and reasonable. The active travel measures which are incorporated have been validated by NMU Context and NMU Audit assessments of the Scheme. These assessments have been undertaken in accordance with the relevant guidance.

7.51 There is on-going discussion with Gwynedd Council as Highway Authority in relation to active travel measures as part of the de-trunking proposals which would provide other opportunities to enhance active travel in both Caernarfon and Bontnewydd. Sustrans concerns over the residual volume of traffic that would use the road could inform such discussions.

7.52 The proposed provision at the new Meifod roundabout has been informed by existing NMU usage and route choice data, standards of footway provision alongside the A487 to be de-trunked, and the NMU route strategy. An uncontrolled crossing of the new road is proposed linking with the existing footway provision on the A487 to be de-trunked. The NMU route strategy

would be supported by direction and journey time signing at key points along the route to encourage users to route along Lôn Eifion which is easily accessible from the relevant settlements and which would score well against the Design Guidance for walking and cycling (ID073).

7.53 There is no provision for pedestrians, cyclists and other active travel users at Cibyn Roundabout and Bethel Roundabout on the basis that these junctions do not interact with any existing or proposed active travel routes. Analysis has shown that the numbers of people in the settlements around Caernarfon that cycle or walk to work is very low (between 2% and 5% of journeys).

7.54 At Plas Menai Roundabout the proposals involve the realignment of the Lôn Las Menai recreational route around the north side of the roundabout, crossing the new link to Caernarfon Road east of the roundabout. These changes have been assessed as having an overall benefit for cyclists by moving the uncontrolled crossing point away from the roundabout. This would improve the comfort key requirement for cyclists and pedestrians, whilst improving safety for all road users.

7.55 The Scheme also incorporates a dedicated NMU bridge north of Bontnewydd, which would improve comfort for users, by providing a traffic free environment. The proposed Bethel Road bridge has been designed with wider verges to accommodate future potential Active Travel routes, and on the proposed bridge over the A4085 the abutments are set back to accommodate future potential Active Travel routes.

7.56 The bypass road does not follow an Active Travel route. It has been designed as a Rural Trunk Road and, in accordance with DMRB TD/91, it provides grass verges rather than paved footways.

7.57 Welsh Government has engaged with Sustrans and a number of other stakeholders as the project has progressed, and indeed has revised the Scheme at the Goat roundabout in response to concerns discussed at a recent meeting.

7.58 The package of provisions within the Scheme constitutes reasonable practicable steps to enhance provision for walkers and cyclists, and provides opportunities for enhancements along the de-trunked A487. The forecast reduction of up to 45% in the volume of traffic in the centre of Caernarfon provides an opportunity for benefits to non-motorised users as well as for users of public transport.

7.59 The Scheme objectives were developed prior to the Active Travel (Wales) Act as part of the WelTAG process in Key Stage 2. Nevertheless, the Scheme objectives have since been reviewed and are still considered to be entirely appropriate for this Scheme. The NMU Context report sets out a number of Scheme Objectives for NMUs which includes improving conditions for cyclists and pedestrians on the de-trunked A487 and on unclassified roads.

7.60 Sustrans' decision not to attend the Inquiry has denied the opportunity to scrutinise and test its evidence, which must limit the weight to be afforded to its representations.

Mr D Rhys Prytherch (OB11)

7.61 The traffic modelling shows that the Scheme would give rise to a significant reduction (over 30%) in traffic travelling through Bethel on the B4366, and a 22% reduction in traffic travelling on the A4085 north of Caeathro. The introduction of additional roundabouts on the Scheme would have a negative journey time impact reducing the overall benefit for all users of the Scheme.

Mr Nigel Spaull (OB22)

7.62 The quality of the local landscape and likely effects of the Scheme are recognised in the ES. The landscape character effects of the section of the bypass in question in 2033 has been assessed as ranging from moderate adverse to minor adverse on the 3 landscape character areas affected. The visual impact on nearest properties and from 2 landscape viewpoints are substantial adverse.

Mr Hugh Prys Jones (OB33)

7.63 TPO1 reflects the scope of the Scheme, which is to address delays to strategic traffic on the trunk road through Caernarfon and Bontnewydd. It is not intended to address problems at Faenol Hill or provide a link to the A55. The extent of journey time savings for users of the bypass is significant enough to attract demand away from the B4366 which would increase traffic volumes near Faenol/Parc Menai by up to 10%, which would increase peak time journeys between Plas Menai and junction 9 of the A55 by 3-5%. However, overall journeys time savings for those travelling from Llanwnda would far outweigh these dis-benefits.

7.64 Public consultation has been extensive and has included workshops, consultations and exhibitions over a period from May 2009 to September 2016. Contrary to the impression that may have been gained by Mr Jones and his neighbours, neither officials nor members of the Project Team were told "not to be receptive" to suggestions for changes to the Preferred Route or the published Scheme.

7.65 With reference to the role of elected representatives, it would not be appropriate to comment on political matters. The decision to change the preferred route was made by the Minister for Economy and Transport at the time and was made, principally, on affordability grounds. Welsh Audit Office concerns were addressed by Welsh Government in 2013. The provision of a new road to run alongside the bypass at Crug Farm is an additional cost for the project but is necessary to accommodate a local highway that would otherwise be severed by the Scheme.

7.66 Alternative routes for the Bontnewydd section of the bypass were considered as part of the WelTAG Stage 2 Study. However, these were discarded due to the Habitats Regulations Assessment concluding there was an impact on a number of SACs which resulted in alternatives with less impact having to be pursued.

7.67 There would be a long-term maintenance commitment in perpetuity associated with the project which would be transferred to NMWTRA.

7.68 The bypass would reduce traffic congestion on local roads and the communities of Waunfawr, Caeathro, Llanberis and Llanrug would be able to

access the Scheme via the new Cibyn and Meifod Roundabouts. The negative impact on some local business has been taken into account in a Wider Economic Impact Assessment (DD514) which found that the overall effect would be positive on the local economy.

7.69 The bridge west of Bontnewydd is the Gwyrfai viaduct. It has been designed to minimise the impact on the river channel and its floodplain, including the local populations of otter and Atlantic salmon which are designatory features of this SAC, and to retain connectivity for benefit of bats and other species. Its cost would represent some 6% of the overall project cost. The extra lane in a 2+1 carriageway design is not intended as a crawler lane for HGVs on steep gradients but rather allows for overtaking of slower moving traffic more generally. Any change to restrictions on HGV speeds does not materially alter the benefits provided by overtaking lanes.

7.70 The noise assessment demonstrates that the additional costs, land take demands and other environmental dis-benefits associated with the provision of acoustic barriers means that their provision is not justified. Concerns over flooding are addressed in the Flood Consequences Assessment (DD008). The NMU arrangements at Llanwnda (Goat roundabout) have been reviewed and modifications presented.

Dr Gareth Parry Jones (OB45)

7.71 The WelTAG guidance is entirely appropriate for the appraisal of transport schemes of this scale and has been used successfully on many highways projects. Consultations have been extensive during Key Stage 2 which considered the impact of the scheme on the 13 route options considered at the feasibility stage. The questionnaires that were used in surveys were suitable. In response to the matters raised at the initial consultation a supplementary exercise was undertaken. The appraisal of the Scheme in relation to specialist discipline areas was undertaken by those who are professionally qualified and have experience of using WelTAG. The scoring system used is in line with WelTAG guidance and applied consistently to all options appraised.

7.72 The Sustainable Development Report (DD012) concludes that by supporting tourism and the potential for economic regeneration in this Welsh speaking area, the Scheme overall is likely to support the Welsh language.

7.73 The balanced consideration of all aspects of the 'three pillars' of WelTAG (Economy, Society, Environmental) is a fundamental part of a WelTAG Appraisal. The support (including the receipt of a petition) for the Black Option at Key Stage 2 was taken into account by considering it as part of the 'public acceptability' criteria in WelTAG, in the appraisal of options and the subsequent Preferred Route decision. In making the decision on the choice of route the Minister considered the views of the public along with the technical and economic appraisals. It should be noted that the level of support for a particular option is not be the defining factor in the selection of a Preferred Route and that all appraisal outcomes are considered.

7.74 In light of budgetary pressures, a review of the options was carried out by the Welsh Government. The WelTAG appraisal concluded the Purple Option performs best against the objectives closely followed by the Yellow Option. The Yellow Option was £8.5m cheaper than the Purple Option and had a better

benefit to cost ratio. Overall the Yellow Option represents the more economically advantageous solution and poses no significant engineering constraints. This resulted in the withdrawal of the original Preferred Route (the Purple Option) and the announcement by the Welsh Ministers for the Yellow Option to be the new Preferred Route in May 2013.

7.75 The Scheme would meet TPO1, TPO2 and TPO4.

7.76 Taking into account the separation distance and intervening vegetation and proposed additional planting between Bryn Eglwys and the bypass, together with the historic relationship of the buildings to the working quarry, the impact on the setting of the listed buildings has been assessed as imperceptible to low, with the significance assessed as minor. It is acknowledged that there have been several factual errors in the assessment of cultural heritage as set out in the main text. However, it is confirmed that the errors are not replicated in the tables and as such the identified impacts are correct. It is also acknowledged that Dr Jones was correct in asserting that the Scheme would be seen from Caernarfon Castle. This was confirmed in a subsequent site visit. ID059, ID059A explains that the intervening distance, the extent of visibility and the nature of the surroundings including the presence of man-made features, mean that the project would not impact on the Castle's setting.

7.77 The cumulative effects of the Scheme in association with the proposed development at the Quarry have been considered in the ES. This includes the potential impact on lesser horseshoe bats in the Quarry. The ES produced for the Quarry in December 2016 concludes that there would be no residual adverse impacts on bats and as such there would be no cumulative impacts. Apparent discrepancies between the 2 ESs can be largely explained by the differences in the nature of the proposed developments (ID084).

7.78 A Health Impact Report (DD532) has been prepared in accordance with WelTAG guidance. In addition, the potential effects on health have been considered in terms of air quality, noise and vibration impacts, community severance and visual effects (ID119). The study of air quality has taken into account the effects of traffic pollution and dust on people and on wildlife, both during the construction phase and in the long-term (ID030).

7.79 The watercourse to the south-east of the Quarry was assessed as part of the habitats surveys, including for otter and water vole presence. The limited extent of the proposed realignment does not warrant ecological mitigation, however the identified potential for enhancement would be considered. In response to the specific flora and fauna species identified by Dr Jones the Welsh Government is confident that the extent of the survey work that has been undertaken is appropriate, noting the precautionary approach to mitigation that has been taken where a potential presence has been identified but no sightings have been recorded. More generally, mitigation measures have been developed in discussion with NRW and would be further refined as the project advances.

Mr John Pritchard on behalf of Gwalia Garage (OB62) (ID075)

The Welsh Government's response to criticisms of the WelTAG process has been set out in earlier responses to objections (including Glan Gwna, OB42) and thus is not repeated here.

7.80 A Wider Economic Impact Assessment (DD514) was undertaken during 2015/2016 for the Scheme. This concluded that in the context of the economic impact on the study area, the Scheme would not have a significant consequential impact. However, it is accepted that at a micro-level, there would be an impact on the retail and other services at Gwalia Garage. The study concluded that most passing custom is from users of the A4085 rather than those on the 'unofficial bypass' on the basis that the former would be used by shorter local trips that are more likely to stop than those on longer trips. The Garage is understood to employ 47 full-time equivalent workers, with the number of job losses likely to be in the range of 10-15. The nearby Cibyn Industrial Estate alone employs some 800 workers.

7.81 To maintain the strategic purpose of the trunk road network new junctions on the bypass have been limited, hence no connection is provided between the bypass and the A4085. Given that the Scheme would reduce through traffic on local roads, congestion would be eased to the benefit of residents of Waunfawr and those along the A4085 corridor in terms of being able to access the Scheme via the new Cibyn and Meifod Roundabouts.

Mrs Jean Thomas (OB118)

7.82 Construction noise is anticipated to be between 67.7dB and 72.1dB in the vicinity of Mrs Thomas' property, Tremarfon, but for short duration activities could be up to 94.7dB. These are worst case predictions and, in reality, much lower levels would be expected. Operational noise levels would increase by some 11.65dB to 60dB. That would be a substantial but would not exceed acceptable levels for residential properties. Tree planting would not be undertaken because it would be ineffective and difficult to maintain.

7.83 The Flood Consequence Assessment showed that Tremarfon would not be placed at risk from flooding from the Afon Rhosdican, other watercourses or from surface water drainage. The anticipated increase in air pollution would not impact on human health – Nitrogen Dioxide levels would increase to 8.7 micrograms per cubic metre (ug/m^3) which is well below the 40 ug/m^3 air quality objective level. There are measures within the Scheme that would avoid, remove or mitigate potential impacts on local wildlife including amphibians. Details of compensation provisions have also been provided.

Statutory Written Objections

Mr Alex Springs of Ffestiniog and Welsh Highland Railway (OB2)

7.84 In response to initial concerns it is confirmed that the construction and positioning of the road bridge and the temporary crossing of the railway would be subject to appropriate risk assessments and liaison with the Ff&WHR. These matters have been explored during discussions with Mr Springs in the lead up to, and during, the Inquiry and Ff&WHR's general support for the proposal is welcomed. The approval of the Office of Rail and Road would be sought if necessary in relation to the proposed crossing of the railway. It is

confirmed that the Ff&WHR, as tenants of land being acquired, would be eligible for compensation.

Mr R G W & Mrs N P Griffiths (OB4)

7.85 Welsh Government undertook to consider further the access arrangements at CPO plot1/14a and if deemed necessary to present modifications to the draft Orders.

7.86 It is confirmed that water supply provision would be maintained throughout and after construction. No clawdd wall would be provided because experience has shown that vegetation within cloddiau are slow to grow to achieve their required mitigation function, and as hedges mature could cause destabilisation. Boundary fencing details would be developed in consultation with the landowner.

7.87 Acoustic screens would not be justifiable in any location because of increased visual impact, additional land take, and the marginal acoustic benefits realised for relatively high cost, as well as other adverse environmental impacts.

7.88 Although investigation works have not identified any springs within the subject land groundwater protection measures would be undertaken as a matter of course. The CEMP would ensure that topsoil quality would be protected.

Mr and Mrs Wynn-Jones (OB46)

7.89 The Scheme would marginally reduce road traffic accidents. The effect on the economy has been found to be neutral to mildly positive in terms of the wider economy. The Scheme would have an adverse impact on the landscape caused by introducing engineered landforms into the countryside. There would also be the loss of 55.6ha of agricultural land some of which would be good quality. The CPO land would be acquired under the Acquisition of Land Act 1981, rather than the Town and Country Planning Act 1990.

7.90 In relation to the Well-being of Future Generations Act 2015, the Sustainable Development Report shows how work already done, or in preparation, would support the achievement of the seven Well-being Goals.

7.91 The Scheme has been assessed for its effects on noise, vibration, air quality and visual impact during both construction and operation. Construction noise at Crug Farm is not anticipated to be significant taking into account its limited duration, and there would be measures in place to limit such disturbance. There would be a minor reduction in road traffic noise levels at Crug Farm.

7.92 Crug Farm is not identified as potentially being subject to a significant adverse effect from vibration nor is there expected to be any risk of damage to residential building structures caused by construction vibration.

7.93 During construction, mitigation measures would be employed to minimise pollution risks. The increase in air pollution from the road when operational would be well within air quality objectives for human health. The Scheme includes mitigation measures to limit visual impact which includes ensuring that there would be no artificial lighting of the bypass other than at

roundabouts. However, near Crug Farm lighting would be installed for safety purposes around Bethel Roundabout.

7.94 The timing of construction would depend on completion of the statutory procedures. Matters of compensation would be for further discussion. An assurance is provided that water supplies and other services would be maintained.

7.95 Existing road signs serving the business would be either temporarily or permanently relocated in order to ensure that there is no worsening of the current arrangements. There would be no stopping up of the highway access to Crug Farm and the existing section of highway would experience a 73% reduction in traffic. Accommodation works could address access to N002 and access into enclosure N0004 would be via the Private Means of Access which is covered by CPO Plots 9/5j. The access would be obtained from the B4366. The existing access to enclosure N0010, which is located adjacent to what would become the de-trunked section of the A487, would be improved.

7.96 At the request of Mr and Mrs Wynn Jones it is proposed to provide screening works in N0007. The Scheme includes provision for new planting on enclosure N0002 which would be significantly larger area than that lost. The 4 oak trees in L0007 would not be affected but a mature ash on the boundary of N0003 would be lost. A temporary wind break, planting and wall would be provided at plot 9/5a. The Scheme has been designed to minimise the impact on plots 9/5e and 9/5f in response to the value placed on the Nursery land. The owners would be compensated for the temporary loss of the severed fields at plot 9/5r. Other losses such as loss of basic payment would be a matter for compensation consideration (ID109).

7.97 Boundary fences and hedgerows would be provided in accordance with the relevant standards and would be subject to ongoing monitoring and maintenance. No works to the Crug Farm car park would be undertaken.

7.98 The Scheme requires the essential excavation of a cutting to enable the new road to connect to the existing A487 Plas Menai roundabout. All materials excavated would be used throughout the length of the Scheme to provide a balance between embankment and cutting quantities. As Crug Farm is approximately 190m from the nearest point of the bypass it is not envisaged that any blasting associated with the excavation of the cuttings would result in any damage to the property. However, prior to the commencement of any works in this area a property condition survey would be undertaken. This would be followed by post completion survey to determine any changes in condition resulting from the Scheme. The decisions on where to extract material have been made based on ground investigations. This may be subject to some further refinement (within the confines of the Made Orders) once the Contractor has taken possession of the site and can undertake further investigations.

7.99 The attenuation pond in plot 9/11 would work hydraulically. A FCA has been prepared in consultation with NRW, which has informed the Scheme's design. Surface water drainage form the Scheme would be captured and attenuated in the ponds before being released to watercourses at greenfield rates.

Mr Aled R Jones (OB47)

Mr Jones' objection has been presented by the same agent as objector OB46. Many of the general points made are the same. As the Welsh Government's response to them are summarised in the opening paragraphs of the response to OB46 they are not repeated here in the interests of brevity.

7.100 The draft Side Roads Order includes the provision of a new private means of access gate (reference 4/5a) 110 metres south of Park Guest House on the existing A487 Pwllheli Road. This would ensure access to enclosure E0012 and others further north.

7.101 In the vicinity of Hendy construction noise levels during the day would be between 46.0dB and 75.0dB (typically) with some short duration activities where levels could be as high as 94.7dB. These levels have been predicted as a worst case, and it is expected that these would be substantially reduced once more accurate construction planning by the Contractor is undertaken, and mitigation applied to reduce the levels where this is practicable. Road traffic noise would increase by an insignificant level (O.4dB).

7.102 Hendy would not be adversely and significantly affected by vibration during or post construction or by air pollution.

7.103 The bypass itself would be unlit but the existing A487 Pwllheli Road is currently lit between Pen-y-Bryn Road and Bontnewydd and the only additional artificial lighting that would be introduced by the Scheme would be a ring around the outer edges of the new Meifod Roundabout.

7.104 Construction works would be unlikely to commence before Spring 2018 and a minimum of 3-months' notice before entry would be given to landowners.

7.105 The majority of the permanent land take included in the draft CPO encompasses the edges of enclosures E0005, E0008, E0011 and E0012 adjacent to the existing watercourse. The Welsh Ministers current intention is to negotiate a temporary licence to enter the larger plot 3/8c, along with plots 3/8d and 3/8e to undertake essential work. The majority of the land holding would be returned to agriculture after completion of construction, an action which should minimise any impact on the Basic Payment currently received and eligibility under the Glastir agreement.

7.106 Where direct access watercourses cannot be maintained a water supply to this enclosure would be provided during and after construction. If this matter involves any further elements of compensation or accommodation works, this would subsequently be a matter for the District Valuer.

7.107 The Scheme incorporates mitigation measures in relation to all potentially adverse effects, and these are considered appropriate in relation to this property. A FCA has been prepared, in consultation with NRW. Surface water drainage from the Scheme would be captured and attenuated in the ponds before being released to watercourses at greenfield rates.

Mr E Hughes (OB53)

7.108 The change in land ownership is noted.

Ms Jenny Emmett, Gwynedd Archaeological Planning Service (GAPS) (OB58)

7.109 The position adopted by GAPS has changed significantly since its original objection resulting in a Statement of Common Ground between GAPS and Welsh Government (ID104).

7.110 Some of the detailed concerns raised by GAPS over the approach to archaeological investigation and preservation are accepted. To ensure that there are adequate measures in place to investigate, record and preserve, where appropriate, archaeological features it has been agreed that a revised Written Scheme of Investigation (WSI) be drawn up by the Project Team. GAPS would be closely involved in the production of the WSI and in overseeing work on the ground (ID104).

7.111 Detailed visualisations (ID126) have been prepared which demonstrate the effect of the cutting and proposed landscaping on screening the new road and its traffic from the SAM at Caerlan Tibot. The cutting in particular would also mitigate traffic noise such that it would be quieter at the SAM than would be the case if traffic continued to use the existing minor road.

Mr H P Parry (OB60)

7.112 The Scheme would leave a narrow strip of land between the new road and Cibyn Industrial Estate which would necessitate a change in farm management, in particular livestock loading and transportation. However, as livestock is already taken to the land by road this functional agricultural unit could continue to operate even following its fragmentation and severance.

7.113 The 550m long by 4m wide shared access track serving Bodrual and 5 fields would also provide maintenance access to an attenuation pond. The low traffic envisaged does not justify the provision of passing places. Welsh Government confirms its obligation to ensure continuity of supplies to the property, including water. Details of these matters, as well as field boundary enclosure details, would be for discussion with the District Valuer as accommodation works.

7.114 Provision would also be made to ensure continuity of the existing drainage arrangements as well as the controlled disposal of surface water from the bypass. Arrangements would also be in place to protect the quality of the topsoil.

Mr Steve Edwards of SP Energy Networks (OB68)

7.115 It is confirmed that the Scheme crosses SP Energy Network's 132kV line but that no impact on that network was identified during a meeting between the Project team and SP Energy Networks. There have been extensive meetings between the Contractor and a Senior Project Engineer for SP Network Connections (ID117).

Mr Gwyn & Mrs Nerys Hughes (OB71)

7.116 *Welsh Government's response to this objection is set out in section 8 of this report, under heading Alternative OAP6*.

Mrs C Tuck (OB164)

7.117 Plot 1/11 is 233m^2 in area and is required as essential licence for purposes associated with the construction work on the eastern boundary of the proposed road. The land need not be retained. Plot 1/11a is 321m^2 and is required for title mitigation in connection with the planting of woodland and retention of existing vegetation to maintain bat connectivity across the proposed road. (DD003)

Non-Statutory Written Objections

Mr Robin and Mrs Kelly Evans (OB3)

7.118 The root protection area of the identified trees is located outside the highway boundary so they would be unaffected by the Scheme. The highway boundary fence would be erected early in the construction programme to define the extent of works and prevent access to those areas which are outside the Scheme, thereby affording protection to trees.

7.119 The additional information requested by Mr and Mrs Evans has been provided. This includes details of the noise assessment which shows that at Bryn Eden noise would be expected to increase by 9.1dB to 63.5dB, which does not exceed the statutory threshold values for the provision of mitigation under the Noise Insulation Regulations. During construction day time noise could reach 81.1dB.

Mr Robert Fogg (OB7)

7.120 The distance between the Scheme and Colwyn Bay and Llandudno means that any impacts on traffic in these towns would be negligible. The potential impact on the countryside is acknowledged but it is proposed to plant considerably more woodland and hedgerows than would be lost.

Mr David Abbot (OB10)

7.121 The Scheme would provide an alternative route around Caernarfon, Bontnewydd and other local villages such as Dinas and Llanwnda but would not provide any further bypass of Y Felinheli.

7.122 A detailed assessment of the likely impact on wildlife has been undertaken and recorded in the ES. The design of the Scheme and management of construction work would include mitigation measures to minimise impacts on wildlife. Archaeological surveys have been undertaken and more work would be done before construction work would commence. There would be an impact on a Roman Road which, given its likely location, could not be avoided.

7.123 The numbers of people attending the 4 public exhibitions ranged from 32 to 98.

7.124 Rail options, to solve the problems associated with traffic congestion in Caernarfon and Bontnewydd were appraised against the Transport Planning Objectives (TPOs) as part of the WelTAG Planning Stage Study in 2007. These did not perform well against the TPOs. As most of the journeys along the subject section of the A487 are through trips that do not originate in Caernarfon, those users would be unlikely to use the suggested rail link. The rail options resulted in poorer cost benefit than road options and would require Compulsory Purchase of residential and commercial property. The route of the

old Caernarfon to Bangor line has been built over in recent decades and reinstatement of the line would mean the loss of part of the National Cycle Network 8 route which runs along part of the former railway line and now forms a key section of Lôn Las Cymru.

Mr Gareth & Mrs Eleri Owens (OB15)

7.125 It is proposed to construct the diverted section of Rhos Bach Lane to the same standards as the existing lane. Traffic counts adjacent to Pen-y-Bryn have established that the two-way flows were some 150 vehicles per day, which is not expected to alter as a result of the Scheme. The lane would continue to provide a link to Caeathro.

7.126 There are procedures in place to deal with compensation caused by depreciation. The responses received during the 2010 public consultations were considered as part of the WelTAG Appraisal. The Minister considered the views of the public along with the technical and economic appraisals before making the decision on the choice of route. This resulted in the Purple Option being put forward as the preferred option which was later changed to the Yellow Option following a budgetary review by the Welsh Ministers.

7.127 Health and Well-Being were considered in the WelTAG process, and more recently have also been considered in the ES.

7.128 The COBALT assessment shows that the Scheme has 'Slight Beneficial' benefits in relation to TPO 4 (casualty reduction). The effects of the Scheme on the wider economy has also been assessed and shown that, at a minimum, the retention of existing companies would be optimised with the opening of the bypass. A Sustainable Development Report shows how for the seven Well-being Goals from the Well-being of Future Generations Act 2015, work already done, or in preparation, would support the achievement of those goals.

7.129 It is acknowledged that the Scheme would require 56ha of agricultural land in addition to 49 ha during construction and that this would include some best and most versatile agricultural land.

7.130 The distance between Y Gilfach and the centreline of the bypass would be 257m. Noise at Y Gilfach is forecast to rise by 3.7dB to 58.9dB as a result of the Scheme which represents a minor adverse effect. During construction short duration activities could on occasions reach 94.7dB, but more typically would be between 67.7dB and 72.1dB. No issues are envisaged in relation to vibration or in terms of the effective operation of roof mounted solar panels.

7.131 The visual impact on Y Gilfach has been assessed as moderate adverse, and minor adverse during summer months when screening would more effective. There is presently road lighting on the A487 from Pen-y- Bryn to Bontnewydd. Lighting on the new road would be restricted to roundabouts, including Meifod roundabout.

7.132 The Scheme includes mitigation measures in relation to noise, vibration, air quality visual effects and artificial lighting as detailed in the ES. Mature trees would not be planted because younger specimens establish more quickly and are less susceptible to failing.

7.133 Meifod roundabout would be moved closer to Y Gilfach than originally envisaged, but would remain more than 400m away. This repositioning was introduced to ensure that the roundabout footprint did not impact on the existing A487 road in order to cause less disruption to traffic on the highway during construction.

7.134 Reducing the level of the embankment between Meifod roundabout and the Quarry would not be feasible. Meifod is a fixed low point to tie in to the existing highway and the quarry a fixed high point where deep excavations are not viable because of the particular complexity of the geotechnical issues.

7.135 The impact of flooding has been considered in the FCA and the Scheme proposes to control the flow of surface water from the Scheme through the attenuation ponds.

Thomas J Wheeler (OB27)

7.136 In relation to the Well-being of Future Generations Act 2015, the Sustainable Development Report shows how work already done, or in preparation, would support the achievement of the seven Well-being Goals.

7.137 There would be up to 45% less traffic in the centre of Caernarfon as a result of the Scheme, which provides an opportunity to enhance provision for non-motorised users. Whilst the construction of the Scheme may not encourage modal shift, it does improve transport links by making improvements in journey times and improving network resilience to ensure bus journeys can be made more quickly and reliably.

7.138 The Transport Economics modelling undertaken indicates that the Present Value of Benefits (PVB) to the economy would be £185m over a 60-year appraisal period. In terms of journey times, the transport modelling undertaken shows that constructing the Scheme would reduce journey times on this section of the A487 by over 20%. This is equivalent to an average time saving of more than 3 minutes for every vehicle travelling northbound between the limits of the Scheme.

7.139 The comments on the rail link proposal are set out in the response to Mr Abbott above.

Mr Neil C Jones (OB40)

7.140 The Scheme would not have a junction with the existing A4085 in order to safeguard the strategic purpose of the trunk road whilst eliminating through traffic from the local road network and improving conditions on that as a consequence. This would make local journeys easier and the residents of Caeathro, Waunfawr, Llanrug and Pont Rug would be able to access the Scheme via the new Cibyn and Meifod Roundabouts.

7.141 TPO 5 specifically sets out that the Scheme should aim to improve network resilience by increasing the capacity of alternative routes. This would be needed in the event of an incident which requires re-routeing traffic. The Scheme would achieve this by significantly reducing the number of vehicles using the existing local road network therefore freeing up capacity, as well as providing a secondary route to Llanwnda, Dinas and Bontnewydd. The benefit

from the additional highway capacity created would extend to trips from Beddgelert to Bangor through the study area.

Mrs Elen Fletcher (OB41)

7.142 The dwelling at Hafan Deg would be some 295m from the centreline of the bypass and the bottom of the garden would be 24m or so closer, and some 394m from the Meifod roundabout. Compensation for injurious affection may be payable where the value of a property has depreciated as a result of public development.

7.143 Construction noise at the property could be as high as 94.7db for short duration activities, but is likely to be considerably lower with appropriate mitigation measures. The operation of the road is expected to lead to a minor reduction in noise levels at Hafan Deg. No vibration impacts are anticipated. Pollution levels would increase in the vicinity of the Scheme, but concentrations would remain well within the human health objectives.

7.144 The visual impact on Hafan Deg has been assessed as moderate adverse, and minor adverse during summer months when screening is more effective. There is presently road lighting on the A487 from Pen-y-Bryn to Bontnewydd. Road lighting would be restricted to roundabouts, including at Meifod.

7.145 The Scheme would involve the loss of some existing woodland in the area during construction of the road. However, woodland planting would be provided to link in to the existing vegetation to provide habitats and wildlife connectivity and provide visual screening.

Mrs Rhiannon Humphreys Jones (OB49)

7.146 The responses received during the 2010 public consultations were considered as part of the WelTAG Appraisal. The Minister considered the views of the public along with the technical and economic appraisals before making the decision on the choice of route. This resulted in the Purple Option being put forward as the Preferred Route which was later changed to the Yellow Option following a budgetary review by the Welsh Ministers.

7.147 Health and well-being were considered in the WelTAG process and has been considered further in the more recently published ES for the Scheme. With the Scheme in place road traffic accidents would reduce slightly.

7.148 The impacts on landscape, agriculture and the economy have been assessed in detail. There would be an adverse impact on the landscape caused by introducing engineered landforms into the countryside. There would also be the loss of 55.6ha of agricultural land some of which would be good quality. The effects on the economy has also been assessed and found to be positive in terms of the wider economy. The CPO land would be acquired under the Highways Act 1980 and the Acquisition of Land Act 1981, rather than the Town and Country Planning Act 1990.

7.149 In relation to the Well-being of Future Generations Act 2015, the Sustainable Development Report shows how work already done, or in preparation, would support the achievement of the seven Well-being Goals.

7.150 Llwyn is some 370m from the nearest point of the bypass which would not physically impact on the property. The owners may be entitled to compensation for injurious affection.

7.151 Construction noise at Llwyn given its temporary nature is expected to have a negligible effect. Road traffic noise would reduce slightly at the property which should not suffer from vibration. Pollution levels would increase in the vicinity of the Scheme, but concentrations would remain well within the human health objectives.

7.152 The visual impact on Llwyn has been assessed as moderate adverse, and minor adverse during summer months when screening is more effective. There is presently road lighting on the A487 from Pen-y-Bryn to Bontnewydd. Road lighting would be restricted to roundabouts.

7.153 The Scheme includes mitigation measures in relation to noise, vibration, air quality, visual effects and artificial lighting as detailed in the ES. Mature trees would not be planted because they fail more easily than saplings which tend to out strip more mature trees in their growth rate.

7.154 Meifod roundabout has been moved closer to Llwyn, but would remain more than 370m away. This repositioning was introduced to ensure that the roundabout footprint did not impact on the existing A487 road in order to cause less disruption to traffic on the highway during construction.

7.155 Reducing the level of the embankment between Meifod roundabout and the Quarry would not be feasible. Meifod is a fixed low point to tie in to the existing highway and the quarry a fixed high point where deep excavations are not viable because of the particular complexity of the geotechnical issues.

7.156 Pen-y-Bryn Road would be stopped up as a public highway east of its junction with Rhos Bach Lane. It is accepted that this may lead to traffic increasing on Rhos Bach Lane. It is not envisaged that the proposals would encourage greater use of Pen-y-Bryn Road. The local road network is expected to be less congested as bypass traffic is removed. The remaining section of Pen-y-Bryn Road between the existing A487 Pwllheli Road and Rhos Bach Lane would continue to be a local authority road and be the responsibility of Gwynedd Council which is responsible for setting appropriate speed limits on local roads.

7.157 The impact of flooding has been considered in the FCA and the Scheme proposes to control the flow of surface water from the new road by means of attenuation ponds.

<u>The Rt Hon R V Wyn and The Hon Mrs A P R Budgen (OB50 & OB51)</u>

7.158 The permanent loss of sporting rights and the impact on mineral extraction rights are matters that may be eligible for compensation and, if so, would be dealt with by the District Valuer.

<u>Ms Shoned Rees Griffith (OB56)</u>

7.159 A temporary new access is proposed from the Scheme into Caernarfon Quarry for the use of construction traffic only to allow movements from the proposed compound to the bypass line. Day-to-day access for light vehicles (cars and light vans) would be via the present access to the quarry from the roundabout

on the A487. The quarry and the access into it are not part of the CPO for the Scheme but are subject to separate planning applications by the private owner of the quarry. These have been made to Gwynedd Council as the Local Planning Authority (ID101).

Ms Mair Evans (OB69)

7.160 The Welsh Government followed the due process set out in WelTAG in choosing the preferred route and that is consistent with the approach that has been followed on other major schemes in Wales. In light of budgetary pressures, a review of the options was carried out by Welsh Government. This resulted in the withdrawal of the original Preferred Route and the announcement by the Minister, of the Yellow Option as the new Preferred Route in May 2013. This was made in response to a review of the Transport Budget and network needs across the Trunk Road Network.

7.161 The Scheme would reduce traffic through Bethel by up to 32% of light vehicles and by up to 39% of heavy goods vehicles in 2033.

Mr John Pritchard (OB77)

7.162 No improvements to the A4086 and Pont Rug Bridge are proposed as part of the project as it is a stand-alone trunk road improvement scheme. However, the Scheme would reduce about 30% of traffic on the A4086 through Pont Rug and this would alleviate some of the issues at the bridge.

7.163 Alternatives for the Bontnewydd section were considered as part of the WelTAG Stage 2 Study. However, these were discarded due to the Habitats Regulations Assessment concluding there was an impact on a number of SACs which resulted in alternatives with less impact having to be considered.

7.164 Mr Pritchard has confirmed that he did not wish the Welsh Government to formally consider and assess the suggestions itemised above as alternative proposals.

Mrs Olwen Strello (OB81)

7.165 The distance from Cae Samuel to the centreline of the bypass would be 209m. Compensation may be payable for injurious affection.

7.166 The Scheme has been assessed for its effects on noise. Construction noise at Cae Samuel could be as high as 94.7db for short duration activities. This is worst case prediction which could be reduced by suitable mitigation measures. The operation of the road would increase noise levels by up to 17.8dB at Cae Samuel Cottage and slightly less at Cae Samuel Farmhouse. This is a major adverse impact resulting in noise levels of 58.4dB and 58.6dB respectively. No vibration impacts are anticipated.

7.167 Pollution levels would increase in the vicinity of the Scheme, but concentrations would remain well within the human health objectives. Lighting would be restricted to roundabouts but they would be remote from Cae Samuel. Whilst compensation may be payable for those who suffer as a result

of development undertaken for the benefit of the community this does not include loss of view.

7.168 The Cae Samuel properties lie outside the floodplain and there would be no increase in flood depths close to the property as a result of the Scheme. Gwynedd Council would be responsible for sweeping and cleaning of the bypass.

Mr Nick & Mrs Heather Hopkins (OB83)

7.169 Consultation during Key Stage 2 of the process was in accordance with the WelTAG 2008 Guidance. The project was subject of a series of public and stakeholder engagement between 2009 and 2016.

7.170 14 Seiont Mill Road is 357m from the centreline of the proposed bypass, and 629m from the Meifod Roundabout. Compensation for injurious affection may be payable where the value of a property has depreciated. Any future potential holiday let value would be reflected in the market value of the property.

7.171 The drainage design is informed by the FCA to ensure that any existing flood risk issues would not be exacerbated and that new unacceptable flood risks would not be introduced. The run-off from the Scheme would be drained via a number of attenuation ponds before being discharged to local rivers and drains. These ponds would be fitted with flow controls to limit the rate at which run-off would be discharged to avoid increasing flood risk in receiving watercourses.

7.172 The Scheme has been designed to minimise impact on wildlife which includes mitigating measures for the construction and operational phases.

7.173 There would be a negligible increase in road traffic noise of about 0.5dB at the property. Based on the closest receptor assessed, construction noise at the property could be as high as 94.7dB but only for some short duration activities. Mitigation measures would be expected to reduce this substantially. There would also be measures in place to control dust during construction. No vibration impacts are anticipated. Air pollution levels would increase in the vicinity of the Scheme, but concentrations would remain well within the human health objectives.

7.174 It is anticipated that the main temporary office site office and compound would be located midway along the Scheme, at Caernarfon Quarry, and would be constructed early in 2018. During the mobilisation phase traffic would access the site compound would be accessed from Seiont Mill Road but later construction related traffic would access the Scheme directly from the compound.

Mr Matthew Jones (OB161)

7.175 It is confirmed that the Welsh Government is not proposing any modification to the Scheme that would attract more traffic onto the bypass through Caeathro.

Mr R M and Mrs J E Wakefield (OB162)

7.176 The principle of the Scheme was settled when it received Ministerial approval in July 2012. The chosen route was subsequently changed to the Yellow route, after a review by Ministers in 2013. That change is a political matter and is not for consideration at this Inquiry. However, alternative routes, including ones that alter the vertical alignment of the proposed road in the vicinity of the Welsh Highland Railway are being considered by the Inquiry.

Mrs Kim Parry and Mr Albert Parry (OB163)

7.177 The effects on the economy has been assessed and found to be neutral to mildly positive in terms of the wider economy. Traffic modelling forecasts theoretical congestion over much of the existing trunk road without the Scheme, with volume to capacity ratios of about 75%. The congestion is not caused by the traffic light controlled pedestrian crossing in Bontnewydd.

7.178 The Scheme has sought to minimise noise impacts by following an alignment which maximises separation from receptors and by incorporating low noise surface which would reduce noise by 3dB. Air quality assessments show that levels of pollution along sections of the A487 in Caernarfon are close to the human health objective threshold.

7.179 Welsh Government allocates funds for maintaining the existing network as well as for investment in new infrastructure. The identified journey time benefits show that the Scheme would provide high value for money with a benefit to cost ratio of 2 to 1.

Llanfaglan and Llanwnda Forum (OB165)

7.180 Route options east of Bontnewydd fail the Assessment of Implications on European Sites (AIES) requirement of no viable alternative for impacts on the Afon Gwyrfai SAC. As there are alternative options which would have lower impacts on this SAC to the west of Bontnewydd, pursuing options to the east could not be justified under the terms of The Habitat Regulations.

7.181 The Scheme has been designed to mitigate visual and landscape impacts, but it is acknowledged that there would be significant adverse impacts. The effects on local heritage and noise impacts have both been assessed within the publicly available ES.

7.182 Both existing roads between Bontnewydd and Llanfaglan are maintained across the Scheme corridor. The road passing Llidiart Gwyn crosses under the Scheme whilst Pont Ceriw crosses over the Scheme on a bridge specifically restricted to NMUs which would make it more attractive in the absence of motorised traffic.

7.183 Departmental Advice Note TA 46/97 - Traffic Flow Ranges for Use in the Assessment of New Rural Roads states that for flows between 6,000 and 21,000 AADT a WS2 (2+1) carriageway should be considered. The maximum flows for single carriageways two-lane should be up to 13,000 AADT. Traffic Flows on the section of the bypass between the Goat and Meifod Roundabouts are forecast to range from 13,540 and 18,240 by the year 2033 thereby justifying the WS 2+1 standard.

7.184 The alternative option of constructing the road under the railway has been considered in Section 8 of this report as alternative routes OAP4, 4B & 4D. The findings of public consultation exercises, which were undertaken in line with WelTAG Guidelines, were presented to the Minister for Economy and Transport before the decisions were made on the preferred route. The TPOs have been reviewed and found to be appropriate.

7.185 It is not for Welsh Government to comment on the stance taken by local councils or elected representatives.

7.186 The visual impacts of the Scheme have been assessed at Key Stages 2 and 3 as recorded in the ES. Human health was assessed at Key Stage 2, and the potential impacts on human health (air quality, noise and vibration was assessed in the Key Stage 3 ES. The accident figures which have been used are based on the COBALT analysis tool and compare the 'with' and 'without' Scheme scenarios.

7.187 A Flood Consequences Assessment has been undertaken and has considered the various sources of flood risk, including Afon Rhyd and Afon Plas and tidal influence. No significant increase in flood risk has been identified.

7.188 The number of lagoons (attenuation ponds) is dictated by the levels of the proposed road and location of suitable receiving watercourses. The ponds would retain surface water run-off from the bypass and discharge it to the receiving watercourse at a controlled rate that would not exacerbate flooding. The drainage details would also include measures to prevent watercourse pollution, which is particularly important given the ecological designations of the Afon Gwyrfai. The Scheme drainage and location of ponds and outfalls avoids the need for pumping and seeks to maintain existing drainage catchments. Future maintenance of the ponds and the remainder of the road drainage infrastructure would be the responsibility of NMWTRA.

7.189 Welsh Government would maintain continuity of supplies, including water, to land affected by the Scheme.

7.190 The air quality assessment work, which has taken into account prevailing wind direction, predicts that any areas which experience an increase in pollution would not be at risk of exceeding air quality objectives for human health, whereas in parts of Caernarfon there is a risk of such exceedance without the Scheme.

8 THE ALTERNATIVES TO THE DRAFT ORDERS

8.1 A number of Alternatives (OAPs) were submitted by the deadline specified at the Pre-Inquiry meeting. These are numbered from 1 to 9 but there is no OAP8. These were drawn up by the Welsh Government into an engineering format and analysed. The promoters, generally, accepted that the alternatives, as presented to the Inquiry, reflected their intentions. Alternatives OAP4, OAP5 and OAP9 were later refined in agreement with the promoters of them.

8.2 The alternatives were analysed by the Welsh Government, compared with the published scheme and published (ID127). During the Inquiry, the Welsh Government produced rebuttal statements in response to each OAP. At my request it also presented additional information, revisions to the submitted

information and more detailed drawings (ID039, ID039, ID041, ID045, ID049, ID053, ID071, ID076, ID079, ID082, ID083, ID085, ID086, ID091, ID095, ID096, ID098, ID099, ID121, ID127). The OAPs attracted both support and counter-objection (ID128).

8.3 At the Inquiry, and in response to concerns expressed by supporters of the Scheme that any alternative would induce delay to the construction of the bypass, because of the necessity to repeat survey and design work, consultation and the publication of draft Orders, I requested the Welsh Government to make a detailed submission on that point (ID077). A summary of the material points arising from consideration of the alternatives is set out below.

Alternative OAP1

Brief Details

8.4 The alternative follows a similar alignment to the previous Black route (ID074). This alternative deviates from the Scheme in 2 respects. Firstly, it takes a more easterly route between the Meifod and Cibyn roundabouts and includes a proposed additional roundabout to connect to the A4085 at the existing Caeathro roundabout. Secondly, it follows a more north easterly path from the vicinity of the Scheme's crossing of the B4366 such that it would connect onto Y Felinheli bypass by means of a merge/diverge junction. (ID053)

Comparison of alternative OAP1 with the Scheme

8.5 The cost of the alternative is estimated at £116.14 million which is £23.31 million (20%) more than the Scheme (ID091). A significant element of this is attributable to the greater length of the alternative. It would avoid the need for the deep cutting near to the Plas Menai roundabout. This would add cost to the project as it would reduce the volume of excavated material upon which the Scheme relies in seeking to create a broad balance between the elements of excavation and deposition along the route. The point of crossing of the river Seiont of the alternative route would require a shorter bridge crossing than the Scheme, but the overall costs of structures, which would include the overbridge at Y Felinheli roundabout, would be greater. The BCR is estimated to be 1.9 compared to the 2 of the scheme. At my request Welsh Government provided details of the BCR of an alternative that would comprise of only the northern element of OAP1, which is similar to the KS2 Purple route. ID121 explains that the BCR of such an alternative would be 2.1.

8.6 OAP1 would avoid the large A4085 viaduct, which would reduce the impact on the landscape and property, including Glan Gwna Holiday Park and listed buildings. It would also avoid the landscape impact created by the Scheme's proposed cutting at Plas Menai but the overbridge would create an impact at its proposed junction with the existing bypass. However, the greater length of the route gives rise to a greater potential impact on ecology, as does the altered point of crossing of the Afon Seiont and the route through the Gypsy Wood Park. There would also be a negative impact on the Park as a tourist attraction and lead to greater severance of agricultural land. The alternative would present challenges in terms of possible road closure and construction phasing. Given that 5km of the alternative proposal would cross land of

unknown geological nature there is an increased risk of costly geotechnical hazards arising.

Support and Objection

8.7 OAP1 is supported by several objectors, including those concerned over the impact on Glan Gwna Holiday Park and Gwalia Garage as well as those concerned by the absence of a direct connection with the A4085. There have been 13 counter objections, mainly from persons concerned at the direct impact of the alternative route on the Girl Guiding centre at Felin Bach, Caeathro which provides a hostel and campsite for groups across the UK at its local headquarters. Objection has also been raised by the owners of the Gypsy Wood Park tourist attraction on the basis that the route would destroy a wet land walk which is an important part of the Park as well as a valuable natural habitat. A local resident is concerned that the provision of the Caeathro roundabout would encourage more development in the village and would increase traffic in the locality, above its capacity.

8.8 The Black option was strongly promoted in the first public consultation event and was the option favoured by the public in the supplementary consultation event.

Alternative OAP2

Brief Details

8.9 OAP2 follows a similar alignment to the previous Orange route. It is the same as the southern of the 2 sections identified in OAP 1. It proposes to re-route the road further eastwards between the Meifod and Cibyn roundabouts and to provide an additional roundabout to connect to the A4085 at the existing Caeathro roundabout (ID053).

Comparison of alternative OAP2 with the Scheme

8.10 The cost of the alternative is estimated at £100.13 million which is £7.3 million more than the Scheme. The overall cost of the structures is less than that for the Scheme, partly because a shorter bridge could be constructed across the Afon Seiont. However, this saving is outweighed by other costs, mainly attributable to the greater length of the alternative proposal. The BCR is estimated to be 1.7 compared to that for the Scheme of 2.

8.11 The alternative would enhance TPO5 by improving resilience for the road network. It would avoid the need for the large viaduct proposed over the A4085, reduce the impact on the landscape and property, including Glan Gwna Holiday Park and listed buildings. However, the greater length of the route gives rise to a greater potential impact on ecology alongside Afon Seiont and at Gypsy Wood Park. There would also be a negative impact on the Park as a tourist attraction. It would also lead to a greater severance of agricultural land. It would present more challenges from possible road closure and construction phasing and, given that 2.4km of the alternative scheme would cross land of unknown geological nature, there would be an increased risk of geotechnical hazards arising.

Support and Objection

8.12 OAP2 is supported by several objectors, including those concerned over the impact on Glan Gwna Holiday Park and Gwalia Garage as well as those concerned by the absence of a direct connection with the A4085. It is also subject to the same counter objections as OAP1 in relation to the impact on the Girl Guiding centre at Felin Bach, Caeathro and the concerns raised by the owners of the Gypsy Wood Park tourist attraction and the local resident in relation to traffic apply.

8.13 The alternative, known then as the Orange option, was drawn up as a variant of the Black option in response to the initial public consultation.

Alternative OAP3

Brief Details

8.14 This alternative is very similar to the Key Stage 2 Purple Route but differs in that it proposes an A4085 roundabout and minor realignment. Whilst its suggested re-routeing of the northern section of the road follows the line of OAP1 its proposed connection to Y Felinheli Bypass differs in that it provides a roundabout connection. During Mr Prytherch's evidence there was discussion over the precise siting of the A4085 roundabout. The Government acknowledged the benefits of that but, overall, considered the alternative inferior to the Scheme (ID053, ID071).

Comparison of alternative OAP3 with the Scheme

8.15 The cost of the alternative is estimated as £105.92 million which is £13.09 million more than the Scheme. A significant element of this is attributable to the greater length of the alternative proposal. It would also avoid the deep cutting from the Plas Menai roundabout. This would add cost to the project as it would reduce the quantity of site-won material needed for embankments thereby requiring material to be imported at a greater cost. The proposed roundabout onto Y Felinheli bypass avoids the costs of constructing a bridge over the existing bypass which is associated with OAP1. The BCR for OAP3 is 2.3 and better than that of 2 for the Scheme.

8.16 The alternative would enhance TPO4 in terms of reducing casualty reduction targets and TPO5 by providing improved resilience for the road network. It would also require a lower viaduct to cross the Seiont Valley which would reduce the impact on the landscape and property, including the Glan Gwna Holiday Park and listed buildings. It would also avoid the landscape impact created by the Scheme's proposed cutting from Plas Menai. However, the greater length of the route gives rise to a greater potential impact on ecology and greater severance of agricultural land. It would present challenges in terms of possible road closure and construction phasing and, given that 3.8km of alternative scheme would cross land of unknown geological nature, there would be an increased risk of geotechnical hazards arising.

Support and Objection

8.17 This alternative is supported by those objectors who consider that a direct connection with the A4085 would be a benefit to local traffic in that area as well as those who consider that realigning the northern section would avoid potential problems associated with HGV traffic using local roads to avoid the

steep gradient proposed by the Scheme at Plas Menai. There were no counter objections.

Alternatives OAP4, 4B, 4D & 4E

Brief Details

8.18 OAP4 and the variations (B, D & E) are concerned with the section of Scheme that centres on its crossing of the Welsh Highland Railway. They seek to either lower the height of the proposed embankment or replace it with a cutting. The Welsh Government team produced an amended version (OAP4B) of the alternative after the promoter explained that OAP4 did not adequately reflect his suggestion. During the promoter's oral evidence to the Inquiry 2 further variations were discussed and the Team produced an assessment of these alternatives (which were labelled OAP4D and OAP4E- ID083). These were considered by the promoter in a subsequent session of the Inquiry when it was made clear that his preferred option was OAP4B, but that variations D and E were also preferable to the Scheme.

8.19 The horizontal alignment of the bypass would be largely unaltered by these alternatives. Rather than the Scheme's proposed crossing of the railway by an overbridge, OAP4 would provide an underbridge which would mean that the road runs within a cutting in this section rather than on an embankment. The variation proposed in OAP4B would provide an overbridge rather than an underbridge for Pont Llidiart Gwyn, which would avoid the large embankment between the railway crossing and the Gwyrfai Viaduct. OAP4D proposes the lowering the main embankment and seeks to avoid the large embankment created to provide an overbridge at Pont Llidiart Gwyn by re-routeing the minor road such that the overbridge that would be proposed in OAP4 is re-positioned and requires smaller embankments. OAP4E incorporates the re-routeing of Llidiart Gwyn road and its bridge as per OAP4D, but would cross the railway by means of an overbridge in a manner similar to the Scheme. (ID053)

Comparison of alternatives OAP4, 4B, 4D & 4E with the Scheme

8.20 The Scheme estimated cost is £92.83m with a BCR of 2.0.

8.21 The estimated costs of the OAP4 and its 3 variations (with BCR in parentheses) are:

- OAP4: £93.85 million (1.9)
- OAP4B: £98.36 million (1.8)
- OAP4D: £97.25 million (1.9), and
- OAP4E: £94.6 million (1.9)

8.22 The lowering of the embankment or its replacement with a cutting would have the benefit of reducing the visual impact on the landscape and nearby residents to a variable extent. The options that propose an underbridge under the railway line (4, 4B & 4D) would provide a benefit in terms of creating a surplus of fill material for the project. However, the creation of the cutting would cause drainage difficulties. Depending on which option was pursued the

disposal of surface water from the cutting would either require a long drainage pipe that would be considerably longer than adoption standards, or would require a large holding tank beneath the road and pumps. Both options would have construction cost implications and on-going future maintenance demands.

8.23 The options would carry risks from the uncertainty that the approval of the Office of Rail and Road could be secured or that any railway land which may be required could be obtained.

8.24 Under options 4B, 4D & 4E there would be reduction/removal in the extent of the embankment for the bypass but that in some of the variations there would be a new embankment up to 10m high required to facilitate the Llidiart Gwyn over-bridge. The change from an underbridge to an overbridge for the side road would have the potential to reduce ecological connectivity, most notably for Lesser Horseshoe Bats. That is deemed to be significant given the proximity of the site to several SACs. A full Statement to Inform an Appropriate Assessment would be required.

Support and Objection

8.25 One counter objection to the replacement of an over bridge with an underbridge has been submitted by the Welsh Highland Railway (ID128) on the basis that:

- it would entail severing the main railway terminus from the remainder of the line whilst construction takes place
- there is insufficient detail to fully appreciate the risks, and
- the provision of a bridge would significantly reduce sight lines for the crew.

Alternatives OAP5A, 5B & 5C

Brief Details

8.26 The various options proposed under Alternative 5 relate to a section of the Scheme between Meifod roundabout and Caernarfon Quarry and all follow the line of the bypass. All 3 options suggest that the Scheme's proposed realignment of Rhos Bach Lane should be omitted. OAP5A proposes that the bypass would run on lower embankments than the Scheme and that Rhos Bach Lane would maintain its present line but be carried on embankments and a bridge over the bypass. Option B deviates from the Scheme mainly in that it would maintain the present line of Rhos Bach Lane but proposes that it would run under the bypass. Option C is very similar to option A except that it proposes the stopping up of Rhos Bach Lane at the foot of the bypass embankments. The details of Alternative 5C was refined in response to a suggestion developed in the oral evidence of Mr Hughes (on behalf of OB66 and OB67) which proposed that the stopping of the side road would apply to motorised vehicles but that the culvert proposed by the Scheme be enlarged to provide an underpass connection for NMUs. That refinement was the subject of an assessment in a paper presented by Welsh Government (ID099).

Comparison of alternatives OAP5 with the Scheme

8.27 The estimated costs (with BCR values in parentheses) are:

- OAP5A: £93.82 million (1.9)
- OAP5B: £93.69 million (1.9), and
- OAP5C: £92.27 million (1.9).

8.28 Despite the lower main embankments that OPA5A would require there would be a net increase in infill material required to construct embankments associated with the proposed overbridge to serve the side road. There would be a slight benefit in terms of agriculture given the reduced land take and less severance to the fields. 5B would require larger embankments and more fill material than the Scheme. As with 5A it would also offer agricultural benefits. 5C would also require additional fill material, but less than the other 2 suggestions. It would create increased public severance by introducing a lengthy diversion for local traffic as a consequence of stopping up Rhos Bach Lane but has the benefit of being £0.56 million less expensive than the Scheme, although a slightly lower BCR.

8.29 Given the limited headroom provided in the Scheme between the level of the main carriageway and the proposed culvert, the suggested variation to OAP5C (to provide NMU access only along Rhos Bach Lane) would either require increasing the height of the main carriageway and its embankments or otherwise lowering the side road which would give rise to drainage difficulties both in construction and maintenance.

Support and Objection

8.30 Several local residents and the farmers of the affected land support the Alternatives. Benefits cited include reducing the visual impact on the outlook of local residents and on the landscape, and reducing impact that would be caused to their farming activity. There are no counter objections.

<u>Alternative OAP6</u>

Brief Details

8.31 The alternative affects a section of the Scheme in the vicinity of the Gwyrfai Viaduct and Pont Llidiart Gwyn Underbridge. It involves the realignment of a section of road that would be some 1,780m long. The realigned section would extend some 80m westwards and would require changes to the Viaduct and the Underbridge and a diversion of a tributary to the Afon Gwyrfai. (ID049)

Comparison of alternative OAP6 with the Scheme

8.32 The alternative is estimated to cost £92.88 which is £50,000 more than the Scheme but has the same BCR. The alternative would result in the loss of marshy grassland, mature treelines and hedgerows that have a greater ecological value than the improved grassland and hedgerows affected by the Scheme. This effect and the requirement to realign a section of the Afon Rhosdican would potentially impact on important ecological habitats.

Support and Objection

8.33 The promoter favours the alternative as it would avoid the loss of a large proportion of their smallholding. There are no supporters of this alternative, nor are there any counter objectors.

Alternatives OAP7A-7H

Brief Details

8.34 All of the 8 variations proposed under Alternative 7 relate to the crossing arrangements for Lôn Eifion across the Goat Roundabout. The current arrangement involves crossing the A499 close to its junction with the roundabout. At the outset of the Inquiry Welsh Government presented suggested changes to the Lôn Eifion arrangements which were partly in response to the objections raised. The changes propose a raised crossing of the de-trunked section of the A487 close to the roundabout and a Toucan crossing of the A487 some 75m south of the roundabout.

8.35 OAP7A proposes a Toucan crossing of the A487 and a Pegasus crossing of the A499 with a proposed bridleway to the west of the bypass to connect to Glanrhyd Road and then underneath the Scheme to link to Lôn Eifion. Proposal 7B would provide underpasses below the A499 and the bypass connected by a path. A variant of alternative 7B was presented shortly before the Inquiry, known as 7B2 (ID041). It alters the position of the proposed underpasses to enable the contours of a natural hollow to be utilised. 7C proposes a Pegasus and Toucan crossing of the A499 and an underpass below the bypass to be linked by a path. Option 7D proposes a Pegasus and Toucan crossing on the southern section of the A487 and an uncontrolled crossing of the de-trunked section of the A487 connected by a path.

8.36 OAP7E and 7F both propose taking Lôn Eifion directly across the roundabout. 7E would achieve this by a single span bridge over the roundabout accessed via ramp structures or stair towers on both ends, whist 7F proposes to cross underneath the roundabout by means of 2 underpasses. 7G proposes a bridge over the A487 and another over the de-trunked A487 to be connected at the high level and to be accessed by stair towers or zig-zag ramps. Option 7H would provide an underpass below the A487 and an at-grade crossing of the de-trunked section. (ID039)

Comparison of alternatives OAP7A-7H with the Scheme

8.37 The estimated cost of the Scheme is £92.83 million and its BCR 2.0.

8.38 The estimated costs (ID045) (with BCR values in parentheses) are:

- OAP7A: £93.01 million (2.0)
- OAP7B: £94.10 million (1.9)
- OAP7C: £93.37 million (1.9)
- OAP7D: £92.96 million (2.0)
- OAP7E: £94.49 million (1.9)
- OAP7F: £95.76 million (1.9)

- OAP7G: £94.80 million (1.9), and
- OAP7H: £93.75 million (1.9).

8.39 With the exception of costs, the differences between the alternatives and the scheme are modest. All the alternatives would require more land than the Scheme. Options 7A and 7D would have little impact on the construction programme. The other options would have a significant impact, in particular 7F which would require excavating beneath the roundabout on 2 sections. This would be complicated by the presence of services and by the need for traffic management to mitigate inevitable traffic delays during construction. The additional excavation that would be required, particularly for underpasses, has a potentially greater implication for archaeology in an area with some potential for such features given the historic presence of the railway line. Greater negative implications are identified in terms of ecological interests for most options but in some they do not alter the overall classification of the scheme as Slight Adverse. However, the potential impacts of 7B, 7C, 7E, and 7G are of such significance as to alter that classification to Slight to Moderate Adverse. This is the result of the potential impact on Lesser Horseshoe Bats within proximity to 3 SACs.

8.40 Given their prominent location, the options that propose bridges over the roundabout or approach roads would have a significantly greater visual impact than the Scheme. Welsh Government considers that this would significantly affect landscape character, visual amenity and visual impact on properties but only in the local context of the roundabout. Supporters suggest that careful consideration to the design of such structures could ensure that they make a positive contribution to the landscape.

8.41 The alternatives perform well against the TPOs for the project. There are no safety issues between the Scheme and any of the alternatives.

Support and Objection

8.42 Most of those promoting or supporting one of the variations to Alternative 7 focus on the need for a grade-separated crossing rather than clearly focussing one particular option. The reasons for their support, detailed in the summaries of their objections to the Scheme in Section 6 of this report, include concerns over the safety of the proposed arrangements, the delay and inconvenience caused to Lôn Eifion users and the increased intrusion that would be caused to their enjoyment of the tranquillity of the route.

8.43 Counter objections have been received to some of the Alternative 7 options. These have been made on the basis that other alternative options are better, rather than objections that favour the published Scheme. There are objections to any at-grade crossing options and the British Horse Society representative who originally promoted one of those options now confirms that grade-separated options are the only ones supported. There were concerns raised about the length of some of the suggested diverted routes and the suggested provision of concertina ramps.

<u>Alternative OAP9</u>

Brief Details

8.44 The proposed route of this Alternative does not adopt the alignment of the Scheme for any part of its length. At the southern end it would adopt the same starting point at the Goat Roundabout. The other end of the route would terminate on the A55 at a roundabout at junction 11. From the Goat Roundabout the first section would run to the east of Bontnewydd to a new roundabout to the north east. It would then follow a broadly similar line to the existing Bontnewydd to Caeathro road, to the existing Caeathro roundabout and beyond towards Llanrug, before deviating westwards to a new roundabout junction with the A4086 west of Llanrug. From that point the route would follow a line to the east of Bethel and Llanddeiniolen and the A4244 near Pentir until reaching the A55.

8.45 During the latter part of the Inquiry the promoter of this Alternative, Mr Prys Jones, explained how detailed aspects of the Welsh Government depiction differed from that which he had envisaged. In response, the Welsh Government developed sketches in agreement with Mr Jones to address his concerns (ID098) which formed the basis of the oral evidence at the Inquiry. The main variations to the earlier rejected alternative are:

- following the existing road to avoid the Girl-guiding centre
- providing an additional roundabout to enable traffic travelling on the A4086 to share the bypass route for a short section over its crossing of the Afon Seiont
- upgrading works in the vicinity of Capel Nasareth to connect to Y Felinheli bypass for local traffic
- minor deviations from the line of the B4366 and a deviation from the line of the A4244 to avoid Pentir.

8.46 Welsh Government pointed out that there are technical constraints that would negate some of the promoters suggested variations, for instance in relation to following the line of the existing road to avoid the Girl Guiding Centre.

Comparison of alternative OAP9 with the Scheme

8.47 The cost of the Alternative is estimated to be £171.57 million, which represents an increase of £78.74 million (85%) over the Scheme and has a BCR of 1, compared to that of the Scheme at 2. The alternative would perform as well as the Scheme in relation to TPO 1 and TPO3, but worse in relation to the remaining 3 TPOs, in particular TPO4 (reducing accident rates).

8.48 The Alternative would be 18.3km long, which is 8.6km greater than the Scheme. As it would have a considerably larger footprint it would have the potential for a greater impact on the environment. The route crosses an area where there would be potential impact on sites of very high ecological value which would create an overall impact classed as Large Adverse. There would be need for a full Statement to Inform an Appropriate Assessment. The impact on the Afon Gwyrfai SAC of taking the route to the east of Bontnewydd is greater than the Scheme's route to the west. Accordingly, the Alternative would fail the legal test set in the Assessment of Implications on European Sites that it needs to be demonstrated that there is no less harmful alternative option available.

8.49 The suggested route would indirectly impact on a number of designated heritage assets including listed buildings (grades II and II*) and scheduled ancient monuments (SAMs), and would impact directly on one SAM. It would also impact on Landscapes of Outstanding Historic Interest (giving rise to the need for an Assessment of the Impact of development on Historic Landscapes) and a section of Roman road. The proposal would also result in greater land severance of agricultural land and public rights of way and would have a greater negative impact on the rural landscape. The proposal is considered to perform worse both in terms of reducing journey times and increasing network resilience.

8.50 This Alternative gives rise to high risks given that its route has not been surveyed and the extent to which the Scheme would follow existing roads gives rise to potential programme delays, construction difficulties and disruption to local traffic.

Support and Objection

8.51 The Alternative, which has support, is promoted as a means of:

- moving traffic away from congestion in Bangor, Caernarfon and Bontnewydd
- securing improvements for local traffic (and improving network resilience) and thereby ensuring savings for the County Council
- using existing roads, which is more environmentally friendly
- avoiding the 2+1 option which is more dangerous and is not necessary given higher speed limits on HGVs
- avoiding the need for traffic lights on the Goat roundabout
- avoiding flooding at Llanfaglan
- supporting local businesses such as Gwalia Garage and Glan Gwna, and
- avoiding the potential for traffic to use the B4366 through Bethel and Llandygai rather than the northern section of the proposed Scheme to avoid congestion at Bangor.

8.52 Many counter objections have been submitted. Several raise the same concerns raised in relation to the Girl Guiding centre as presented to OAP1 and 2. Numerous objections, including from the local Community Council have been presented on the basis of the impact of a new road on the community of Pentir. There are also objections on the basis of direct impacts on properties, including residences, farms and other businesses. More generally objections are raised to the additional costs and the harmful impacts (including landscape, ecology, heritage, agriculture and water) that would arise, as well as the greater disruption during construction. There is also concern at the significant delay that would inevitably arise in pursuing the proposed alternative on the health of the region's economy with specific reference to the importance attached to the Scheme by many businesses on the Cibyn Industrial Estate from the operator of an indoor karting centre.

8.53 In response to the counter objections the promoter has confirmed that it was his intention that the route would avoid both the Girl Guiding centre and the built-up area of Pentir.

9 CONCLUSIONS

9.1 Having regard to the foregoing, I have reached the following conclusions. Reference has been given in square brackets to the appropriate earlier paragraphs of this report.

Introduction to Conclusions

9.2 To recommend that the Scheme proceeds, it needs to be shown that, on balance, and having regard to local and national planning policies, including the requirements of agriculture and potential adverse impacts, it is expedient and in the public interest.

9.3 If I am to recommend that the Line and De-trunking Order be made, I also need to be satisfied with the compatibility of this Order with the Scheme details and proposals for de-trunking the existing trunk road through Llanwnda, Dinas, Bontnewydd and Caernarfon.

9.4 In the case of lands to be acquired under the Compulsory Purchase Order, and having regard to both statutory criteria and advice, it must be shown that there is a compelling need for compulsory purchase in the public interest which justifies interference with the human rights of those with an interest in the land, that the Welsh Government has a clear idea how it intends using the land it seeks to acquire, that the necessary resources to carry out these plans would be available within a reasonable time scale, and the Scheme is unlikely to be blocked by any impediment to implementation.

9.5 With regard to the Side Roads Order it must be shown that alternative routes to highways proposed for stopping up are reasonably convenient and that, where private means of access are to be stopped up, another reasonably convenient access is available, or would be provided by the Scheme, if needed.

9.6 Concerns have been raised by several objectors to what has been perceived as inadequacies in the public engagement and consultation that was undertaken in the preparation of the Scheme. At the outset of the Inquiry Welsh Government made its position clear (see paragraphs 3.1 to 3.17 of Mr McNall's Opening Submission, ID021). In essence it opined that the process undertaken in preparing the Scheme including consultations and the decisions that were subsequently made were not for this Inquiry. It was open to any person who considered the decisions or the processes that informed them were flawed to challenge the decisions at the time, but none was made.

9.7 In response I confirmed that the remit of the Inquiry was to consider whether the 3 draft Orders should be recommended for approval. It was not to consider earlier stages of the process. I invited any person who had reason to dispute that view to raise it at the Inquiry and to present any legal argument they wished. No representations were received on the matter, other than Mr John Pritchard's comment on behalf of objectors OB42 and OB62, that he had sought legal advice. He confirmed that if he wished to pursue this matter further that he would do so before the last scheduled sitting day of the Inquiry. No further representations were made.

9.8 I explained that, whilst the Minister had reached a decision in 2013 on the route that the bypass should take for the purpose of identifying the Preferred Option, I was required to make my recommendations in the light of the weight of detailed evidence that was presented to the Inquiry by the promoters of the Scheme, and the supporters and objectors.

9.9 I also explained that the main thrust of the objections that had been advanced in this respect focussed on the standpoint that the flaws in the consultation process, and the decisions made thereafter, had led to the wrong choice of route and that there was a better alternative. As was subsequently demonstrated at the Inquiry, the merits of alternative routes were clearly material matters for the Inquiry and considerable time was devoted to considering those routes. There has been no suggestion that there has been any shortcoming in the pursuit of the statutory requirements for the publication and notification of the Orders and the Public Local Inquiry [1.9, 2.2, 4.1-4.6, 6.16, 6.40, 6.45, 7.17, 7.71-7.74, 7.126, 7.146, 7.160, 7.169, 7.184].

The Scheme for the Bypass of Caernarfon and Bontnewydd – General and Pertinent Matters

Objections and Support

9.10 There were 149 individual objections to the Scheme remaining at the close of the Inquiry and 20 individual expressions of support. There were also 74 miscellaneous representations received by Welsh Government that were mostly requests for further information. The bulk of the objections focussed on 5 matters:

- the need for the Scheme
- the chosen route
- the crossing of Lôn Eifion at the Goat Roundabout,
- the impacts on farms and holdings, and
- the adverse effect on the Glan Gwna Holiday Park.

9.11 Of the elected representatives who have made representations about the draft Orders, Sian Gwenllian AM and Hywel Williams MP support the Scheme whilst Dyfed Edwards, in his former capacity as Leader of Gwynedd Council, also supported it [5.8].

9.12 Local business supported the Scheme but local individuals objected to it and were more numerous than the supporters. However, many of those who objected were concerned about specifics rather than the principle of providing a bypass. Nonetheless, there is significant local objection to the Scheme.

National, Regional and Local Planning Policies

9.13 The evidence demonstrates that the Scheme would comply with national and regional policies for transport and the economy. The National Transport Finance Plan confirms that the bypass would continue to be progressed through to construction. The financial resources for the project are available

over a sufficient timescale to ensure the delivery of the Scheme within the envisaged 30-month construction phase [4.23-4.31].

9.14 The Scheme is identified as a key strategic transport scheme in the Joint Local Development Plan (JLDP) (2017) and its route is identified in the Plan. There is clear evidence that the design of the Scheme, including identified mitigation measures, has sought to minimise environmental and landscape impacts [4.40, 4.41, 4.127-4.159].

9.15 Objections have been raised to the principle of constructing a new road and others question whether there is a need for a bypass in light of existing local traffic conditions or the needs of future generations. However, it is clear that the Scheme has been prepared with due regard to, and clearly aligns with the general thrust of, local, regional and national planning policies. I am satisfied that it would be physically sustainable and improve safety, whilst a perpetuation of current local road conditions would not [4.7-4.41].

Objectives

9.16 The technical evidence that has been presented indicates that the journey time and reliability improvements identified in the Welsh Government objectives TPO1 and TPO2 would be met. It is evident that the Scheme would lead to a reduction in vehicles passing through residential communities (TPO3) and improve the resilience of the network (TPO5). The evidence also shows that the new road, compared with the existing route which is mainly within built up areas, would reduce accidents thereby aligning with the broader objective of TPO4 [4.42, 4.43].

Sustainable Development

9.17 I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that the Scheme aligns with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives, in particular by:

- helping people live healthy and independent lives and supporting a healthy workforce
- connecting communities through sustainable and resilient infrastructure
- supporting safe, cohesive and resilient communities, and
- fostering conditions for sustainable economic development and employment, whilst stimulating innovation and growth for a modern low-carbon economy [4.125, 4.126].

Funding and economics

9.18 Funding for the Scheme has been secured by its inclusion in the Welsh Government's programme. It has been subject of a detailed cost/benefit analysis in line with the latest Government guidance which shows that the benefits outweigh the costs at a ratio of 2.1 to 1, which represents a good return on expenditure [4.93, 4.97].

9.19 In my opinion the joint venture arrangements which have involved the contractor from an early stage would aid the control of costs and reduce risks.

The construction contract includes arrangements to benefit local labour, through employment and training opportunities, which would provide both short and longer term local social and economic benefits. Initiatives to encourage the use of local suppliers would also directly benefit the local economy [4.22, 4.98].

9.20 I accept that the wider economic benefits that would arise from the improvement of this important section of the local transport infrastructure are difficult to quantify. Nonetheless, I consider that the available evidence, including that from several supporters of the Scheme, suggests that it would encourage the retention of existing business in Caernarfon, notably the Cibyn Industrial Estate, and in the wider area to the south and west. It would also contribute to the realisation of investment in new employment opportunities identified in the JLDP and complement economic regeneration initiatives such as the Enterprise Zone in south Gwynedd. It would also improve access to employment opportunities such as those anticipated from the Energy Island Project and Wylfa Newydd on Anglesey. In the longer term, I conclude that these benefits would outweigh the economic harm that would arise as a result of the impacts on those local businesses more directly affected by the Scheme [4.95, 4.96, 5.1-5.10].

The capacity of the proposed highway

9.21 In my view the 2+1 single carriageway design is appropriate having regard to the 2033 design year traffic volumes. That standard of provision would provide good opportunities for safe overtaking in accordance with the relevant design standards. No compelling or technical evidence was presented to the contrary. I consider that a single 2-lane carriageway should not be pursued [4.49, 6.41, 7.69, 7.183].

The Environmental Statement and the Statement to Inform an Appropriate Assessment

9.22 The Environmental Statement (ES) and the Statement to Inform an Appropriate Assessment (SIAA) were published in accordance with European and UK Directives and all the statutory consultees were consulted in developing the Scheme. Their responses were included in the ES and these have also been taken into account in reaching my conclusions. I am satisfied that the ES and SIAA meet the requirements of the various Acts and Directives [4.117-4.124].

Noise and vibration

9.23 Robust technical evidence has been produced to establish the effects on noise and vibration. It is clear that the Scheme would result in substantially reduced noise along the A487 from Llanwnda to Bontnewydd and within Caernarfon. There would also be a reduction in noise along other roads within Caernarfon as local traffic would no longer need to travel along these routes to access the trunk road. The Scheme would introduce new traffic noise along a swathe of peaceful countryside. However, the number of dwellings that would enjoy a significant reduction in noise levels would markedly outweigh those that would experience increases. I conclude that, overall, the Scheme would bring significant noise benefits to the community [4.155-4.159, 6.18, 6.19, 6.25, 6.39, 6.42, 6.43, 6.54, 6.58, 6.59, 6.64, 6.74, 6.75, 6.78, 6.82, 6.83,

6.91, 6.92, 6.94, 6.95, 7.19, 7.28, 7.70, 7.78, 7.91, 7.101, 7.119, 7.130, 7.143, 7.151, 7.166, 7.173, 7.178, 7.181].

9.24 The strict adherence to a Construction Environmental Management Plan would reduce construction noise to acceptable levels. The Plan should also ensure that the local impact from any vibration from construction work would be acceptable, with particular arrangements in place to control any blasting activities. The proposed pre- and post-construction property condition surveys are necessary to allay local fears in this respect, and I recommend that they are undertaken in a timely fashion [4.99, 4.101, 4.155-4.159, 6.25, 6.59, 6.64, 6.78, 6.83, 6.91, 7.19, 7.91, 9.82, 7.101, 7.130, 7.143, 7.151, 7.166, 7.173, 7.186].

Nature Conservation

9.25 The choice of the route of the bypass and its preliminary design have taken into account the area's ecological constraints, including designated sites and protected species that are of national and international significance. There has been a detailed assessment of the potential impact of the Scheme on nature conservation interests which has informed the extensive mitigation measures. These include landscaping works and physical crossing points that would maintain habitats and connectivity. Harmful impacts during construction would be minimised by adherence to the Construction Environmental Management Plan. Whilst the Scheme would have some adverse impacts on local nature conservation I am satisfied that these would be relatively minor and would reduce over time as the planting matures and provides enhanced wildlife habitats [4.57, 4.127, 4.128, 4.135-4.140, 6.25, 6.47, 6.76, 6.91, 6.92, 6.94, 7.27, 7.78, 7.83, 7.122, 7.145, 7.172].

Air quality

9.26 Detailed evidence has been presented to show that the Scheme would result in the reduction in air pollution levels along the de-trunked section of the A487, and is particularly significant in that it would improve those parts of Caernarfon that would otherwise be at risk of air quality objectives being exceeded in relation to human health. In those areas where air pollution would increase these would be to much lower levels than would give rise to any human health risk. In relation to ecological receptors, a reduction in air quality would occur at the periphery of the Glynllifon SAC but this would not affect the habitat structure of the important bat populations it supports [4.47, 4.127, 4.128, 4.137, 5.10, 6.18, 6.25, 6.75, 6.78, 6.82, 6.91, 6.95, 7.19, 7.26, 7.78, 7.83, 7.93, 7.132, 7.178, 7.190].

Flooding and water quality

9.27 There has been a detailed analysis of the potential effect of the Scheme on watercourses, including potential flooding impacts on the road and on land and buildings, which shows that the flood risks are acceptable and align with national policy in TAN15. The Scheme would divert drainage ditches affected by the works and would make provision for the adequate attenuation of surface water flows from the road to ensure that flow rates are controlled and that any pollution is filtered. Concerns have been raised by objectors in relation to flooding but I consider that the detailed technical evidence demonstrates that the limited effects of the Scheme on flooding and water

quality would be acceptable subject to the identified mitigation works [4.55, 4.56, 4.108, 4.141-4.145, 6.25, 6.30, 6.42, 6.44, 6.47, 6.62, 6.65, 6.78, 6.85, 6.91, 6.92, 6.94, 6.96, 7.33, 7.70, 7.79, 7.83, 7.88, 7.99, 7.107, 7.114, 7.135, 7.157, 7.171, 7.187, 7.188].

The needs of agriculture

9.28 The Scheme would have a major adverse effect on agriculture. It would result in the loss of some 30-33ha of best and most versatile agricultural land which national planning policy seeks to protect. However, taking into account other constraints, there is no evidence to suggest that such an impact could be significantly reduced by altering the route of the road. Mitigation measures are proposed to ensure that the quality of the agricultural land that would be temporarily lost to construction would not be compromised in the longer term. The project has also sought to reduce the impact on individual farms and holdings insofar as is justifiable and practicable. Compensation for any losses would be considered. I conclude that the extent of the loss of valuable agricultural land weighs against the justification for the project but must be considered in the context of the benefits of facilitating an important strategic infrastructure project [4.111, 4.112, 6.1-6.15, 6.30, 6.58-6.61, 6.65, 6.70, 6.72, 6.94, 6.96, 7.1-7.16, 7.32, 7.85-7.97, 7.105, 7.112-7.114, 7.148].

The landscape

9.29 The Scheme would have a substantial harmful impact on the generally attractive rural landscape which characterises the vast majority of the route. This is particularly as a result of the extent to which the road would be elevated above adjacent levels. Much of the road would be on high embankments, including extensive sections from the Goat roundabout to and beyond the Meifod roundabout. It is acknowledged that the embankments are in response to the necessity of crossing highways, rivers and a railway. In comparison, the sections of cutting would generally have a much smaller visual impact. However, the extent of the cutting at Plas Menai, which would be some 20m deep, would have an incongruous, engineered appearance, especially until the excavated slopes are weathered and planting takes effect.

9.30 There would be two significant structures that would also be visually intrusive on the attractive valleys within which they would be located. The affected section of the Gwyrfai is presently an attractive open valley with few man-made features – the introduction of a long viaduct would be a dominant local feature. In contrast the Seiont valley is narrow and deep at the point of its proposed crossing. Whilst there are many buildings and structures within this part of the valley landscape, the presence of a high viaduct would be a dominant feature even though its potential impact has been appreciably mitigated by the proposed landscaped earth embankments that have been proposed to reduce its potential length. Given the importance of ensuring that harmful visual effects of the structures on their environs is minimised, I welcome the intention to further discuss the detailed design of the proposed structures with the Design Commission for Wales and recommend that such action takes place.

9.31 The screening effect of topography and vegetation means that much of the visual impact would be localised although some of the taller elements in particular would be visible from a wider zone. The localised impacts, including

from private property and public rights of way where the receptors would be particularly sensitive to such effects, would be considerable in some instances. This would be the case in relation to sections of the tall embankments proposed, for example in the vicinity of the Meifod roundabout and the Seiont embankments and viaduct.

9.32 Within a generally undulating topography and a landscape characterised by pockets of woodland I consider that the proposed landscaping would considerably reduce the impact of the Scheme over time. To this end I conclude that all the land identified as essential to facilitate the landscaping work is justifiable.

9.33 I also conclude that the impact of the Scheme on the landscape would be severe and weighs appreciably against its adoption. However, I consider that its design has sought to minimise such impacts having regard to the plethora of physical and engineering constraints. On the available evidence, including the suggested alternative proposals, I find that the Scheme in terms of its design and its mitigating measures has sought to minimise the harmful impact on the landscape [4.98, 4.146-4.152, 6.8, 6.24, 6.54, 6.75, 6.95, 7.18, 7.62, 7.89, 7.148, 7.181].

Cultural heritage

9.34 Section 6 of the ES refers to consultations with Cadw that has informed its approach to the assessment of this topic (DD004). In response to questioning from me Welsh Government was unable to confirm Cadw's latest position with regard to the Scheme. It is clear that in matters relating to archaeology that it has delegated its curatorial functions in relation to trunk road schemes to GAPS.

9.35 GAPS has also commented on matters relating to other aspects of cultural heritage such as the setting of Scheduled Ancient Monuments. However, it appears that it is not formally acting on behalf of Cadw in those respects. Their role was clarified in a paper presented to the Inquiry (ID012). In a letter presented shortly before the close of the Inquiry Cadw confirmed that it has no concerns about the visual impact of the Scheme on Caernarfon Castle (ID131).

9.36 The heritage assets that could potentially be affected have been identified. At my request additional information (ID078) was provided in relation to the effect on listed buildings at Glan Gwna Holiday Park, which includes a Grade II* listed building. Whilst the Scheme would be visible from the identified listed buildings I consider that the cultural heritage assessment and findings that have been reached in relation to the Scheme's impact on their settings is soundly based. I am also mindful of the recently published guidance from Cadw on the setting of heritage features. At my request Mr Parry presented a paper (ID120) assessing the Scheme against the latest advice, which post-dated his Proof of Evidence. Based on this information and other available evidence, including my site visits, I am satisfied that the Scheme would not materially affect the setting of any of the protected buildings identified.

9.37 The bypass would be close to the Caerlan Tibot SAM but I consider that the mitigation works proposed in terms of the effect of the cutting and landscaping works, and the fact that the Scheme would remove an existing road which is

closer than the Scheme, means that any effect on the setting would be neutral. In reaching this view, I have taken into account the relative visual and noise impacts of the existing and proposed roads.

9.38 The Scheme would impact on the Roman Road but given its angle of intersection it would affect a relatively short section. The failure, despite the endeavours of the Project Team, to undertake field survey work along much of the route means that there is an information deficit on the potential archaeological value of sections of the route. However, there is other archaeological information which has been obtained and analysed. Taking this into account and the extensive mitigation measures that would be undertaken to ensure that this information is obtained before construction activities beginning, as well as the comments of GAPS and the latest national guidance (ID120), I consider that there are adequate safeguards in this instance. I am also satisfied that the construction programme has built in contingencies so that it can respond flexibly in the event that archaeological investigations take longer than envisaged (ID025).

9.39 During the course of the Inquiry Mr Parry, in detailed discussion on the matter of the listed milestone which is located within a roadside wall on the A4085, confirmed the intention to remove it whilst construction works take place[36]. It was explained that the milestone would be reinstated in a roadside position after the works have been carried out. In such circumstances, it may be necessary to obtain Listed Building Consent for works to the milestone. In the event that such consent is not forthcoming, it appears to me that practical means could be deployed to safeguard the existing position of the milestone without causing it disturbance, and therefore no impediment would arise to carrying out the Scheme. However, I draw attention to this particular matter.

9.40 I conclude that the Scheme's effect on heritage assets would be acceptable, subject to the identified mitigating measures being undertaken [4.102, 4.129-4.134, 6.46, 6.67-6.69, 6.76, 6.96, 7.76, 7.109-7.111, 7.122, 7.181].

Individual Objections

9.41 Having reached these general conclusions on the case for the Scheme I turn now to my consideration of the individual objections to the draft Orders, other than the justification for the principle of the Scheme or the specific issues already covered above.

9.42 The objections outstanding at the end of the Inquiry are addressed immediately below.

Statutory Objectors who appeared at the Inquiry

Mr Hugh O'Donnell on behalf of Mr W W and Mrs R W Williams (OB14)

9.43 In my view, all the CPO land at Dinas Farm is justifiable to enable the bypass, landscaping and wildlife mitigation to proceed [6.2, 7.1, 7.4].

[36] Section 6.4.2 of the ES deals with the relocation of the Listed Milestone 22047

9.44 It is clear that the Scheme would have an adverse impact on the farming business by taking valued productive land. However, the impact would not affect the viability of this large farming enterprise. The mitigation measures to provide connectivity for the farm across the bypass are reasonable. In my opinion the modest reduction in the land that would be taken by providing retaining walls rather than the proposed graded cutting would not justify the additional costs and maintenance liabilities, and the effective loss of an important wildlife corridor. The incidents of visitors passing across the farm lane during the road's operation may well be an inconvenience but it would not cause any serious disruption to the farming activity or disturbance or loss of privacy to the residents of the farmhouse or guests at the adjacent holiday cottage. Therefore, the extra cost of extending the proposed means of access near Morogoro is not justified [6.2- 6.4, 7.1-7.3].

9.45 I am satisfied that the pillars of the viaduct have been designed to withstand the effects of scouring from the river and the structure would be sufficiently tall to allow farm equipment to pass under it [6.5, 7.5].

9.46 I consider that the biosecurity risks to the farm are no greater than that arising from other visitors to the farm, such as holiday guests and the milk tanker. It is reasonable to expect that those visitors carrying out monitoring or maintenance duties associated with the new road would take basic precautions such as washing footwear to further minimise any risks. Other concerns are for discussion as accommodation works and not matters for me [6.3, 7.3].

Mr Hugh O'Donnell on behalf of Mr E S & Mrs M E Salisbury and EHP Ltd (OB31, OB32)

9.47 It is clear that the severance of the land holding would cause inconvenience. However, as the length of the diverted route would be short, its impact would be modest, acknowledging that the utilisation of a short section of the public highway would give rise to the need for an additional person when moving livestock on foot. The severed land would be sufficiently large to allow rotation of fields for grazing, which means that the movement of livestock to the remainder of the holding would not need to be undertaken often. In the circumstances, the provision of an underpass or the widening of the nearby bridge to provide a route segregated from the minor road would represent a disproportionate cost to the public purse. I conclude that the Scheme would not seriously impact on the farming activity undertaken on this land holding and the land included in the CPO is necessary to facilitate the construction of the bypass [6.6, 6.7, 7.6-7.8].

Mr Emyr Hughes on behalf of Mr E V Williams and Mr G G Williams (OB66)

9.48 The Scheme would result in the loss of about a third of this land holding and the fragmentation of the remainder. The land is remote from the main complex at Rhyd Ddu but, as it is low lying, it is valuable. I acknowledge that it may be difficult to find compensatory land which is reasonably convenient and there would be an appreciable impact on the farming activity but, as a proportion of the overall farming unit, the effect would be modest and would not undermine the business [6.9, 7.9, 7.11].

Mr Emyr Hughes on behalf of Mr J R and Mrs H Jones (OB67)

9.49 The Scheme would significantly reduce the size and usefulness of the Jones' land at Rhyddallt Bach. However, it is an outlying and small part of the farming enterprise. The impact that would be experienced would not jeopardise the viability of the farming enterprise [6.11-6.13, 7.13].

9.50 I am satisfied that concerns over littering of the layby and stopped up side roads is a matter that the Local Authority can address if need be. There is also concern over the use of the layby environs as an unofficial toilet but there is no reason to believe that this would be a serious problem in this rural location [6.14, 7.15].

9.51 The particular concern raised over ground stability is understandable given the movement of land that the Jones' have observed on that part of the holding which lies close to Caernarfon Quarry and the structural instability which led to the recent demolition of their farm outbuilding. However, I am satisfied that this is a matter that has been considered by technical specialists in designing the route of the Scheme and would be further analysed in the detailed design work. The other concerns raised are matters of accommodation works to be negotiated at the appropriate time [6.15, 7.14].

Mr John Pritchard and Mr David Gale-Hasleham on behalf of Glan Gwna Country Holiday Park (OB42)

Mr Clive A Hulse on his own behalf and that of Glan Gwna 600 (OB63)

Mr John Millett (OB35), Mrs & Mrs Mappin (OB44), Mrs C Niblock (OB85); Mrs Carol Richards (OB86); Catherine Wright (OB87); Mr & Mrs D Thomson (OB88); Mrs D C Porritt (OB89); Gavin W Jones (OB90); Simon & Karen Element (OB91); H J Marvil (OB92); Helen Hemingway (OB93); Mr & Mrs Bowman (OB94); Mrs D Smart (OB95); Margaret Rees (OB96); Marilyn Langridge-Jones (OB97); Nicola Yendley (OB98); Howard Kendall (OB99); The Owner of Chalet No. 188 (OB100); Mr A G Evans (OB101); Mr & Mrs J Farren (OB102); Stuart & Alison Nelson (OB103); Mr & Mrs Morrison (OB104); Anne Armstrong (OB105); Mr & Mrs D Clark (OB106); John & June Fletcher (OB107); G A Urmston (OB108); Christine & Roy Harrison (OB109); James & Carole Hunter (OB110); Mrs M Wilkes (OB111); D J Cullen (OB112); Claire & Eddie Brown (OB113); Dorothy & Frank Duckett (OB114); David & Brenda Rickard (OB115); Mr & Mrs Brutton (OB116); Mrs Joyce Lewis Santo (OB117); Heather & Graham Wright (OB119); R Sanderson (OB120); Vivien Minshal (OB121); D W Hartshorn (OB122); John Barber (OB123); A Davey & S Penny (OB124); Ms Georgina Tang (OB125); Kate Joyce (OB126); Mrs P Hawksley (OB128); Angela Roberts (OB129); Mr & Mrs J Hesson (OB131); R Penny (OB132); Barbara & Ronald Todd (OB133); David Roberts (OB134); G Hancock (OB135); Stephen Duggan (OB136); Mr Ian & Mrs Barbara Hay (OB137); Mr & Mrs Sisson (OB138); Mrs J Middleton (OB139); Jim Perry (OB140); R C Watson (OB141); Mr & Mrs F & C D Brown (OB142); P T Evans (OB143); Mr John & Mrs C Paul (OB144); Mr P H & Mrs J L Edward (OB145); Carl Meig (OB146); Miss Clare McDermott (OB147); Mrs V J Bamford (OB148); Wendy & Howard Pilkington (OB149); Lee Schofield (OB150); Mrs Bailey (OB152); E J McCammon (OB153); Mrs Susan Henderson (OB154); E A Taylor (OB155); Joanne & Michael Fazakerley (OB156); Mr & Mrs Bennett (OB157);

Beryl Horton (OB158); Mr & Mrs Jump (OB159); and Dr Steve Ennion & Dr Tania Webb (OB160).

In interests of brevity I have dealt with all the objections relating to Glan Gwna Country Holiday Park together

9.52 The concerns raised over the choice of route for the bypass involve consideration of the relative merits of other options which have been presented as Alternative Proposals and are considered separately towards the end of this Section of the report.

9.53 The localised impact of the Scheme on part of the Holiday Park, including the undeveloped area which has an extant planning permission for the relocation of 75 caravans, would undoubtedly be considerable. Part of the Park would be required during the construction of the viaduct and embankments. After construction part of the works, including pillars supporting the viaduct, would be within the boundary of the Park. The extent of the affected area, in terms of noise and visual impact, would be significant. However, as I noted during my extensive accompanied visit, some parts of the Park, including some areas that would be relatively close to the Scheme, would not have a direct line of sight of the viaduct or the embankments. From much of the Park the combination of the steep topography of the valley side, the presence of the caravans and chalets and the extensive mature trees provide effective screening, although I accept the effectiveness of the tree screening would be reduced when the trees are not in leaf [6.17, 6.18, 6.24, 6.26, 7.18, 7.20, 7.25].

9.54 The design of the Scheme has sought to mitigate the visual impact through the incorporation of a high embankment that would effectively shorten the length of the viaduct. Whilst I consider that this would reduce the potential impact on the Holiday Park, it would be a towering feature when viewed from the closest parts of the valley floor. My visit revealed that the approximate extent to which the viaduct would be visible from Glan Gwna Hall. I am satisfied that given the distance and the presence of foreground landscaping the viaduct would not be an intrusive feature from this vantage point. For these reasons and given the intervening development, I am also satisfied that it would not affect the setting of this Grade II* listed building, nor any of the other nearby listed buildings [6.24, 6.25, 7.29].

9.55 Whilst I note the particular enjoyment derived by some of the objectors from the wildlife within and around the Park, I am satisfied that matters of ecological interests have been properly addressed and that there are mitigation measures that would be put in place to ensure that the effects are acceptable [6.25, 7.27].

9.56 I am also satisfied that the effects on air quality, noise and vibration on occupiers of the holiday units and the locality have been properly assessed [6.18, 6.25, 7.19, 7.26].

9.57 With regard to air quality I am satisfied that the effects would not compromise human health or be otherwise unacceptable. Construction work would inevitably cause significant disturbance, particularly from noise, but also from impacts such as vibration and dust. The shorter term impacts during construction would be more intrusive and would last for 2 or 3 holiday seasons

(ID087). Managing those impacts to minimise the adverse effects on visitors would be particularly important, and would require liaison between the contractors and the Park's management, and would feature in the CEMP. During the Inquiry Welsh Government produced a programme of works for Glan Gwna which indicated that the deck of the viaduct would be in place within 2 years of the start of construction so that construction traffic would no longer need to use the Holiday Park [6.18, 6.25, 6.27, 7.19, 7.26].

9.58 When operational many of the pitches would experience an increase in noise levels associated with traffic. Whilst this would be perceived as a detrimental effect by occupiers it would not reach levels that are unacceptable. Moreover many parts of the Park would not be significantly affected by the increased noise levels given their separation distance [7.19, 7.26].

9.59 Whilst Mr Gale-Hasleham suggested that the whole of the business would be jeopardised by the bypass there was little factual evidence to support this assertion. I acknowledge that the presence of the road and viaduct would mean that some potential visitors may choose not to stay at the Park and that others may not invest in purchasing or leasing a pitch and that this would have a negative effect on the business. Some individual owners of caravans and chalets may face a reduction in the income that they derive from rental receipts. However, given the scale of that part of the Park that would not be within sight or sound of the road to any significant degree it would appear that its attraction to visitors would be maintained to a considerable extent in the longer term as confidence grows in light of a realisation of the actual effect of the Scheme [6.18, 6.20, 6.26, 7.21, 7.22].

9.60 The available evidence, including corrections made by Mr Gale-Hasleham both in the submission of written evidence and in concessions made during cross-examination[37], leads me to conclude that the severity of impact on the Park would be less than claimed because:

- the Park could remain open,
- the wider local community could replace the Park in offering accommodation and service, and
- there was no attempt in the objectors' evidence to carry out an analysis of the impact on the Glan Gwna business rather than relying exclusively on a more generic assessment without any reference to the profitability of the business.

9.61 My overall conclusion is that, although less than claimed, there would nevertheless be a significant impact on the business and I find that the effect on the Park would harm the local economy and that must weigh against the Scheme [6.18, 6.20, 6.26, 7.21, 7.22].

Mr D Pritchard Jones (OB18)

9.62 In my view all land in the CPO is justifiable for the construction of the Scheme and the mitigation of its harmful effects. The purchase of Plot 4/2 is also

[37] Mr McNall's Closing Submissions (ID123) identifies some of the anomalies in the presented figures

necessary to safeguard against the event that agreement on an essential licence cannot be reached. Mr Pritchard Jones has confirmed that CPO Modification 9 is acceptable and I note the undertaking to provide appropriate visibility splays which would be required in the interests of highway safety. I consider that undertaking to be binding [6.28, 7.30, 7.31].

9.63 I accept that the statistics on traffic accidents that has been used to inform the Scheme is the best available data. Whilst, as Mr Pritchard Jones' professional experience suggests, increased speed is likely to lead to more serious collisions, there are many factors that influence the risk of collisions occurring and their severity. I am satisfied that no compelling evidence was presented to the Inquiry that would undermine the case presented by Welsh Government on road traffic accidents [6.29, 7.31].

Mr Jonathan Powell on behalf of Mr M Brymer (OB43)

9.64 It is evident that SRO Modification 4 and CPO Modification 15 satisfactorily resolve the hitherto issue over access. The other concerns raised, which were not pursued at the Inquiry, are mostly matters to be considered as accommodation works and thus are not for me. At the Inquiry Welsh Government confirmed that the limitation on speed of the short section of the de-trunked road between the roundabout and the present 30mph zone would be for Gwynedd Council as local highway authority to consider. As such the matter is outside the scope of my consideration. I am satisfied that all CPO land is justifiable for the Scheme or to offset its harmful effects [6.30, 7.32, 7.33].

9.65 As there is no formal procedure for the making of costs applications in relation to local inquiries into highway schemes promoted by Welsh Ministers, I offer no comment on the application that has been made.

Non-Statutory Objectors who appeared at the Inquiry

Mr Mike Vitkovitch (OB16) on behalf of the British Horse Society; Mr John Mather (OB17) and Mr Chris Crompton (OB19) both members of Cycling UK; Mr Roy Spilsbury (OB52) on behalf of Cycling UK; Dr Richard Keatinge (OB57) on behalf of Beicio Bangor and Cycling UK; Mr Dave Woods (OB21) on behalf of Caernarfon and Dwyfor Ramblers; Mr Max Grant (OB26) on behalf of Ramblers Cymru; and Mr Vincent Mears (OB37) on behalf of Arfon and Dwyfor Local Access Forum

Mr Paul Gannon (OB8); Mr Andrew Patience (OB12); Mrs Rhian Jones (OB13); Canon Edmund and Mrs Rachel Plaxton (OB20); Ms Tracey Page (OB23); Ceri Williams (OB24); Mr Dave Cooper (OB25); Mr Glyn Evans on behalf of Sustrans Cymru (OB28); Mr Nigel Fisher (OB29); Mr Dafydd Grant Jones on behalf of Caernarfon & Dwyfor Ramblers (OB30); Ms Kath Woods (OB34); Mr Berwyn Jones (OB38); Mr Ken Cross (OB39) ; Ms Angela Charlton, Director Ramblers Cymru (OB59); Ms Lowri E A Evans, Secretary Chester & N Wales CTC (part of Cycling UK/Beicio UK) (OB65); Lesley Conran on behalf of Beicio Bangor (OB70); Mr Roy Milnes (OB72); Dr K D Griffiths (OB75); Ms Margaret Lowe (OB76); Ms C M Jones (OB79); Ms Rhian Jones (OB127); and Mr Huw Davies of Antur Waunfawr (OB151)

9.66 Many of the objectors listed in the above headings are supporters of one or more of the alternative options OAP7A to OAP7H. Conclusions are drawn on these alternatives in a later part of this Section of the report.

9.67 Whilst there was a general, but not exclusive, consensus at the Inquiry that the proposed changes to the crossing arrangements at the Goat roundabout presented by Welsh Government would improve the Scheme, it was still not considered acceptable [6.32, 7.35].

9.68 It is evident that Lôn Eifion is a route which is popular by a wide cross section of users of all abilities and ages. The strength of opinion on the issue of its crossing at the Goat roundabout is clear. Local residents and other users of the route as well as representatives of organisations concerned with the promotion of walkers, cyclists and horse riders outlined a range of concerns [6.32, 7.40].

9.69 I am satisfied that the revised crossing arrangements at the Goat represent a significant improvement over the original proposals. They address some of the concerns raised in the objections. The crossing points accord with relevant technical standards and guidelines. They would provide dedicated points of crossing that would serve cyclists and pedestrians well. Compared to the existing arrangement they would provide a more comfortable, safer solution including for children and those with mobility difficulties. In this respect I am satisfied that it would meet the requirements of the Public Sector Equality Duty[38]. These benefits outweigh the fact that there would be two crossings instead of one and that the length of the diverted Lôn Eifion alongside the roundabout would be longer than is presently the case [6.32, 7.35-7.39, 7.41, 7.42].

9.70 There is no evidence to suggest that the section of Lôn Eifion in the vicinity of the Goat is used by equestrians although I note the possibility that this may be explained by the present difficulties of crossing the A499. However, there is no dispute that equestrian access northwards is limited and there is no compelling evidence that improving access to this section would provide a valuable connection to other bridleways. Therefore, I am satisfied that specific provision for equestrian use is not justified by the likely benefit in terms of user numbers [6.32, 7.43].

9.71 The Scheme would remove the through traffic using the strategic highway network from the built-up areas that straddle the existing trunk road, and would also reduce traffic on other parts of the local network. This would benefit NMUs, including those engaged in Active Travel [6.33, 7.51].

9.72 NMU users of the de-trunked section of the road between Caernarfon and Llanwnda would have to cross the new bypass at the Meifod roundabout at an uncontrolled crossing. Whilst I note that Sustrans considers that the residual volume of traffic on this road would be significant, I consider that the extent of the reduction means that it would make the route an appreciably more comfortable one both for cyclists and pedestrians. The potential to provide an enhanced environment along this route has been identified, although there was no detail available to the Inquiry. The proximity of Lôn Eifion means that

[38] Imposed by the Equality Act 2010

it offers a convenient, and undoubtedly attractive, alternative connection between these settlements. Welsh Government has suggested that measures to encourage NMUs to divert to this route, such as signposts, would be provided along the de-trunked road [6.33, 7.52].

9.73 The Scheme has sought to 'future proof' the work insofar as it would facilitate the future provision of cycle routes along the A4085 and Bethel Road by ensuring that the structures are wider that presently required in order that they may accommodate paths if required. Whilst these measures would not be of direct benefit to the interests of NMUs, it does provide potential permeability across the bypass [6.33, 7.53, 7.55].

9.74 The Scheme would maintain a connection across the bypass via a dedicated bridge for NMUs to the west of Bontnewydd and proposes circular public footpath routes near to the A4085 with a new dedicated footway to run alongside Heol Waunfawr. At Plas Menai the realignment of side roads would benefit users of the cycleway connecting Y Felinheli and Caernarfon. These measures and the other proposals to divert affected public rights of way ensure that such paths are enhanced by the Scheme [6.33, 7.54, 7.55].

9.75 I am satisfied that the interests of NMUs have been properly taken into account in the Scheme. It is reasonable and necessary that the level of provision is proportionate to the benefit that might be anticipated to arise. Overall, the Scheme would ensure an improved provision for NMUs, including those undertaking Active Travel journeys [6.33-6.36, 7.56-7.59].

Mr D Rhys Prytherch (OB11)

9.76 Mr Prytherch promotes alternative OAP3, which I deal with towards the end of this Section of the report.

9.77 The traffic modelling has demonstrated that traffic, both light and heavy vehicles, would be diverted from the B4366 onto the bypass. Whether some drivers of heavy vehicles would choose to use the B class road in order to avoid the gradient at Plas Menai is no more than an assertion. In my view the merits of the Scheme are not undermined by the potential for some heavy vehicles to use the B road given the scale of the anticipated reduction in traffic on that road. It is also evident that the Scheme would reduce traffic on the A4085 particularly between Caeathro and Caernarfon. This would improve traffic flows on the local highway network to the benefit of those users travelling to access the bypass at Meifod or Cibyn roundabouts [6.37, 6.38, 7.61].

Mr Nigel Spaull (OB22)

9.78 Mr Spaull promotes alternative OAP4B, which I deal with towards the end of this section of the report.

9.79 Whilst I accept that the prominence of the proposed embankment is necessary because of the adjacent road and railway bridges, its effects on the landscape would be severe. I have had regard to that in my overall conclusions on the merits of the Scheme [6.39, 7.62].

Mr Hugh Prys Jones (OB33)

9.80 Mr Jones is the promoter of OAP9 on which I reach conclusions later in this Section of the report.

9.81 It is accepted that in the main local residents oppose the Scheme [6.40, 7.64, 7.65].

9.82 As with any proposed improvement to the trunk road network it is necessary to limit the spatial scope of the project an early stage of its planning. In this case it was decided to improve a section of the network that lies between 2 sections of the trunk road that have been previously improved. Addressing other sections of the trunk road is not a matter for this Inquiry, nor is expanding the project to tackle existing difficulties with the local highway network which would not be exacerbated by the Scheme. I have no reason to dispute Welsh Government's confirmation that previous concerns of the Welsh Audit Office have been addressed, nor that the costs of future maintenance (which would be undertaken by the Trunk Road Agency) would be disproportionate or unusual [6.41, 6.44, 7.63, 7.67, 7.68].

9.83 I am satisfied that the design solution to the crossing of the Afon Gwyrfai is appropriate and that the ES sets out why it was necessary to avoid a route to the east of Llanwnda. Concerns about the public consultation process, carriageway design, cycle provision at Llanwnda, flooding, noise, accessing the bypass from Ffordd Waunfawr have been addressed above [6.42-6.44, 7.69, 7.70].

Dr Gareth Parry Jones (OB45)

9.84 Dr Jones supports alternative route OAP1, which I deal with towards the end of this Section of the report. Some of the other matters raised have already been addressed in earlier parts of this Section and are not repeated here.

9.85 I can understand why Dr Jones and others would have considered the consultation process to be flawed given that, in their opinion, the most popular option was rejected. To my mind, of itself, that does not establish a flawed process, especially in this case, having regard to other factors, which clearly were considered to hold more weight, having regard to the strategic function that the road performs, than a local headcount of public acceptability [4.1-4.6, 6.45, 7.71-7.74].

9.86 I have reached conclusions earlier in this Section on the Scheme's performance against the TPOs. I note that the merits of the specified TPOs are questioned by Dr Jones but they are not a matter for this Inquiry [6.45, 7.75].

9.87 I consider that potential impacts on local communities and the Welsh language have been properly assessed and that the finding that there is likely to be a favourable impact is a reasonable one [6.45, 7.72].

9.88 In oral evidence Dr Jones referred to the psychological stress that some residents, in particular the more vulnerable, may suffer should the Scheme proceed. Noting Dr Jones' experience as a retired GP, I do not doubt the potential for such effects on some individuals. However, I am satisfied that the assessment of the effects on human health has been adequately

considered in line with relevant guidance, and that there would be mitigation measures deployed to minimise adverse impacts [6.47, 7.78].

9.89 I am also satisfied that despite the errors which have been identified in the assessment on cultural heritage that none of these have undermined the ES's findings. After specific reference to it, Cadw has confirmed that it raises no objection and I am satisfied that the potential effect on the setting of the Caernarfon Castle is not altered by the realisation that there would be some inter-visibility between a short section of the road and the upper parts of the Castle [6.46, 7.76].

9.90 I find that Chapter 15 of the ES deals appropriately with cumulative impacts and that the apparent discrepancies in the content of the 2 ESs - one assessing the Scheme, the other the Quarry proposal - is explained by the significant differences in the nature of the developments which they assess [6.47, 7.77].

9.91 It is evident that Dr Jones has clearly scrutinised aspects of the Scheme and supporting documents in detail, and has raised valid concerns. However, I am satisfied with the explanations provided by Welsh Government in response, including detailed oral evidence, notably on matters of ecology [6.47, 7.77, 7.79].

Mr John Pritchard on behalf of Gwalia Garage (OB62)

9.92 I acknowledge that the Scheme may not result in new jobs in the wider economy or that it would guarantee retention of employment on the local industrial estate whilst, on the other hand, job losses at the garage might well arise [6.49-6.52, 7.80].

9.93 During my visit to the garage, in the presence of Mrs Mair Evans and representatives of Welsh Government, I witnessed the scale of the operation and the level of recent investment in a new workshop. The evidence indicates that it is a successful, well managed business which is growing. It is also an important local employer that, as demonstrated at the Inquiry, values its staff.

9.94 The loss of passing trade would have an impact on petrol sales and sales at the convenience store. Whilst I note that, to a degree, certain aspects of the business are closely interdependent there are significant elements of the business that would be largely unaffected by the envisaged drop in passing traffic, including the car hire depot, car repair workshop and MoT bay, and the recovery service. The business has developed over the several decades it has been on the site. It would undoubtedly be forced to adapt its business model in response to the reduction in retail sales. The business is likely to contract which would affect jobs, but it seems to me that much of the business and those employed would be maintained. In such circumstances I conclude that the Scheme would be harmful to the local economy in and around Caeathro but, as I have previously concluded, this would be outweighed by the benefits to the wider economy [6.50, 6.51, 7.80].

9.95 The Scheme would take some land on the periphery of an employment land allocation in the JLDP and part of the Dwyfor Oils site. These are very modest sized parcels of employment land in the context of the undeveloped land at Cibyn Industrial Estate. Moreover, the Scheme follows the route identified in

the JLDP Proposals Map. I consider that the loss of this land does not undermine the merits of the Scheme [4.40, 4.41, 6.52].

Mrs Jean Thomas (OB118)

9.96 Tremarfon, located in a peaceful rural setting, has been Mrs Thomas' home for decades and would suffer an adverse impact from noise and visual intrusion should the Scheme proceed. However, the proposed landscaping works would reduce the visual impact over time. Potential disturbance during construction could be minimised by considerate working practices that would be included in the CEMP [6.54, 7.82].

9.97 I have already concluded on matters relating to flooding, air quality and ecology, and consider those findings to be relevant to the particular concerns raised in this instance. Matters of compensation are not for this Inquiry [6.54, 7.83].

Statutory Written Objections

Mr Alex Springs[39] of Ffestiniog and Welsh Highland Railway (OB2)

9.98 It is evident that the discussions between Mr Springs and Welsh Government have addressed the initial objection. To minimise disruption it would be necessary, as was stated by Mr Mike Jones, to ensure that the timing of works that would potentially disrupt the rail service is undertaken as far as possible during those periods of winter when the service does not run. I regard that as a firm intention of the Welsh Government. Mr Springs stated preference is the single level crossing which is the subject of proposed Modifications (CPO17 and SRO17). However, subject to matters of detail, no objection has been sustained by Ff&WHR to the original arrangement of 2 crossing points [6.55, 7.84].

9.99 From the evidence it appears that both arrangements would be effective in maintaining connectivity between the farm and its land whilst safeguarding the safety of rail users. The Welsh Government's preference would be for the original Scheme. The modifications are proposed in the absence of the approval of the ORR to the original arrangement and, in these circumstances, they are necessary to ensure that the Scheme can be delivered. I draw particular attention to this outstanding issue [4.74, 6.57].

Mr R G W & Mrs N P Griffiths (OB4)

9.100 I am satisfied that the impacts of the Scheme on the Griffiths' land and property in terms of noise, landscaping, drainage, boundary enclosures and topsoil protection are all satisfactorily addressed by the Scheme and the identified mitigation measures. Further discussions with the landowner over issues of detail would be necessary in advance of, and during, construction work [6.58, 7.86-7.88].

9.101 On the basis that no modifications have been proposed in response to the access to plot 1/14a I assume that Welsh Government consider that none are

[39] Mr Springs prepared a 'Proof of Evidence' as he subsequently did not present any oral evidence that document is effectively a supplementary statement.

necessary. I note that the objector considers that the project provides an opportunity to straighten an existing 'blind bend' in the road. Based on my site visit it seems to me that the access, which would be sited close to the outside of the bend, would not provide particular visibility difficulties when compared to other agricultural access points on this country lane. The proposed arrangements are acceptable [6.58, 7.85].

Mr and Mrs Wynn-Jones (OB46)

9.102 For reasons I have already given I am satisfied that the Scheme would meet the transport planning objectives and would be consistent with the WBFG Act. I am also satisfied that matters of noise, vibration, air quality, flooding and visual impact have all been properly assessed. These demonstrate that the impacts on Crug Farm would be acceptable. I have also reached a conclusion on the general loss of agricultural land to the Scheme. There is no suggestion that the loss to Crug Farm would jeopardise its business, though it would have an impact, including that in relation to the effect of uncertainty on future cropping plans and may, subject to consideration of compensation, affect income from subsidies [6.59, 6.60, 7.89-7.93, 7.99].

9.103 It is evident that negotiations are well advanced with regard to various accommodation works that would be provided to minimise disruption to the Crug Farm business. I am satisfied that the extent of the land to be acquired by CPO, including the Supplementary CPO, is the minimum necessary to carry out the work and the necessary mitigation works and that the SRO would make appropriate alternative arrangements to maintain access to the land [6.61, 6.62, 7.94-7.97].

9.104 I am convinced that the Supplementary CPO is necessary to ensure that the effective operation of the dry culvert as a wildlife corridor across the road, which forms part of the Scheme's ecological mitigation strategy as set out in the ES [4.161, 6.63].

9.105 The local topography means that the extensive excavation works proposed on the land is necessary to construct the section of the bypass linking to Plas Menai. The excavated material is needed as fill within other sections of the project but would be subject to testing to confirm its suitability [6.62, 7.98].

Mr Aled R Jones (OB47)

9.106 For reasons I have already given I am satisfied that the Scheme would meet the TPOs and would be consistent with the WBFG Act. I have also explained that I am also satisfied that matters of noise, vibration, air quality, flooding and visual impact have all been properly assessed. These demonstrate that the impacts on Hendy Farm would be acceptable. I have also reached a conclusion on the loss of agricultural land to the Scheme. There is no suggestion that the loss to the farm would jeopardise the business, though it would have an impact, including in relation to the effect of uncertainty on future cropping plans and may, subject to consideration of compensation, affect income from subsidies [6.64, 7.101-7.103, 7.107].

9.107 It is evident that negotiations are well advanced with regard to various accommodation works that would be provided to minimise disruption to the farm business. I am satisfied that the extent of the land to be acquired by

CPO is the minimum necessary to carry out the work and the necessary mitigation works and that the SRO would make appropriate alternative arrangements to maintain access to the land [6.65, 7.100, 7.105, 7.106].

Mr E Hughes (OB53)

9.108 The agent for Mr Hughes has confirmed that his client's interest in the matter has ceased on the sale of the land to a third party. This change in land ownership is recorded in proposed CPO Modification 16 [6.66, 7.108].

Ms Jenny Emmett, Gwynedd Archaeological Planning Service (GAPS) (OB58)

9.109 My earlier conclusions on cultural heritage deal with matters raised by GAPS. I am satisfied that the detailed concerns over the approach to archaeological work in preparation for and during construction can be properly dealt with in the proposed WSI. The failure to undertake the full extent of the proposed archaeological fieldwork is unfortunate, however, I am satisfied that reasonable efforts were exercised which were frustrated by the absence of statutory powers to carry out the work in the face of landowner refusal. I have already concluded that, in the circumstances, the additional investigative work that is proposed represents an appropriate approach to the potential archaeological interest of the site [6.67, 6.68, 7.109, 7.110].

9.110 I have also concluded earlier on the acceptable effect of the Scheme on the setting of Caerlan Tibot. In reaching this conclusion I have taken into account the reservations of GAPS in terms of potential noise whilst also noting that it accepts that it lacks the technical expertise to counter the Welsh Government's specialist evidence which shows that the Scheme would lead to a noise reduction at the SAM [6.69, 7.109, 7.111].

Mr H P Parry (OB60)

9.111 I consider that the proposed new access arrangements to Bodrual and the adjacent fields are reasonable. Given the length, width and virtually straight alignment of the road the additional cost of providing passing bays is not justified given the very low volume of traffic that would be sharing it. The physical severance of the parcel of land that would be retained on the opposite side of the new road would pose an inconvenience and would limit its usefulness. However, I am satisfied that the impact on this relatively small parcel of land and the extent of the permanent loss of land to the Scheme would not undermine the farming business. I am also satisfied that the extent of land required by the CPO is justified [6.70, 7.112, 7.113].

9.112 Concerns over matters of detail of means of enclosure, drainage and water supply and topsoil protection can be adequately address as accommodation works [6.70, 7.113, 7.114].

Mr Steve Edwards of SP Energy Networks (OB68)

9.113 No updated response has been received from Mr Edwards to the shape files that he requested and received. He was made aware of the Inquiry and has offered no further comment to substantiate or otherwise the holding objection. In his exchange with Welsh Government he has made clear that his concern is over protective provisions, including cost undertakings, regarding new consents and land rights for any diversions of the network. On that basis I

conclude that there is no substantive objection to the Scheme that could not be resolved through negotiations between the parties as the project moves forward, in the normal way. I conclude that, in the public interest, these should be undertaken urgently [6.71, 7.115].

Mr Gwyn & Mrs Nerys Hughes (OB71)

9.114 Mr & Mrs Hughes promote alternative OAP6 which I deal with later.

9.115 The Scheme would cause the loss of a portion of the smallholding but not threaten the viability of the business. The loss of land would be dealt with by compensation [6.72].

Mrs C Tuck (OB164)

9.116 Whilst no specific response has been provided by Welsh Government to this late objection, it is clearly evident that both plots of land are required to enable the Scheme to proceed. Welsh Government has confirmed its preference for negotiating with landowners to gain temporary rights during construction rather than permanently acquiring land for essential licence. The CPO provides the powers to Welsh Government in default of an agreement. Thus, whilst plot 1/11 is rightly included in the CPO, future acquisition may not take place. Plot 1/11a forms part of an essential and comprehensive package of measures to encourage the continuation of bat connectivity across the area. To ensure its long-term effectiveness the land would need to be controlled by Welsh Government in perpetuity and thus title rights are required. I am satisfied that the inclusion of both plots in the CPO is necessary [6.73, 7.117].

Non-Statutory Written Objections

Mr Robin and Mrs Kelly Evans (OB3)

9.117 I am satisfied that there are measures in place that would protect the remaining mature trees from inadvertent damage during construction. There would be a noticeable increase in noise levels at the Evans' home, but, in my view, not to unacceptable levels [6.74, 7.118, 7.119].

Mr Robert Fogg (OB7)

9.118 I am satisfied that the Scheme would not materially affect traffic in Colwyn Bay and Llandudno and that its impact on the countryside would be reduced by a package of measures, including extensive new planting. The influence of advertising on the public's perception of car use and road schemes is outside the scope of the Inquiry. Noting the Welsh Government's comments to the option of a rail link to Caernarfon made in response to Mr David Abbott's objection I am satisfied that it has been properly considered and does not provide a viable alternative to the Scheme, not least given that it would not perform well against the identified TPOs for the project [6.75, 7.120].

Mr David Abbot (OB10)

9.119 There is no evidence to suggest that an additional alternative route to Y Felinheli bypass is necessary. In earlier parts of this section I have concluded

on the effects of the Scheme on wildlife, archaeology and flooding [6.76, 7.121-7.123].

9.120 I have already concluded in dealing with Mr Fogg's objection, immediately above, that the suggested alternative of providing a rail link to Caernarfon has been properly considered and does not provide a viable alternative to the Scheme [6.76, 7.124].

Mr Gareth & Mrs Eleri Owens (OB15)

9.121 Mr and Mrs Owens are supportive of an alternative route (OAP1), which is considered later in this Section of the report.

9.122 I have already concluded on the more general concerns that have been raised, in terms of matters of compensation, public consultation, casualty reduction targets, local economy, agriculture, flooding, health and the WBFG Act [6.79, 7.126-7.129, 7.135].

9.123 The traffic count undertaken shows that traffic flows that would be diverted from one country lane to another at Pen-y-Bryn would not exceed the capacity of Rhos Bach Lane. The proposed realignment has been designed to provide adequate forward visibility on the approach to the underbridge. I conclude that the proposed alterations to these roads would represent a reasonably convenient alternative for local traffic [6.78, 7.125].

9.124 Noise impact would be potentially disruptive on occasions during the construction period but that the increase post-construction would be modest. There would also be a moderate adverse visual impact primarily caused by the proximity of an embankment. In my opinion these effects would not create unacceptable living conditions. Having regard to the existing road lighting the limited new lighting effects would be negligible. There would be no significant impacts in relation to air quality or vibration, and no reason to indicate that the operation of the solar panels would be impacted [6.78, 7.130-7.134].

9.125 I consider that the Scheme makes appropriate provision for mitigating any impacts arising, including in the vicinity of Y Gilfach. There is no compelling evidence to undermine the Welsh Government position that planting mature trees does not prove as effective as smaller specimens in the longer term [6.78, 7.132].

Thomas J Wheeler (OB27)

9.126 I have already concluded on the concerns relating to the rail option and the WBFG Act. The scheme would reduce congestion on the local road network and enable local bus services to be more efficient thereby encouraging a modal shift even though that is not a TPO of the scheme. There would also be opportunities for enhancing the environment for NMUs. However, these benefits need to be balanced against the likelihood that reducing congestion may encourage more local car borne journeys. Taking into account the journey time benefits that have been demonstrated I consider that the need for the bypass has been demonstrated and that the traffic growth forecasts are robust [6.80, 7.136-7.139].

Mr Neil C Jones (OB40)

9.127 I have already concluded on the concern raised that the absence of a connection between the A4085 and the bypass means that it fails to benefit local motorists. Whilst it seems to me that the provision of junction connecting the A4085 to the bypass would provide greater flexibility to the local road network, its absence does not undermine the clear evidence that the Scheme would improve the resilience of the network (TPO5). Nevertheless, I draw attention to the potential improvement that could ensue. Further improvement to resilience by the means suggested would reduce the journey time benefits for through traffic which is one of the TPOs for the Scheme (TPO1). Improving journey times between Beddgelert to Bangor is not an identified TPO but, as Welsh Government suggests, there would savings for most journeys through the study area [6.81, 7.140, 7.141].

Mrs Elen Fletcher (OB41)

9.128 Matters of compensation are not for this Inquiry.

9.129 I am satisfied that the short-term effects of noise during construction would not be unacceptable provided there are suitable mitigation measures in place and, subsequently, there would be a minor reduction in road traffic noise levels at Hafan Deg compared to the existing situation. The visual impact on the property would be adverse, but that would not create unacceptable living conditions and would soften over time as planting and extensive landscaping matures. Having regard to the existing road lighting the limited new lighting effects would be negligible [6.82, 7.142-7.145].

Mrs Rhiannon Humphreys Jones (OB49)

9.130 Mrs Jones is a supporter of alternative route OAP5A, which I consider later in this Section of the report.

9.131 I have already concluded on the more general concerns that have been raised, in terms of matters of compensation, public consultation, casualty reduction targets, local economy, agriculture, flooding, health and the WBFG Act [6.83, 7.146-7.149, 7.157].

9.132 The traffic modelling shows that traffic flows that would be diverted from one country lane to another at Pen-y-Bryn would not exceed the capacity of Rhos Bach Lane and the proposed realignment has been designed to provide adequate forward visibility on the approach to the underbridge. I conclude that the proposed alterations to these roads would represent a reasonably convenient alternative for local traffic [6.85, 7.156].

9.133 I am satisfied that the short-term effects of noise during construction would not be unacceptable provided there are suitable mitigation measures in place and, subsequently, there would be a minor reduction in road traffic noise levels at Llwyn compared to the existing situation. The visual impact would be adverse, but it would not create unacceptable living conditions and would soften over time as planting becomes established. Having regard to the existing road lighting the limited new lighting effects would be negligible [6.83, 6.84, 7.150-7.155].

9.134 I consider that the Scheme makes appropriate provision for mitigating any impacts arising, including in the vicinity of Llwyn [7.153].

The Rt Hon R V Wyn and The Hon Mrs A P R Budgen (OB50 & OB51)

9.135 As the concerns raised are all matters for compensation consideration, I make no comment [6.86, 6.87, 7.158].

Ms Shoned Rees Griffith (OB56)

9.136 This representation has been recorded as an objection, but appears only to seek information, which has been provided in the Welsh Government response [6.88, 7.159].

Ms Mair Evans (OB69)

9.137 In earlier paragraphs of this Section I have addressed concerns over the consultation exercise undertaken to inform the choice of route. I have also concluded in response to Mr Prytherch's (OB11) concern on the potential for the drivers of heavy vehicles to choose to travel through Bethel rather than use the Plas Menai section of the bypass [6.89, 7.160, 7.161].

Mr John Pritchard (OB77)

9.138 I do not dispute that Pont Rug is a pinch point for traffic, however, as it forms part of County highway network it lies outside the scope of this trunk road Scheme. The forecast decrease in traffic flows using it as a result of the Scheme would reduce delays [6.90, 7.162, 7.163].

9.139 My conclusion with regard to the suggested alternative of routeing the bypass to the east of Bontnewydd is set out in my later conclusions on OAP9.

Mrs Olwen Strello (OB81)

9.140 The Cottage and Farmhouse at Cae Samuel would be severely affected by the Scheme in terms of noise and the visual impact of a raised section of the road. However, noting that traffic noise would be below the threshold at which noise insulation could be offered for the property, I am satisfied that the effects of the Scheme on the living conditions of occupiers of these properties would not be unacceptable [6.91, 7.165-7.168].

Heather and Nick Hopkins (OB83)

9.141 I have already set out my conclusions in relation to the general concerns relating to ecological and flooding matters and concerns over public consultation [6.92, 7.169, 7.171, 7.172].

9.142 In terms of the more direct concerns raised I am satisfied that there would be no unacceptable effects in terms of air quality, noise or vibration at Seiont Mill Road. The decrease in the market value of property is for compensation consideration [6.92, 7.170, 7.173, 7.174].

Mr Matthew Jones (OB161)

9.143 Although recorded as an objection to the Scheme Mr Jones is a counter objector to those alternative routes proposed by objectors that would realign

the bypass and provide a roundabout at Caeathro. I conclude on those alternatives towards the end of this Section of the report [6.93, 7.175].

Mr R M and Mrs J E Wakefield (OB162)

9.144 I have already addressed concerns over the process that led to the choice of the bypass route in earlier paragraphs of this Section of the report. The suggested alternative of altering the vertical alignment of the proposed road in relation to the railway is considered in my conclusions on OAP4 and its various iterations towards the end of this Section [6.94, 7.176].

Mrs Kim Parry and Mr Albert Parry (OB163)

9.145 I have concluded on matters relating to traffic modelling and the capacity of the existing trunk road as well the effect on the economy, air quality and the countryside, in earlier paragraphs of this Section of the report. There is no detailed evidence to indicate that investment in this Scheme would be to the detriment of routine maintenance work on the existing trunk road network [6.95, 7.177-7.179].

Llanfaglan and Llanwnda Forum (OB165)

9.146 The Forum identifies a wide range of concerns including: the choice of route in relation to Bontnewydd; the visual, noise, flooding and cultural heritage impacts; the width of the road and its vertical alignment, particularly in relation to the railway; air quality; local traffic; agricultural impact; health impact; and risk of accidents. I have reached conclusions on these matters earlier in this Section of the report [6.96, 7.180, 7.181, 7.183, 7.186-7.190].

9.147 I am satisfied that there would be appropriate alternative arrangements made in relation to the local highway network and public rights of way in the vicinity of Llanfaglan and Bontnewydd to ensure that recreational users could continue to enjoy those routes. However, I agree with the Forum that the physical presence of the road and associated noise would harm the tranquil, undeveloped character of the area [6.96, 7.182].

9.148 It is evident that local councils and elected representatives have had the opportunity to comment on the Scheme in response to the public notification. The duly presented views of local elected representatives and the County Council in relation to the Scheme, which are recorded in this report, have informed my conclusions. In the complete absence of any representations from other councils, I can attach no weight to the assertion that they oppose the Scheme [6.97, 7.185].

Conclusions with regard to the Alternative Proposals

Alternative OAP1

9.149 There are 2 discrete elements to this alternative: one is the eastwards re-routeing to provide a roundabout at Caeathro; the other is the re-routeing of the northernmost section to terminate on Y Felinheli bypass [8.4].

9.150 The realignment of the mid-section of the bypass to include the Caeathro roundabout raises the following main points when compared to the Scheme:

- it would avoid the need to construct the large viaduct proposed in the Scheme over the Seiont
- it would avoid the direct impact on Glan Gwna Holiday Park and indirect impact on Gwalia Garage
- it would have a detrimental impact on the Gypsy Wood Park tourist attraction
- it would improve accessibility to the proposed bypass from the A4085, including Caeathro, thereby further reducing traffic in parts of Caernarfon
- there would be a potentially large adverse impact on areas of high ecological value caused by severing habitat and foraging areas for bats
- the creation of an additional roundabout would obstruct through flow and reduce the journey time benefits of the Scheme
- during construction it would cause greater disruption to local traffic in the vicinity of the Caeathro roundabout, and
- it would result in an increased loss of valuable ecological habitats [8.5, 8.6].

9.151 In comparison with the Scheme, I consider that the northernmost realignment raises the following points:

- it would avoid the landscape impact of the large cutting at Plas Menai proposed by the Scheme
- the loss of the Plas Menai cutting would deny the project the main source of fill material required to construct other sections of the road, thereby requiring expensive imported fill on public roads, and
- the proposed overbridge to connect the road to Y Felinheli bypass would be visually intrusive [8.5, 8.6].

9.152 OAP1 would reduce accident savings compared to the Scheme. In terms of value for money OAP1 has a BCR of 1.9 which is only slightly lower than the Scheme, and the element comprising only the northern section of the alternative would return a slightly higher BCR than the Scheme. However, the overall additional cost of OAP1 is estimated at £23.31m. In terms of the project's TPOs it performs better than the Scheme in relation to improving network resilience (TPO4) as a consequence of the forecast lower traffic volumes in Caernarfon. This benefit must be balanced against the poorer performance in the Llanwnda-Plas Menai journey times (TPO1) [8.5].

9.153 Moreover, the extent of the additional cost is particularly significant in light of the Minister's decision in 2013 (ID010) to change the choice of the Preferred Route to the Yellow route, on the basis that it was the more economically advantageous (estimated at the time to be £8.5m cheaper) [4.4].

9.154 OAP1 would give rise to more programming uncertainties, in particular given the greater extent of road closures that would be required and the increased likelihood of geotechnical risks/hazards for those sections of the route that are outside the area which has been surveyed. Pursuing such an option has the

potential to significantly delay delivery of a bypass, with the possibility that another Inquiry would be necessary [8.6].

9.155 In summary, whilst the alternative would provide benefits that the Scheme would not, it would also give rise to additional harmful impacts, including potentially significant ecological effects. In this respect, overall, I consider that the relative merit of this alternative set against the Scheme is finely balanced. However, when factoring in the additional costs, and the inevitable delay and additional uncertainty in delivering a bypass, I conclude that the alternative would not be as good as the Scheme and should not be pursued further [8.5-8.8].

Alternative OAP2

9.156 As this route is the same as the Caeathro element of OAP1 the main points that distinguish OAP2 and the Scheme have already been set out above [8.9].

9.157 As this option would only be part of that proposed in OAP1 it would be much less expensive than that alternative, but would still cost over £7m more than the Scheme. Moreover it would provide less value for money with a BCR of 1.7. In relation to the TPOs of the project this alternative performs as well as the Scheme for 4 of the TPOs and slightly better for TPO5 [8.10].

9.158 Whilst recognising the differences between OAP1 and this alternative, I consider that the overall balance and conclusions that I reach in relation to OAP1 are apposite in this case. Accordingly I conclude that the alternative is not better than the Scheme and need not be considered further [8.10-8.13].

Alternative OAP3

9.159 There are 2 discrete parts to OAP3. One element proposes the slight re-routeing of a short section of the bypass where it would cross the A4085 and the introduction of new roundabout junction with the A road, instead of crossing over it. This would greatly reduce the size of the proposed Seiont Viaduct [8.14].

9.160 The other element of this alternative follows the same route as the northern part of OAP1 but with a roundabout connection onto Y Felinheli bypass rather than slip road connections and a grade-separated crossing for eastbound traffic advanced by OAP1. Most of the material differences have already been set out in my comments on OAP1 above. However, OAP3 avoids the need for a costly, intrusive bridge over Y Felinheli bypass (noting that a smaller bridge would be required for local access over the proposed bypass where it would be contained within a cutting). It would also introduce a new roundabout on a relatively short section of road which is terminated at both ends of the Bypass by roundabouts [8.14].

9.161 The main points arising from the proposed roundabout on the A4085 are:

- improved connection to the proposed bypass for residents and businesses, including Peblig Industrial Estate
- increased traffic noise for those close to the A4085 as a result of additional traffic attracted by the new roundabout

- reduced traffic travelling through Caernarfon from the A4085 to access the bypass
- it would delay through traffic and secure lower journey time savings than the Scheme because of the introduction of the additional roundabout
- it would require a substantially smaller and lower viaduct across the Seiont which would ensure a reduced visual impact, including to the Glan Gwna Holiday Park [8.16].

9.162 The alternative provides the best value for money option of any of the proposals. Its BCR value of 2.3 is also appreciably better than the Scheme at 2.0, and reflects the significantly better safety benefit that has been identified. It is estimated to reduce fatal casualties by 9 and serious casualties by 88, compared to the respective totals for the Scheme of 7 and 71. It would also provide better network resilience than the Scheme. Therefore, it performs better than the Scheme in relation to 2 of the TPOs and as well in relation to the other 3 TPOs. However, this alternative would cost £13m more than the Scheme. As stated above I am mindful of the emphasis placed on the cost of the project by the Minister when it was decided that the Purple route should be replaced by the Yellow route as the Preferred Route [4.4, 8.15].

9.163 This alternative performs better than the Scheme in terms of a range of important considerations. However, I do not find that those considerations, either individually or cumulatively, demonstrate that it is an overwhelmingly better proposal. It would give rise to a greater degree of uncertainty over some matters. This, together with the delay that would be caused to the delivery of the project by having to design the alternative and follow the requisite procedures makes the relative merits of the alternative and the Scheme finely balanced. Finally, it is necessary to factor in the substantially greater public expenditure that would be incurred, including the costs associated with the additional work of preparing and seeking confirmation of new draft Orders. On a fine balance, I take the view that the additional costs and delay are not justified by the relative merits of the alternative and therefore it need not be pursued further [8.15-8.17].

Alternative 4 (OAP4, 4B, 4D & 4E)

9.164 The promoter's desire to lower or remove the section of embankment in the vicinity of the West Highland Railway is understandable. It would reduce the visual impact on a pleasant landscape which he, other local residents and recreational visitors to the area enjoy. However, it is evident that whichever iteration of this alternative is considered there are drawbacks. The proximity of several fixed points along this section of the road and the technical engineering requirements, such as the maximum gradient of the carriageway, greatly constrain the design options [8.22-8.25].

9.165 The alternative options would, to varying degrees, reduce the local effect on landscape character and the visual impact, including from most of closest properties on Llidiart Gwyn Road. However, some versions of the alternative would require the construction of a large embankment to serve an overbridge at Pont Llidiart Gwyn. This would introduce a visual impact on several of the nearby dwellings [8.18, 8.19, 8.22, 8.24].

9.166 The introduction of a cutting would give rise to drainage problems, such as the need for over-long drainage runs, holding tanks under the carriageway and a pumped drainage system. I am satisfied that these solutions are technically feasible. However, such solutions should generally be avoided given the additional costs involved and the particular future maintenance burden [8.22].

9.167 I do not consider than the visual impact of this section of the Scheme, taking into account the effect over time of the proposed landscape mitigation works, is such that it would justify imposing the additional burdens in terms of drainage associated with the options proposing cuttings. The options that propose lowering the embankments would have less of a benefit in terms of visual impact [8.22, 8.24].

9.168 The WHR concerns about replacing a proposed overbridge with an underbridge further weighs against the alternative because of the disruption to the rail service. I am also conscious that there may be safety issues with regard to the operation of the railway that would arise from pursuing the alternative as well as the constraints on the promoting authority in terms of their CPO powers on railway land. Such concerns give rise to significant uncertainty in relation to the delivery of these alternatives [8.23, 8.25].

9.169 The loss of the underbridges at Llidiart Gwyn road and the WHR would remove an important ecological corridor across the bypass which would have potential impacts on bats and otters. The impact of OAP4 and OAP4E would be less in this respect, given that these would maintain a degree of connectivity through the WHR underbridge [8.24].

9.170 The additional costs of the alternatives would vary considerably from OAP4 and OAP4E being £1.02m and £1.77m respectively, to OAP4B and OAP4D being £5.53m and £4.42m respectively. Broadly speaking, the greater the costs of the alternative the greater the benefit it would deliver in reducing visual impact. All options offer only marginally lower BCRs of 1.8-1.9 than the Scheme. All would perform as well as the Scheme in relation to the 5 identified TPOs [8.21].

9.171 The benefits of this Alternative in any of the 4 iterations suggested are off-set by the harmful effect on ecology and the significant degree of additional uncertainty that would arise. At best, I consider the case finely balanced in favour of these alternatives but I conclude that such a modest potential benefit does not justify the significant additional costs and uncertainty [8.20-8.25].

Alternative 5 (OAP5A, 5B & 5C)

9.172 OAP5A and 5C are promoted on the basis that they would reduce the visual impact of the Scheme on local residents and OAP5B is promoted by farmers concerned at the fragmentation of their landholdings [8.26].

9.173 Both OAP5A and 5C would reduce the visual impact of the high embankment to the north east of Meifod roundabout. This would benefit local residents including those at Pen-y-Bryn, but such benefit would be reduced in the case of OAP5A given the visual impact that would arise from the construction of an embankment to carry Rhos Bach Lane over the bypass [8.28].

9.174 By omitting the proposed realignment of Rhos Bach Lane all 3 options would avoid the impact that the Scheme would have on the agricultural land holdings of Pen-y-Bryn Land and Rhyddallt Bach. However, as OAP5B proposes that Rhos Bach Lane would run under the bypass, it would not provide the visual impact benefits of the other options [8.28].

9.175 At present Pen-y-Bryn Road and Rhos Bach Lane provide a short cut for local traffic between Caeathro and the southern periphery of Caernarfon. The Scheme would close the former connection but would maintain Rhos Bach Lane as a reasonably convenient alternative. The proposed stopping up of both links would require a less convenient detour for local traffic through Bontnewydd. Whilst maintaining an NMU route along Rhos Bach Lane would limit the severance to motorised traffic only, it would either require increasing the height of the main embankment, or require lowering the side road. The former adjustment would increase visual impact, whilst the latter would incur additional costs and drainage difficulties which would carry a future maintenance burden [8.28, 8.29].

9.176 All 3 options perform similarly to the Scheme in terms of value for money. OAP5A and 5B would cost £0.99m and £0.86m more than the Scheme respectively. OAP5C is £0.56 m less expensive and the option that would provide the greatest reduction in visual impact but would lead to the local community severance caused by stopping up the side road [8.27].

9.177 I conclude that the benefits of OAP5A and 5B over the Scheme are modest and do not justify the additional costs that would be incurred. Whilst OAP5C provides more benefit in terms of visual impact and would cost less, I conclude that these benefits do not clearly outweigh the severance that would arise. The suggested refinement of OAP5C would not eliminate severance and would give rise to the dis-benefits to which I have already referred. Thus, I conclude that there is no overwhelming reason for pursuing any of these alternative options further [8.26-8.30].

Alternative OAP6

9.178 The alternative, which would only affect a short section of the Scheme, has been advanced to reduce the impact on the smallholding at Llidiart Gwyn and retain productive land [8.31].

9.179 I am satisfied that, on balance, the alternative would not materially affect the Scheme's visual impact on nearby properties but would require the loss of some additional vegetation [8.32].

9.180 It would require changes to 2 proposed bridge structures as well as diverting a tributary of the Gwyrfai. The alternative is estimated to cost an additional £50,000 although this would not affect the BCR value. A significant factor weighing against the alternative is that it would utilise marshy grassland and mature vegetation which is of greater ecological value than the improved grassland taken by the Scheme. This would increase the impact on the habitats in the area and on protected species, although this could be mitigated in the longer term [8.32].

9.181 I consider that the dis-benefits including additional costs would be relatively small in comparison with the overall project but the benefits would also be

modest and, in my view, are clearly outweighed by the harm that has been identified [8.32, 8.33].

9.182 I conclude that OAP6 would offer an acceptable alternative route for the bypass but, for the reasons set out above, it should not be preferred to the Scheme [8.32, 8.33].

Alternative 7(OAP7A-7H)

9.183 The proposed crossing arrangements for Lôn Eifion around the Goat roundabout were widely debated at the Inquiry and eight alternative arrangements were advanced. That led to a general consensus that a form of grade-separated structure should be provided to carry the right of way across the bypass. There was no such consensus on which of the options was preferred, although I gained the impression that more individuals favoured underpasses than bridges.

9.184 One of the current attractive features of Lôn Eifion is its relative flatness, which is particularly beneficial for children and those with mobility difficulties and in, that regard, it must be recognised that the creation of rising or falling graded ramps would be bound to inject an impediment to the ease of flow for all. As for the options, providing underpasses creates additional cost some of which would be uncertain because of crucial traffic management, underground services and archaeology whilst an overbridge would create a significant visual impact. A series of ramps would be required and either a very long bridge would be needed to span the 2 crossing points or, alternatively, 2 separate structures in close proximity would be needed to cross the roads. Even if designed to the highest standards I am not convinced that such a solution could avoid creating a stark and obtrusive feature [8.34-8.36, 8.40].

9.185 At the Inquiry a number suggested that users would deliberately avoid dedicated crossing points but, if so, it seems to me that such actions would proliferate when individuals were faced with rising or falling ramps [6.32].

9.186 Concerns have also been raised that the Scheme would entail a longer detour around the roundabout than is presently provided even though some alternatives would entail longer diversions [6.32, 8.43].

9.187 All options would add costs to the Scheme, varying from £0.13m to £2.93m. As OAP7F would provide a direct link for users of Lôn Eifion and would avoid having to stop to cross the roads it would appear to be the most popular option. It would also be the most expensive [8.38].

9.188 I am satisfied that there is no significant engineering, cultural heritage or ecological impediments to the provision of a grade-separated crossing for Lôn Eifion [8.39].

9.189 I have given careful attention to the arguments presented by several witnesses who spoke at the Inquiry. They included experienced users of Lôn Eifion; experienced cyclists, ramblers and horse riders; and experienced engineers. They presented their arguments clearly and with sincerity and enthusiasm. However, I have already concluded that the Scheme provides an acceptable crossing arrangement for Lôn Eifion. In that context, I conclude

that there is no compelling evidence to show that, whilst grade separation was the preferred option, it would be a clearly better provision [8.42, 8.43].

9.190 Both the Scheme and alternatives would allow all users to travel safely without any significant delay. It seems to me that the introduction of one additional at-grade crossing point would not delay users of Lôn Eifion such that it would materially impact on the users' enjoyment of the route or otherwise negatively influence their decision to use the route again. These considerations lead me to conclude that there would be no justification in pursuing any of the OAP7 alternatives, and incurring the significant additional costs, programming uncertainty and, in some cases, disruption associated with those options that best meet the objectors' preferences [4.4, 8.37-8.43].

Alternative 9

9.191 The details of this alternative were refined during the Inquiry. I accept that the changes which were explained by the promoter Mr Prys Jones, would avoid some of the concerns raised in counter objections. In particular, the route could be designed to ensure that it does not directly impact on the Girl Guiding centre or on the village of Pentir. Mr Jones suggests that the new road should follow the line of existing roads as far as possible in order to minimise cost and visual impact. However, it is clear to me from the available evidence that these benefits would not be realised. Taking into account the width of the proposed road and the technical requirements in terms of both vertical and horizontal alignment, keeping the new road generally within the confines of an existing local road would not be possible to any material extent. The larger footprint would effectively require the removal of long sections of roadside hedgerows. Not only would such a loss be harmful to the landscape and ecology but the construction work would be particularly disruptive to local traffic [8.44-8.46].

9.192 In terminating on junction 11 of the A55 the alternative route seeks to tackle the congestion between Plas Menai and the A55. However, such concerns seem to be well outside the defined scope of the Scheme.

9.193 By greatly expanding the scope of the project, it is perhaps not surprising that the costs increase, in this case by a very significant extent. The route itself would be almost twice the length of the Scheme and its costs would some £79million (85%) greater. It would provide a much poorer value for money with a BCR of only 1.0, but there would also be no certainty that the additional funding would be available, especially in the light of the budgetary pressures that influenced the Minister's decision in 2013 to change the Preferred Route [4.4, 8.47].

9.194 The alternative would perform as well as the Scheme in relation to TPO 1 and TPO3, but worse in relation to the remaining 3 TPOs, in particular TPO4 (reducing accident rates) [8.47].

9.195 As I have already concluded, routeing the bypass to the east of the Bontnewydd would give rise to ecological impacts that could not be justified in terms of the relevant regulations on protecting European habitats. This consideration in isolation is sufficient to indicate that this alternative would not be deliverable [8.48].

9.196 Given the fundamental obstacles to the delivery of OAP9, it is not necessary to comment on the detailed concerns raised by Welsh Government and counter objectors or the benefits that are suggested to arise. I conclude that the alternative should not be considered further [8.47-8.53].

The Orders required for the Scheme

Conclusions with regard to the Line and De-trunking Order

9.197 I am satisfied that the proposed changes to the trunk road network would, bearing in mind the requirements of local and national planning policy, including the requirements of agriculture, be expedient and in the public interest for the purposes of improving the national system of routes for through-traffic in Wales.

9.198 I am also satisfied that the proposal for de-trunking a length of the existing A487 trunk road is expedient. The tests set out at paragraphs 9.2 and 9.3 above are therefore met.

Conclusions with regard to the Compulsory Purchase Order

9.199 I have closely studied the Schedule and Plans accompanying the Compulsory Purchase Order and can find no evidence of any proposal to purchase any land or rights other than those necessary to implement the Scheme.

9.200 The Welsh Government has recommended modifications to some areas, rights or ownership details included in the CPO. I have closely studied the proposals for modifying the Order and endorse all the modifications as being necessary for the purposes of the Scheme, or for improvement of it in the interests of all, and for the correct definition of the Order. Where the modifications seek to extend the scope of the CPO I am satisfied that interested parties have agreed the modifications in writing. The landowners affected by CPO Modification 14 have objected to it. However, that modification merely seeks to reflect Supplementary CPO 1 rather than introduce additional changes. Given that the objection raised to that Order has been properly considered, I am satisfied that no party would be adversely prejudiced by the incorporation of this modification [4.161, 4.162].

9.201 Most of the other modifications to the CPO have also been agreed in writing by the parties except where efforts to contact an interested party have not been successful. This has been the case for CPO Modification 4 & 8 where the proposed change is to the postal address of an interested party. I am satisfied that all the modifications would not adversely prejudice any party [4.162].

9.202 I am further satisfied that the whole Order, as modified, addresses no more land than is necessary and that the need for the whole of the CPO has been explained to my satisfaction. Budgetary provision has been made for the Scheme. It appears to me that there is no impediment to the Scheme proceeding. If the Orders are made work could start soon, for which reason I am satisfied that no land would be purchased ahead of time.

9.203 In coming to a view on this I have had regard to the Compulsory Purchase Order tests summarised at paragraph 9.4 above. I conclude that the Compulsory Purchase Order should be modified, in accordance with Annex C to this report, and as modified should be made, and that the Supplementary CPO 1 should also be made.

Conclusions with regard to the Side Roads Order

9.204 I am satisfied that the proposals for improving or stopping up the highways, and for the stopping up of private means of access in the Order are necessary to meet the Scheme's objectives.

9.205 With regard to highways, other convenient routes would be made available by the Scheme. During the Inquiry the need for a number of minor modifications arose. I am satisfied that these have been dealt with in the list of modifications proposed by the Welsh Government at Annex C.

9.206 With regard to the private means of access, those reasonable replacement means of access still required would become available before each stopping up takes place, or temporary measures would be provided.

9.207 Therefore, I am satisfied that, under the constraints of the geography of the area, reasonably convenient means of passage would be provided by the Scheme and therefore the tests set out at paragraph 9.5 above have been met.

Overall Conclusions on the Scheme

9.208 In my view there is a compelling case for the Scheme to be implemented in order to remove through traffic from Llanwnda, Dinas, Bontnewydd and Caernarfon, to improve safety within the town and significantly improve conditions for long distance traffic on the strategic trunk road network of North Wales. In so far that they are achievable by the construction of the Caernarfon and Bontnewydd bypass and side roads, the Scheme would achieve its objectives well and the achievement of those objectives would, in my view, provide a substantial public benefit.

9.209 For the reasons I have set out above I conclude that the modifications to the Side Roads and Compulsory Purchase Orders proposed by the Welsh Government are needed and those modifications would make those Orders acceptable.

9.210 The incorporation of those modifications would make the draft Line, draft Side Roads and draft Compulsory Purchase Orders acceptable. I do not regard any of the modifications proposed to be such as to make a "substantial change" of the magnitude necessary to cause further representation to be necessary in accordance with stipulations of Schedule 1 Section 8 (3) of the Highways Act. It follows that the Scheme is acceptable.

9.211 It is accordingly my view that the Scheme is in the public interest and should be allowed to proceed despite the sensitive environment through which it would pass. The Scheme would not, to my mind, have any disproportionate adverse impacts.

9.212 In coming to this view, I have had regard to all objections and representations made in writing and the oral presentations at the Inquiry. I have also had regard to the support for alternatives and the counter objections to them, made at the Inquiry and in writing, but individually or collectively, they do not outweigh the conclusions I have reached.

10. RECOMMENDATIONS

I recommend that:

- THE FISHGUARD TO BANGOR TRUNK ROAD (A487) (CAERNARFON AND BONTNEWYDD BYPASS AND DE-TRUNKING) ORDER 201-

  be made.

- THE FISHGUARD TO BANGOR TRUNK ROAD (A487) (CAERNARFON AND BONTNEWYDD BYPASS AND DE-TRUNKING) ORDER 201-

  be modified as set out in Annex C and as modified, be made.

- THE WELSH MINISTERS (THE FISHGUARD TO BANGOR TRUNK ROAD (A487) (CAERNARFON AND BONTNEWYDD BYPASS) COMPULSORY PURCHASE ORDER 201–

  be modified as set out in Annex C and as modified, be made.

- THE WELSH MINISTERS (THE FISHGUARD TO BANGOR TRUNK ROAD (A487) (CAERNARFON AND BONTNEWYDD BYPASS) SUPPLEMENTARY COMPULSORY PURCHASE ORDER 201–

  be made.

Hywel Wyn Jones

INSPECTOR

ANNEX A – APPEARANCES AT THE INQUIRY

FOR THE WELSH GOVERNMENT:

Mr C McNall of Counsel	Instructed by Mr John Davies of the Welsh Government Legal Division
He called:	
Mr Sasanka Fernando BEng (Hons) CEng MICE	Chief Witness - Need and Policy
Mr Neil Garton Jones BEng (Hons) CEng MIStructE MCIHT	Engineering Design
Mr Michael Jones BEng (Hons) CEng FCIHT	Construction Matters
Mr Tom Metcalfe BA(Hons) TPP MCIHT	Traffic and Economic Matters
Mr Peter McComiskey BA(Hons) DipLA CMLI	Environment and Landscape Matters
Ms Samantha Shove BSc (Hons) MCIEEM CEnv MICE MCIHT	Ecology and Nature Conservation
Mr Richard Perkins BEng(Hons) CEng FIOA	Noise & Vibration
Ms Claire Storer MEng (Hons) CEng MICE	Water Quality and Drainage
Mr Iwan G Parry BA (Hons) MCIfA	Cultural Heritage
Mr Tony Kernon[40]	Agricultural Matters

AS SUPPORTERS OF THE SCHEME:

Mr John Idris Jones	Chair of the Snowdonia Enterprise Zone
Mr Andrew Bilcliff	Director of Operations for Morlais Tidal Energy
Mr Arnold Kammerling	Managing Director of Carl Kammerling International Limited
Mr Mark Woolfenden	Managing Director of Afonwen Laundry

[40] Mr Kernon presented oral evidence to the Inquiry in relation to Agricultural Assessments prepared by Kernon Countryside Consultants Limited (ID055)

AS OBJECTORS OF THE SCHEME:

Mr Hugh O'Donnell	on behalf of Mr and Mrs Williams, Dinas Farm, and Mr & Mrs Salisbury and EHP Ltd
Mr Emyr Hughes	on behalf of Mr E V Williams of G G Williams and Sons and Mr J R and Mrs H R Jones
Mr John Pritchard	on behalf of Glan Gwna Country Holiday Park and Gwalia Garage
Mr David Gale-Hasleham	on behalf of Glan Gwna Country Holiday Park
Mr Clive A Hulse	on his own behalf and that of Glan Gwna 600
Mr D Pritchard Jones	Local resident
Mr Jonathan Powell	on behalf of Mr M Brymer
Mr Mike Vitkovitch	on behalf of the British Horse Society
Mr John Mather	Member of Cycling UK
Mr Chris Crompton	Member of Cycling UK
Mr Roy Spilsbury	on behalf of Cycling UK
Dr Richard Keatinge	on behalf of Beicio Bangor and Cycling UK
Mr Dave Woods	on behalf of Caernarfon and Dwyfor Ramblers
Mr Max Grant	on behalf of Ramblers Cymru
Mr Vincent Mears	on behalf of Arfon and Dwyfor Local Access Forum
Mr D Rhys Prytherch	Local Resident
Mr Nigel Spaull	Local Resident
Mr Hugh Prys Jones	Local Resident
Dr Gareth Parry Jones	Local Resident
Mrs Jean Thomas	Local Resident

ANNEX B: SUPPORTING DOCUMENTS

DOCUMENTS OF EVIDENCE OF THE WELSH GOVERNMENT WITNESSES

WG001	Statement of Case/Proof of Evidence - Welsh Government's Reasons for Proposing that the Published Draft Orders Should be Made - Part A – Policy Statement - Evidence of Mr Sasanka Fernando
WG001A	Summary Statement of Case - Welsh Government's Reasons for Proposing that the Published Draft Orders Should be Made - Part A – Policy Statement - Evidence of Mr Sasanka Fernando
WG002	Engineering Design Proof of Evidence of Mr Neil Garton Jones
WG002A	Summary of Engineering Design Proof of Evidence of Mr Neil Garton Jones
WG003	Construction Proof of Evidence of Mr Michael Jones
WG003A	Summary of Construction Proof of Evidence of Mr Michael Jones
WG004	Traffic and Transport Economics Proof of Evidence of Mr Tom Metcalfe
WG004A	Summary of Traffic and Economics Proof of Evidence of Mr Tom Metcalfe
WG005	Environment Proof of Evidence of Mr Peter McComiskey
WG005A	Summary of Environment of Proof of Evidence of Mr Peter McComiskey
WG006	Ecology and Nature Conservation Proof of Evidence of Ms Samantha Shove
WG006A	Summary of Ecology and Nature Conservation Proof of Evidence of Ms Samantha Shove
WG007	Noise and Vibration Proof of Evidence of Mr Richard Perkins
WG007A	Summary of Noise and Vibration Proof of Evidence of Mr Richard Perkins
WG007B	Noise and Vibration Supplementary Proof of Evidence of Mr Richard Perkins
WG008	Water Quality and Drainage Proof of Evidence of Ms Claire Storer
WG008A	Summary of Water Quality and Drainage Proof of Evidence of Ms Claire Storer
WG009	Cultural Heritage Proof of Evidence of Mr Iwan G Parry
WG009A	Summary of Cultural Heritage Proof of Evidence of Mr Iwan G Parry

INQUIRY DOCUMENTS

ID001	Pre-Inquiry Meeting Note
ID002	Amended drawings for Lôn Eifion crossings at Goat Roundabout
ID003	CPO drawings with Scheme layout overlay
ID004	Aerial image with Scheme overlay
ID005	Traffic Master Note on Congestion through A487 in Study Area and

ID005A	Additional Commentary and Road Sections
ID006	Register of Modifications at the start of Inquiry
ID007	Supplementary CPO No. 1
ID008	Bushell & Anor v SoS for Environment [1980] 2 All ER 608
ID009	Summary position of planning applications at Caernarfon Quarry
ID010	Minister's Decisions on Preferred Route (Purple and Yellow)
ID011	Note on Economic Assessment of Costs and Budget
ID012 ID012A	Cadw/GAPS Engagement
ID013	Note Comparing Scheme Line with that shown in JLDP
ID014	Not used
ID015	Definitions used of Base, Do Minimum and Do Something in Appraisals
ID016	CPO Modification 6 SRO Modification 1
ID017	Report on Scheme by Design Commission for Wales
ID018	Existing and Proposed Contour Drawings
ID019	Statutory Undertaker Plans – omitted from Construction Proof
ID020	Note Confirming Slope Gradients
ID021	Mr McNall's Opening Remarks
ID022	Note on Changes to TEMPro
ID023	Details of Caernarfon Quarry Planning Applications and s106 Obligations
ID024	Confirmation of Percentage Figures used in Construction Proof
ID025	Programme of Work Scenarios
ID026	Residential Land Take Tables
ID027	Schedule of Properties Affected
ID028	Costs of Work Proposed at Goat Roundabout
ID029	Not used
ID030	Air Quality Note on Dust
ID031	Not used
ID032	Glyn Rhonwy Pumped Storage Station Update Note
ID033	Employment at Cibyn Industrial Estate

ID034	Traffic Seasonality Note
ID035	Revised FCA Appendix
ID036	Environment Wales Act Note
ID037	Supplementary Noise Proof WG007B
ID038	Not used
ID039	OAP7A-7H Engineering Drawings
ID040	Not used
ID041	OAP7B2 – Note on Refinement to OAP7B
ID042	Active Travel Wales Design Guidance - Table 6.3, Photo 6.21- DE045 Toucan Crossing & Layout, DE043 Parallel Crossing & Layout
ID043	TA 91/05 – Table 6/1 – Criteria For Sustainability of At-Grade Rights of Way Crossing
ID044	Photographs of Lôn Eifion
ID045	Lôn Eifion Construction Cost Table for OAP7A-7H
ID046	ROSPA Road Safety Factsheet
ID047	Ramblers Updated Proof
ID048	Cycling UK Updated Proof
ID049	Engineering Drawings OAP 6 & 9
ID050	Sunken Costs of the Scheme
ID051 ID051A	Query about Lôn Eifion Crossing Costs and Frequency of Crossing Breakdowns
ID052	Explanation Note on Haul Road Route at Gwyrfai
ID053	OAP 1, 2, 3 & 4 Engineering Drawings
ID054	Dr Richard Keatinge – Presentation
ID055	Agricultural Reports
ID056	Traffic Data used to Assess Environmental Impacts
ID057	Explanation of differences between KS2 To KS3 BCR
ID058	Peblig Industrial Estate information
ID059 ID059A	Inter-Visibility Note – Caernarfon Castle
ID060	Local Air Quality Management
ID061	OB14 – Morogoro Plan & Long Section

ID062	Not Used
ID063	OB14 - £270k Cost Comparison
ID064 ID064A	OB14 – 300m Morogoro Cost Comparison & Maintenance Query
ID065	OB14 - Ponds 2/3 Ditches & Run-Off and Scour
ID066	OB14 - Lost Topsoil through Scour
ID067	OB14 - Use of word "Construction" in PMA Easement
ID068	TAN15 Note & Development Advice Map Zones
ID069	Not Used
ID070	Not Used
ID071	OAP 3 Transport Clarification
ID072	Goat Roundabout Toucan Timings
ID073	NMU Provision at Meifod Roundabout
ID074	Differences between Black Route and OAP1
ID075	Gwalia Garage's Supplementary Evidence
ID076	Clarification of Costs for OAP 2
ID077	Programme/Cost Implications of Implementing OAPs
ID078	Note on Glan Gwna Listed Buildings
ID079	Scheduled Ancient Monument - OAP 1 & 3
ID080	Noise Note: Caravans at Glan Gwna and nearby new housing and school
ID081	Visualisation at Glan Gwna
ID082	OAP 1 & 2 - Community & Private Assets
ID083	OAP 4D & 4E Technical Notes & Drawings
ID084	Comparison of EIAs for Scheme and Caernarfon Quarry
ID085	OAP 5 Large Scale Plans
ID086	OAP 9 Large Scale Plans
ID087	Glan Gwna Construction Summary Programme
ID088	Not used
ID089	FCA and New Climate Change Allowance
ID090	HAWRAT Assessment & WFD Objectives

ID091	OAP 1, 2 & 5B Costs Breakdowns
ID092	ORR Level Crossing Application
ID093	Agricultural Land Areas
ID094	ORR/WHR Crossing Interface with S108
ID095	OAP Rebuttal Comparison Clarification
ID096	OAP 5&6 Clarifications
ID097	Caernarfon Quarry Haul Roads
ID098	OAP 9 Route Refinement/Clarification
ID099	OAP 5C – Alternative Underpass
ID100	Road Safety Audit – Designer's Response
ID101	Caernarfon Quarry Planning Decision Notices
ID102	Not used
ID103	Requirement for Crug Farm Modification
ID104	Statement of Common Ground - GAPS and Welsh Government
ID105	OB31 alternative underpass
ID106	Cadw/GAPS responsibilities
ID107	Environmental Management Plans - Edge Planting Colours
ID108	Navigable waterways
ID109	OB46 - Crug Farm remnant field
ID110	Llanfaglan photographs
ID111	Dinas Farm Veterinary Surgeon letter
ID112	Woodland at Bryn Eglwys
ID113	SU3 - Afonwen Laundry Speaking Notes
ID114	Gwynedd Archaeological Trust Evaluation Report
ID115	Structure S108 – CPO & SRO Modifications 17
ID116	Lôn Eifion Workshop 15 May 2017 - minutes
ID117	Note of discussions with SP Energy Networks (OB68)
ID118	Not used
ID119	Note on Health Impact Assessment
ID120	Cultural Heritage Note on TAN24

ID121	Splitting OAP1 (KS2 purple route)
ID122	Objectors, Miscellaneous & Supporters – updated Table of Correspondence
ID123	Closing Statement of Mr McNall
ID124	Modifications Package 17 update
ID125	Bundle of Objectors' Proofs of Evidence
ID126	Bundle of Welsh Government's Rebuttals to Objections
ID127	Bundle of Welsh Government's Alternative Route Brochures and Rebuttals to Objectors' Alternative Routes
ID128	Bundle of support and counter objections to OAPs
ID129	Bundle of Modifications requested by the Welsh Government
ID130	Register of Commitments of the Welsh Government (as at close of Inquiry)
ID131	Cadw letter on visibility of Caernarfon Castle
ID132	Inspector's Note to Close the Inquiry

DEPOSIT DOCUMENTS

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DD001-DD021	Published Documents relating to the Orders
DD101-DD135	Policy and Strategy Documents
DD201-DD240	Regulations, Rules and Acts
DD301-DD338	Design Manual for Roads & Bridges etc.
DD401-DD403	British Standards and Other Standards
DD501-DD568	Other Documents not in the above Categories

LIST OF DEPOSIT DOCUMENTS – Published Documents Relating to the Draft Orders

DD001	THE FISHGUARD TO BANGOR TRUNK ROAD (A487) (CAERNARFON AND BONTNEWYDD BYPASS AND DE-TRUNKING) ORDER 201- and associated plans
DD002	THE FISHGUARD TO BANGOR TRUNK ROAD (A487) (CAERNARFON and BONTNEWYDD BYPASS) (SIDE ROADS) ORDER 201- and associated plans and schedules
DD003	THE WELSH MINISTERS (THE FISHGUARD TO BANGOR TRUNK ROAD (A487) (CAERNARFON AND BONTNEWYDD BYPASS) COMPULSORY PURCHASE ORDER 201- and associated maps and schedules
DD004	A487 Caernarfon and Bontnewydd Bypass Environmental Statement 2016 Volume 1 - Technical Assessment Report
DD005	A487 Caernarfon and Bontnewydd Bypass Environmental Statement 2016 Volume 2 – Figures
DD006	A487 Caernarfon and Bontnewydd Bypass Environmental Statement 2016 Volume 3 - Technical Appendices Part A Appendix A – C
DD007	A487 Caernarfon and Bontnewydd Bypass Environmental Statement 2016 Volume 3 - Technical Appendices Part B Appendix D – G
DD008	A487 Caernarfon and Bontnewydd Bypass Environmental Statement 2016 Volume 3 - Technical Appendices Part C Appendix H – L
DD009	A487 Caernarfon and Bontnewydd Bypass Environmental Statement 2016 – Non-Technical Summary
DD010	The Notice of Determination explaining proposals will be made subject to an Environmental Impact Assessment and that an Assessment of Implications for European Sites (AIES) is required

DD011	A487 Caernarfon and Bontnewydd Bypass – Stage 3 Scheme Assessment Report (Parsons Brinckerhoff, February 2011. Reference HHC91381A/24)
DD012	A487 Caernarfon and Bontnewydd Bypass Sustainable Development Report (2016)
DD013	The Public Notice announcing the publication of the draft Compulsory Purchase Order
DD014	The Public Notice announcing the publication of the Environmental Statement and the Statement to Inform an Appropriate Assessment
DD015	Not used
DD016	The Explanatory Statement explaining the proposals contained in the draft Line and De-trunking Order and the draft Side Roads Order
DD017	The Statement of Reasons explaining the proposals contained in the draft Compulsory Purchase Order
DD018	Public Notice announcing intention to hold a Public Local Inquiry and Pre - Inquiry Meeting
DD019	The Outline Statement of the Welsh Government's Principal Submission to be put forward at the Public Local Inquiry (PLI)
DD020	Scheme Assessment Report August 2016
DD021	The Public Notice announcing the publication of the draft Line and De-trunking Order and the draft Side Roads Order

LIST OF DEPOSIT DOCUMENTS – Policy and Strategy Documents

DD101	Programme for Government
DD102	The National Transport Plan
DD103	The Highways and Transport (Cycle Routes) Bill – This is now the Active Travel (Wales) Act 2013 (DD210)
DD104	People, Places, Futures – The Wales Spatial Plan (WAG, 2004)
DD105	People, Places, Futures – The Wales Spatial Plan 2008 Update (WAG, 2008)
DD106	One Wales: Connecting the Nation – The Wales Transport Strategy (WAG, 2008)
DD107	Prioritised National Transport Plan – December 2011
DD108	The Wales Infrastructure Investment Plan for Growth and Jobs - 2012
DD109	Community Benefits: Delivering Maximum Value for the Welsh Pound
DD110	Trunk Road Forward Programme – November 2009

DD111	Welsh Transport Planning and Appraisal Guidance (WelTAG)
DD112	Strategic Environmental Assessment
DD113	Statement to inform the Appropriate Assessment of the National Transport Plan (NTP) March 2010.
DD114	Minister for Economy, Science and Transport Written Statement July 2013
DD115	National Transport Plan 2015 - Draft
DD116	The Road Safety Framework for Wales (July 2013)
DD117	Planning Policy Wales: Technical Advice Note (TAN) 11 - Planning and Noise
DD118	The Environment Strategy for Wales (WAG 2006)
DD119	Vibrant and Viable Places – New Regeneration Framework (2013)
DD120	Climate Change Strategy for Wales
DD121	Not Used
DD122	Not Used
DD123	Planning Policy Wales: Technical Advice Note 15 - Development and Flood Risk
DD124	Planning Policy Wales (Edition 9, November 2016)
DD125	TR111 Plan
DD126	Planning Policy Wales, Edition 7.
DD127	Gwynedd Unitary development Plan (2001 - 2016) http://www.cartogold.co.uk/gwynedd/
DD128	Gwynedd Council and the Isle of Anglesey County Council Joint Local Development Plan (2011 - 2026), (Deposit Plan, 2015)
DD129	Gwynedd Council Local Flood Risk Management Strategy (February 2013)
DD130	Western Wales River Basin Management Plan (2009 and 2015)
DD131	Taking Wales Forward 2016 -2021
DD132	The National Transport Finance Plan (2015)
DD133	Moving North Wales Forward (March 2017)
DD134	The North Wales Joint Local Transport Plan (2015)
DD135	The World Heritage Site Management Plan: The Castles and Town Walls of Edward I in Gwynedd (2004)

LIST OF DEPOSIT DOCUMENTS – Regulations, Rules and Acts

DD201	National Assembly for Wales (Transfer of Functions) Order 1999

DD202	Government of Wales Act 2006
DD203	Highways Act 1980
DD204	Acquisition of Land Act 1981
DD205	Transport (Wales) Act 2006
DD206	EU Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment.
DD207	Public Participation Directive 2003/35/EC
DD208	Highways (Assessment of Environmental Effects) Regulations (SI No. 369), 1999
DD209	Highways (Environmental Impact Assessment) Regulations 2007 (SI No. 1062), 2007
DD210	The Active Travel (Wales) Act 2013
DD211	NAFWC 14/2004 Revised Circular on Compulsory Purchase Orders
DD212	The Highways (Inquiries Procedure) Rules 1994
DD213	The Compulsory Purchase by Ministers (Inquiries Procedure) Rules 2010 (Section 1 Published Docs)
DD214	Traffic Signs Regulations and General Directions 2002.
DD215	Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (EIA Directive)
DD216	Conservation of Habitats and Species Regulations 2010
DD217	Directive 92/43/EEC on the conservation of natural habitat and of wild fauna and flora (Habitats Directive)
DD218	Directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment
DD219	Noise Insulation Regulations (1988)
DD220	Environment (Wales) Act, 2016
DD221	The Control of Pollution Act 1974
DD222	The Environmental Noise (Wales) Regulations 2006
DD223	Water Framework Directive (2006/60/EC)
DD224	Groundwater Directive (2006/118/EC)
DD225	Well-being of Future Generations (Wales) Act 2015
DD226	Historic Environment Wales Act (2016)
DD227	Ancient Monuments and Archaeological Areas Act (1979)
DD228	Planning (Listed Buildings and Conservation Areas) Act (1990)
DD229	Hedgerow Regulations 1997
DD230	Welsh Office Circular 60/96 Planning and the Historic Environment: Archaeology

DD231	Welsh Office Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas
DD232	Welsh Office Circular 1/98 Planning and the Historic Environment: Directions by the Secretary of State for Wales
DD233	The Gwynedd Historic Environment Record (HER). Located at: Craig Beuno, Garth Road, Bangor, Gwynedd, LL57 2RT
DD234	The National Monuments Record (NMR) Located at: RCAHMW Library and Search Room, National Library of Wales, Ffordd Penglais, Aberystwyth, SY23 3BU
DD235	Aerial photographs curated by the Central Register for Aerial Photography in Wales. Located at: Aerial Photography Unit, Welsh Government, Crown Offices, Cathays Park, cardiff, CF10 3NQ
DD236	UK National Archives Located at: Kew, Richmond, Surrey, TW9 4DU
DD237	Caernarfon Record Office. located at: Gwynedd Archive Service, Gwynedd Council, Caernarfon, LL55 1SH
DD238	Cardiff University Library. Located at : Colum Drive, Cathays, Cardiff, CF10 3EU
DD239	Cadw, CCW and ICOMOS UK Register of Landscapes of Special Historic Interest in Wales
DD240	Register of Landscapes of Outstanding Historic Interest in Wales

LIST OF DEPOSIT DOCUMENTS – Design Manual for Roads & Bridges (DMRB) etc

DD301	Design Manual for Roads and Bridges Volume 6 Section 1, Part 1 TD 9/93 Highway Link Design (incorporating Amendment No.1 dated Feb 2002)
DD302	DMRB Vol 5, Section 1, Part 3 TA 46/97 Traffic Flow Ranges for Use in the Assessment of New Rural Roads
DD303	Design Manual for Roads and Bridges Volume 6 Section 1, Part 1 TD 70/08 Design of Wide Single 2+1 Roads
DD304	Design Manual for Roads and Bridges Volume 6 Section 1, Part 2 TD 27/05 Cross-Sections and Headroom
DD305	Design Manual for Roads and Bridges Volume 6 Section 2, Part 3 TD16/07 Geometric Design of Roundabouts.
DD306	Design Manual for Roads and Bridges Volume 6 Section 2, TD 42/95 Geometric Design of Major/Minor Priority Junctions.
DD307	Design Manual for Roads and Bridges Volume 6 Section 2, TD 41/95 Vehicular Access to All-Purpose Trunk Roads.
DD308	Design Manual for Roads and Bridges Volume 6 Section 3, TD 69/07 The Location and Layout of Lay- bys and Rest Areas.
DD309	Design Manual for Roads and Bridges Volume 6 Section 3, TA 57/87 Roadside Features
DD310	Design Manual for Roads and Bridges Volume 2 Section 2, TD 19/06 Requirement for Road Restraint Systems
DD311	Design Manual for Roads and Bridges Volume 5, Section 2, Part 2 HD 19/03 ‘Road Safety Audits’

DD312	Design Manual for Roads and Bridges Volume 10 Environmental Design and Management
DD313	Design Manual for Roads and Bridges Volume 11 Environmental Assessment
DD314	Design Manual for Roads and Bridges Volume 11, Section 2, Part 3 HD 47/08 'Screening of Projects for Environmental Impact Assessment'
DD315	Design Manual for Roads and Bridges Volume 11, Section 2, Part 5 HA 205/08 'Assessment and Management of Environmental Effects'
DD316	Design Manual for Roads and Bridges Volume 11, Section 3, Part 1 HA 207/07 'Air Quality'
DD317	Design Manual for Roads and Bridges Volume 11, Section 3, Part 2 HA208/07 'Cultural Heritage'
DD318	Not used
DD319	Design Manual for Roads and Bridges Volume 11, Section 3 Part 6 'Land Use'
DD320	Design Manual for Roads and Bridges Volume 11, Section 3, Part 7 HD 213/11 Revision 1 'Noise and Vibration'
DD321	Design Manual for Roads and Bridges Volume 11, Section 3, Part 4 Ecology and Nature Conservation
DD322	Design Manual for Roads and Bridges Volume 11, Section 4, Part 1 HD 44/09 Assessment of Implications (of Highways and/or Road Projects) on European Sites (including Appropriate Assessment)
DD323	Design Manual for Roads and Bridges Volume 11, Section 3, Part 10 HD 45/09 'Road Drainage and the Water Environment'
DD324	Design Manual for Roads and Bridges Volume 11 Section 3, Part 11 'Geology and Soils'
DD325	Transport Analysis Guidance Unit M3.1
DD326	Transport Analysis Guidance Unit M4
DD327	Transport Analysis Guidance Unit A1-1
DD328	Interim Advice Note (IAN) 125/09 (W) Supplementary Guidance for Users of DMRB Volume 11 'Environmental Assessment' WALES ONLY
DD329	Interim Advice Note (IAN) 126/09 (W) Environmental Impact Assessment: Reporting of the Determination and Publication of Notices
DD330	Interim Advice Note (IAN) 170/12 Updated air quality advice on the assessment of future NOx and NO2 projections for users of DMRB Volume 11, Section 3, Part 1 'Air Quality

DD331	Interim Advice Note (IAN) 174/13 Updated advice for evaluating significant local air quality effects for users of DMRB Volume 11, Section 3, Part 1 'Air Quality (HA207/07)
DD332	Interim Advice Note (IAN) 175/13 Updated air quality advice on risk assessment related to compliance with the EU Directive on ambient air quality and on the production of Scheme Air Quality Action Plans for user of DMRB Volume 11, Section 3, Part 1 'Air Quality
DD333	Interim Advice Note (IAN) 130/10 Ecology and Nature Conservation: Criteria for Impact Assessment
DD334	Interim Advice Note 135/10 (W) Landscape and Visual Effects Assessment It sets out the requirements for the Welsh Government and Managing Agents when assessing and reporting on the effects highway projects have on landscape character and on views from sensitive visual receptors. It applies to new construction, improvement and maintenance projects and replaced DMRB Volume 11 Section 2 Part 5 for use in Wales.
DD335	Transport Analysis Guidance TAG Unit M2 Variable Demand Modelling.
DD336	Design Manual for Roads and Bridges Volume 6 Section 2, TD 50/04 The geometric layout of signal controlled Junctions and Signalised roundabouts
DD337	Design Manual for Roads and Bridges Volume 1 Section 1, BD 2/12 Technical Approval of Highways Structures
DD338	Design Manual for Roads and Bridges Volume 5, Section 2, Part 5, HD 42/05 Non-Motorised User Audits

LIST OF DEPOSIT DOCUMENTS – British Standards and Other Standards

DD401	BS 5228-1:2009+A1:2014 and BS 5228- 2:2009+A1:2014 Code of Practice for noise and vibration on construction and open sites.
DD402	BS6472-1 2008 Guide to evaluation of human exposure to vibration in buildings. Vibration sources other than blasting
DD403	BS5489: Part 2:2003 Code of Practice for the Design of Road Lighting

LIST OF DEPOSIT DOCUMENTS – Other Documents not in the above Categories

DD501	Stage 1 Road Safety Audit (RSA) Report
DD502	Designer's Response to RSA
DD503	Stage 1 Road Safety Audit (RSA) Report Update
DD504	Design Options Report – Highways
DD505	Design Options Report – Structures (3513874-PB-XX-XX-RP-S-00001)
DD506	Departures from Standards Report
DD507	(3513874-PB-XX-XX-RP-TR-00010, December 2016)

DD508	Local Model Validation Report, 3513874-PB-XX-XX-RP-TR-00012
DD509	Traffic Forecasting Report, 3513874-PB-XX-XX-RP-TR-00013
DD510	Economic Assessment Report, 3513874-PB-XX-XX-RP-TR-00014
DD511	A487 Caernarfon and Bontnewydd Bypass - Environmental Scoping Report 2015
DD512	Design Commission for Wales (DCfW) Report (September, 2015)
DD513	Approval in Principle Report (3513874-PB-SMN-CU-RP-S-00001)
DD514	Wider Economic Impacts Assessment (3513874-PB-XX-XX-RP-TR-00017, May 2016)
DD515	WHR Load and Structure Gauge
DD516	Guidelines for Landscape and Visual Impact Assessment, Third Edition; Landscape Institute and Institute of Environmental Management and Assessment
DD517	2014 Bat Survey Information from Consultants Ramboll
DD518	TACP 2016 Annual Bat Report
DD519	TACP 2016 Water Vole Survey
DD520	NRW 2016 Pearl Mussel Survey Report
DD521	IEEM - Guidelines for Ecological Impact Assessment in the United Kingdom 2006
DD522	Bat Conservation Trust – Bat Surveys for Professional Ecologists – Good Practice Guidelines 3rd Ed. 2016
DD523	National Rivers Authority Survey Guidance 1993a + b
DD524	British Trust for Ornithology (BTO) Breeding Birds Survey Method
DD525	Great Crested Newt Habitat Suitability Index (HSI) Method (Oldham *et. al.)*
DD526	English Nature – Great Crested Newt (GCN) Mitigation Guidelines (2001)
DD527	(Knight and Jones, 2009). Importance of night roosts for bat conservation: roosting behaviour of the lesser horseshoe bat *Rhinolophus hipposiderus. Endangered Species Research.* Vol. 8: 79-86.
DD528	UK Steering Group Local Biodiversity Action Plan (LBAP) Guidelines
DD529	Archaeological Written Scheme of Investigation (WSI)
DD530	GAT Archaeological Evaluation – Final Interim Report
DD531	Stage 2 Environmental Impact Assessment (EIA) Report (Parsons Brinckerhoff, March 2012. Reference HHC91381A/21/A)
DD532	Technical Appraisal Report (TAR) Supplementary Consultation (Parsons Brinckerhoff, February 2011)
DD533	Not Used
DD534a	KS3 Traffic Forecasting Report
DD534b	KS3 Economics Report
DD535	The National Travel Survey
DD536	Scheme Assessment Report (August 2016)

DD537	Initial Accident and Traffic Data Collection Report (3513874-PB-XX-XX-RP-TR-0001 August 2015)
DD538	Roadside Interview Survey (RSIs) (March, 2009)
DD539	Traffic Model Report of Surveys (3513874-PB-XX-XX-RP-TR-00010, September 2015)
DD540	Research Report 67:, The prediction of saturation flows for road junctions controlled by traffic signals, (TRL, 1986) :
DD541	Laboratory Report 942: The traffic capacity of roundabouts, (TRL, 1980)
DD542	Supplementary Report 582: the traffic capacity of major/minor priority junctions, (TRL, 1980)
DD543	LMVR (3513874-PB-XX-XX-RP-TR-00012, January 2017).
DD544	Not Used
DD545	Department for Transport. (2015). Road Traffic Forecasts 2015
DD545a	Department for Transport. (2015). COBALT User Guide Version 2013.02.
DD546	Safety Policy Level Crossing Risk Management (SM POL 034 Issue D07)
DD547	NMU Survey Findings Technical Note
DD548	Ground Investigation Report (GIR)
DD549	Local Transport Note 1/94 – The Design and Use of Directional Informatory Signs, July 1994 (DoT/Welsh Office) (LTN 1/94)
DD550	Signage Strategy scheme drawing
DD551	Road Restraint Risk Assessment Process User Guide, Issue 1 Rev 2 March 2011 (Mouchel Parkman)
DD552	Flood and Coastal Defense Project Appraisal Guidance, Volume 3 (FCDPAG3), Supplementary Note - climate change impacts (Defra, 2006)
DD553	CL-03-16 - Climate change allowances for Planning purposes, Welsh Government, 2016
DD554	British Geological Survey: Geology of Britain (online mapping)
DD555	Soil survey of England and Wales maps (1:50000 series, 1983)
DD556	Pollution Prevention Guidelines, Environment Agency
DD557	Method Statement for the classification of surface water bodies, Environment Agency, April 2011
DD558	Water Framework Directive implementation in England and Wales: new and updated standards to protect the water environment, May 2014
DD559	Water Framework Directive risk assessment: how to assess the risk of your activity, Environment Agency, April 2016
DD560	Alignment and Junction Strategy Report
DD561	Report on Public Information Exhibition
DD562	Active Travel (Wales) Delivery Guidance
DD563	Active Travel (Wales) Design Guidance
DD564	Non-Motorised User Audit Report Updates
DD565	Handbook for Phase 1 Habitat Survey guidelines
DD566	Highways Agency Water Risk Assessment Tool
DD567	Combined Land Schedule

DD568	Calculation of Road Traffic Noise

ANNEX C – SUPPLEMENTARY CPO AND MODIFICATIONS SOUGHT BY THE WELSH GOVERNMENT

Supplementary CPO 1 (ID007)

The draft Supplementary CPO 1, which is accompanied by a Statement of Reasons, was published on 13 June 2017. The owners, Mr and Mrs Wynn-Jones, were notified and objections were invited before 5 July 2017.

The Schedule to the Supplementary Order identifies 2 plots within enclosure No. L0007 at Crug Farm, which are owned and occupied by Mr B Wynn-Jones and Mrs S Wynn-Jones. The 2 plots, 9/5s and 9/5t, are 740 square metres and 252 square metres in area respectively and are shown on the accompanying Plan, sheet 9/9.

Plot 9/5t is required to enable the construction of an earth bund that is necessary to prevent flooding of a proposed culvert that would otherwise undermine its effectiveness for wildlife. An easement is required over plot 9/5t for construction and future maintenance access.

All modifications proposed by the Welsh Government are set out below and detailed in a folder at ID129.

CPO Modification 1

Delete from the CPO Schedule an incorrect reference to a mortgage interest that has been recorded for Plot 5/2.

CPO Modification 2

In the CPO Schedule, change ownership and other interest details in relation to plots 1/4, 1/4a, 1/4b.

CPO Modification 3

To change tenant and occupier details in relation to plots 6/3 & 6/3a in the CPO Schedule.

CPO Modification 4

In the CPO Schedule change the postal address of an owner in relation to Plots 1/11 & 1/11a.

[The change is based on the best available information available to the Welsh Government team in the absence of any response from an owner. Another owner, Mrs Tuck, has responded to state her disapproval of the modification.

However, it appears from the comment provided that she objects to the CPO rather than the modification and thus has duly been recorded as an objection ref: OB164.]

CPO Modification 5

In relation to plot 1/15 in the CPO Schedule delete the references to the previous owners and occupiers following Welsh Ministers' purchase of the property known as Morogoro.

CPO Modification 6 & SRO Modification 1[41]

Modify the CPO and SRO Plans and Schedules to reflect the proposed re-routeing of Lôn Eifion around the Goat roundabout and the revised crossing arrangements of the A487 (S) and the de-trunked A487. The CPO Schedule would be modified in relation to plots 1/1, 1/1a-1/1c and plots 1/1m and 1/1n would be added. The SRO Schedule would be modified by the deletion of row 1/a and the addition of row 1/e. Corresponding changes are shown for the CPO and SRO Plans.

[The CPO modification would increase the extent of the land take. However, this land is exclusively within the ownership of Welsh Ministers. Statutory undertakers with an interest in nearby land have been notified but have not responded. Gwynedd Council has confirmed acceptance of the modifications. Persons who have expressed an objection to the Scheme have been notified.]

CPO Modification 7

To amend ownership and occupier details in relation to plots 9/4, 9/4-9/4d in the CPO Schedule.

CPO Modification 8

In the CPO Schedule to change the postal address of an owner in relation to Plot 6/1be. The change is based on the best available information available to the Welsh Government team in the absence of any response from an owner.

CPO Modification 9

To correct an error in the CPO Schedule and Plan in relation to the extent of land ownership at the entrance to Tyddyn Elen by introducing a new plot (4/2a) that would effectively reduce the extent of plot 4/3 and by extending plot 4/2 to fully encompass the land required. The Schedule to be amended by adjusting the stated area of plots 4/2 and 4/3 and by providing a description of plot 4/2a and identifying the owners and occupiers.

[The owners of plots 4/2 and 4/2a and the owner of plot 4/3 have confirmed acceptance of the modification.]

CPO Modification 10 & SRO Modification 2

A series of modifications are proposed to the CPO and SRO Schedules and Plans in response to an issue raised by Gwynedd Council on the basis that the names

[41] The SRO Modification numbering protocol which has been used follows a numerical order in some cases but in others adopts the same number as the corresponding CPO Modification

and reference numbers used to refer to several public rights of way were incorrect. References to 'Waunfawr 31' and 'Waunfawr 32' should read 'Bontnewydd 26', references to 'Bontnewydd 26' should read 'Waunfawr 31', and references to 'Caernarfon 05' should read 'Llanrug 36'.

Plots 5/1, 5/1e-5/1h in the CPO Schedule are affected by the modification as are Plans on CPO Sheets 5/9, 6/9, 7/9, 8/9. It is noted that on the presented modification plan reference 10e, the CPO Sheet is annotated as '4/9' when in fact it ought to be '8/9'. SRO sheets 5/9, 6/9, 7/9, 8/9 and one entry in relation to 5/A on the SRO Schedule are also affected by the modification. *[Gwynedd Council has confirmed acceptance of the modification which provides the correct labelling for the public rights of way.]*

CPO Modification 11

Change of occupier details on the CPO Schedule in relation to plots 3/7, 3/7a-3/7j.

CPO Modification 12

Change the CPO Schedule to include an additional interest in plot 5/1a to reflect the presence of a neighbours' septic tank soakaway.

CPO Modification 13a & 13b & SRO Modification 3

Modify the CPO and SRO Plans and Schedules to provide new PMA rights over a stopped up highway to provide access to an existing field gate at Rhyd y Galen.

SRO Modification 3 would alter the SRO schedule by the addition of a new PMA, reference number 8/13a. The corresponding alteration to the SRO plan, sheet 8/9, shows the PMA extending over a length of a highway to be stopped, in addition the PMA would extend southwards from the line of the highway to encompass part of a field in order to facilitate an alignment for the PMA that would enable vehicular turning on to a section of improved highway. To accommodate this SRO modification, CPO modification 13a proposes a change to CPO Plan sheet 8/9 to identify an additional plot, 8/3g, and subdivide 8/3e to include plots 8/3h & 8/3j. The CPO Schedule is amended to reflect the change in the size of plot 8/3e and to add plots 8/3g, 8/3h & 8/3j to include descriptions of the plots and details of those with an interest in the land. *[The agent on behalf of the land owners has confirmed their acceptance of this modification.]*

CPO Modification 13b follows from 13a and reflects the shared ownership of the PMA that would include owners of the land on the opposite side of the existing road. These owners and occupiers are the same as identified in CPO Modification 7 and relate to new plots 9/4e, 9/4f & 9/4g.

[The landowners have all confirmed their agreement to the modifications, and Gwynedd Council agree to the SRO modification.]

CPO Modification 14

This modification is in response to Supplementary CPO 1. CPO Plan sheet 9/9 and the Schedule are amended by the deletion of plot 9/5c and the addition of plots 9/5s and 9/5t with the Schedule recording the owners and occupiers. The

details for Plots 9/5s and 9/5t are the same as for Supplementary CPO 1 and, in effect, are shown on the modification for completeness.

[The agent for the owners confirms that they disapprove of the modification on the same basis as they object to the Supplementary CPO 1.]

CPO Modification 15 & SRO Modification 4

These modifications are presented in response to objections (OB1 and OB43) from the landowners. The modifications would alter the layout of a proposed PMA to fields in the vicinity of the proposed Meifod roundabout to facilitate ease of access for 2 land owners.

The SRO Schedule would be altered by the deletion of references to PMA 4/2a, 4/2b 4/4a and their substitution with 4/2c, 4/2d and 4/2e. These are shown on SRO sheet 4/9 which shows the suggested realignment and extension of the PMA.

To accommodate the SRO modification, the CPO would be modified such that plots 4/3 and 4/4b would be reduced, plot 4/4c enlarged and plots 4/3b, 4/3c, 4/3e and 4/4a deleted. Extending beyond the limits of those plots to be deleted, new plots 4/3f, 4/3g, 4/3h, 4/3j and 4/4j would be introduced as shown on CPO Plan sheet 4/9 and recorded in the Schedule. The Schedule would also record the reduced size of plot 4/3 and delete incorrect references to tenants and occupiers for plots 4/3, 4/3a and 4/3d. The changes in the size of plot 4/4b and 4/4c would also be recorded. Details of the owners and others with an interest in the new plots would be listed. The Schedule also proposes an additional new plot 4/4k which is not shown on the Plan. It described as measuring 35 square metres and lies within the same enclosure, E0014, as 4/4j. *[It is anticipated that this apparent minor discrepancy would be addressed prior to confirming this CPO modification.]*

[Both landowners have confirmed their approval of the modifications and Gwynedd Council has confirmed it acceptance of the SRO Modification.]

CPO Modification 16

Changes to the ownership and occupation in the CPO Schedule for plots 5/1, 5/1a-5/1l and 5/3, 5/3a-5/3m.

CPO Modification 17 & SRO Modification 17

To modify the CPO and SRO Plans and Schedules in order to alter the proposed crossing arrangements serving Cefnwerthyd Farm over the West Highland Railway (WHR).

The SRO plan, sheet 3/9 shows the proposed changes from a new PMA arrangement that would incorporate 2 level crossings of the WHR to one that would provide one level crossing to be located in the approximate position of the existing arrangement. The SRO Schedule would be amended by the deletion of references to PMA 3/5a, 3/5b, 3/6a, and the addition of 3/12a and 3/13a, and the Plan shows revisions to PMA 3/6b, 3/7a and 3/8a.

In response to the SRO changes, revisions are proposed to the CPO Plan and Schedule, none of which extend the area of land affected. In the Schedule the

changes to the areas of plots 3/4, 3/4d, 3/4l, 3/4m, 3/5m are recorded as are the additional plots and their details for 3/4af, 3/5o, 3/5p, 3/5q, 3/5r. However, the CPO Plan does not show additional plot 3/5r referred to in the Schedule and which is described as measuring 24 square metres. It is anticipated that this apparent minor discrepancy would be addressed prior to confirming this CPO modification.

[The WHR, Gwynedd Council and agent on behalf of the landowners have confirmed acceptance of the modifications.]

CPO Modification 18

In the CPO increase the area of the easement on plot 2/2ar and 2/4b, with a corresponding reduction in title plots 2/2j, 2/2an, 2/4a, 2/4p. These changes would be recorded in the Schedule and the Plan, sheet 2/9.

[The landowner and agent in relation to plots in the series 2/2 have confirmed acceptance. There is no record of a response from the owners of the plots series 2/4 to the notification letter. However, the overall land take of the CPO would be unchanged.]

CPO Modification 19 & SRO Modification 19

Modify the SRO and CPO Plans and Schedules to provide a more direct vehicle track at Dinas Farm.

The SRO would be changed by the deletion of PMA 2/5a from the Plan and Schedule and its replacement with PMA 2/5b. To reflect these changes the CPO Plan and Schedule would be revised by deleting plots 2/2z, 2/2aa, 2/2ac, 2/2ad, 2/2ag, 2/2ah, 2/2aj, 2/2ak, including plots 2/2ax and 2/2ay and altering the size of plots 2/2ab, 2/2ae, 2/2al. *[The owner requested the modification.]*

CPO Modification 20 & SRO Modification 5

To accommodate a proposed new footpath within enclosure G0012 the SRO and CPO plans and schedules would be changed. The footpath would link 2 stopped up footpaths to provide a circular route and would connect along a new PMA to a new footway along the A4085.

The SRO Schedule and Plan sheet 5/9 would be amended by the addition of a new highway 5/C (footpath). To reflect these changes, the CPO Plan and Schedule would be revised by deleting plots 5/1h, and including plots 5/1m, 5/1n, 5/1h, 5/1o, and altering the size of plots 5/1k, 5/3c, 5/3e, 5/3h. Plot 5/1m is a narrow strip that would extend the land take of the CPO.

[The landowner of the affected land has confirmed acceptance of the modifications as has Gwynedd Council.]

[It is noted that the CPO Schedule that has been presented under CPO Modification 20 does not reflect changes in the ownership and occupation in favour of Cambrian Services Ltd of plots series 5/1 and 5/3 which is the subject of the changes identified in CPO Modification 16.]

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[i] Natural Resources Wales (2020) State of Natural Resources Report (SoNaRR) for Wales 2020. Available at: https://naturalresources.wales/sonarr2020?lang=en
[ii] Welsh Government (February 2024) Planning Policy Wales (Edition 12) Available at: https://www.gov.wales/sites/default/files/publications/2024-02/planning-policy-wales-edition-12_1.pdf