

MR DAN McCALLUM
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BY EMAIL ONLY TO dmmcallum@awelamantawe.co.uk

Dear Sir / Madam,

Town and Country Planning Act, 1990 (as amended)

Pre-App. Ref: Q2018/0131

Proposal: Statutory pre application for a 1.4mw ground mounted solar PV and 10mw battery storage.

Location: Land at Myndydd Y Gwrhyd, Cwmllynfell

I refer to your application received on 05/07/18, concerning the above and your request for pre-application advice. Having considered the nature of submission in detail, I respond as follows.

The proposed development would require planning permission and due to the scale of the development would be classed as a major development. As such any application submitted would have to be supported by a Pre-application Consultation Report (PAC) Report. I have attached a copy of the Welsh Government's Guidance regarding the requirements in relationship to the Pre-application Consultation exercise and the resultant preparation of the PAC Report. In addition to this all major planning applications require the submission of a Design and Access Statement, produced in accordance with Welsh Government Guidance "Guidance on Design and Access Statements." March 2016.

Local Context and Constraints

- Part of the site is located with the Coal Authority's – High Risk Area.
The site is located within a special landscape area
- The site is located with Safeguarded Category 1 Sandstone resource

Environment

Nicola Pearce Head of Planning and Public Protection
The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG
Tel 01639 686868

Yr Amgylchedd

Nicola Pearce Pennaeth Cynllunio a Gwarchod y Cyhoedd
Y Ceiau, Ffordd Brunel, Parc Ynni Baglan, Castell-nedd SA11 2GG
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We welcome correspondence in Welsh and will deal with Welsh and English correspondence to the same standards and timescales.
Croesewir gohebiaeth yn y Gymraeg a byddwn yn ymdrin â gohebiaeth Gymraeg a Saesneg i'r un safonau ac amserlenni.

Please note that this information is based on our current records and is, as far as possible, accurate. Nevertheless, we reserve the right to advise you of any additional constraints that may be identified at the time of your application.

Relevant Planning History

From an examination of our records, the application site/ property has the following relevant planning history:

- **P2004/1381** Community wind farm consisting of 4 turbines (as opposed to 5 previously), substation, met mast and access road and additional works including borrow pits. Planning permission refused September 2005. **Refused 01/09/05**
-Appeal dismissed September 2006
-Judicial Review draft judgement October 2007, which held that the appeal be dismissed.
- **P2007/1059** Revised scheme screening opinion for 2 wind turbines 100m to tip (60m tower, 40m blade) **Disposed under article 2912/12/08**
- **P2007/1413** Community wind farm consisting of 2 turbines, substation met mast and access tracks also additional temporary works including borrow pits **Refused 17/08/08- Appeal allowed May 2009**
- **P2010/1225** Lawful development certificate for the proposed construction of two wind turbines with hub height of 59 metres and tip height of 100 metres **Lawful development certificate issued (proposed) 03/03/11**
- **P2010/0921** 10/0921 Erection of an anemometry mast up to 60.0m in height for a temporary period of 18 months **Approved 15/10/10**
- **P2013/0893** 13/0893 Details to be agreed in association with condition 5 (scheme of archaeological investigation) and Condition 6 (archaeological sites) of planning permission ref: P2007/1413 (APP/Y6930/A/08/2092727) granted on 07/05/2009 **Approved 23/01/14**
- **P2013/0905** Details to be agreed in association with condition 21 (facilities for storage of oils, fuels or chemicals) of planning permission ref: P2007/1413 (APP/Y6930/A/08/2092727) granted on 07/05/2009 **Approved 06/05/14**
- **P2013/0906** Details to be agreed in association with condition 4 (restoration works), of planning permission ref: P2007/1413 (APP/Y6930/A/08/2092727) granted on 07/05/2009 **Withdrawn 28/04/14**
- **P2013/0907** Details to be agreed in association with condition 7 (landscaping scheme), of planning permission ref: P2007/1413 (APP/Y6930/A/08/2092727) granted on 07/05/2009 (Amended / additional information received 17.02.14) **Withdrawn 28/04/14**
- **P2013/0908** Details to be agreed in association with condition 20 (drainage), of planning permission ref: P2007/1413 (APP/Y6930/A/08/2092727) granted on 07/05/2009 **Withdrawn 28/04/14**
- **P2013/0909** Details to be agreed in association with condition 11 (traffic management plan) of planning permission ref: P2007/1413

- (APP/Y6930/A/08/2092727) granted on 07/05/2009 **Withdrawn 28/04/14**
- **P2013/0910** Details to be agreed in association with condition 12 (details of construction compound), of planning permission ref: P2007/1413 (APP/Y6930/A/08/2092727) granted on 07/05/2009 **Withdrawn 28/04/14**
- **P2013/0911** Details to be agreed in association with condition 18 (location of cables), of planning permission ref: P2007/1413 (APP/Y6930/A/08/2092727) granted on 07/05/2009 **Withdrawn 17/02/14**
- **P2013/0912** Details to be agreed in association with condition 16 (felling of trees), of planning permission ref: P2007/1413 (APP/Y6930/A/08/2092727) granted on 07/05/2009 **Withdrawn 17/02/14**
- **P2013/0913**
- **P2013/0914** Details to be agreed in association with condition 13 (siting of substation), of planning permission ref: P2007/1413 (APP/Y6930/A/08/2092727) granted on 07/05/2009 **Approved 23/01/14**
- **P2013/0915**
- **P2013/0916** Details to be agreed in association with condition 8 (construction method statement) of planning permission ref: P2007/1413 (APP/Y6930/A/08/2092727) granted on 07/05/2009 **Approved 13/02/14**
- **P2014/0078** Details to be agreed in association with condition 10 (Ecological management and mitigation monitoring plan) of planning permission Ref P2007/1413 (APP/Y6930/A/08/2092727) granted on 07/05/09 **Approved 06/05/14**
- **P2014/0320** Details to be agreed in association with condition 9 (borrow pit details), of planning permission ref: P2007/1413 (APP/Y6930/A/08/2092727) granted on 07/05/2009 **Withdrawn 16/05/14**
- **P2014/0402** Variation of condition 1 of Planning Permission P2007/1413 (Granted on Appeal on the 07.05.09) to allow for the extension of time for the commencement of development and variation of conditions 3 (reference to all works in Environmental Statement and to allow a maximum tip height of 100m and maximum blade diameter of 82m), 9 (borrow pits), 14 (highway improvement works to facilitate revised access route) and 15 (internal access tracks) **Approved 02/09/15**
- **P2015/0110** Engineering works to facilitate highway improvements, including improved junction arrangements with A474 plus road / track widening, in order to facilitate access for construction vehicles in association with the construction of 2 no. wind turbines proposed under planning application reference P2014/0402 **Approved 10/11/15**
- **P2015/0842** Non-material amendment to Planning Permission P2014/0402 (Approved on the 02/09/2015) to vary the wording of condition 2 to increase the rated capacity of the scheme from 4MW to 5MW. **Approved non material amendment 10/09/15**
- **P2016/0027** Details pursuant to the discharge of condition 12 (Ministry of Defence notification - Aviation safety) of planning permission P2014/0402 (Approved on the 02-09-2015) **Approved 19/01/16**

- **P2016/0131** Non-material amendment to Planning Permission P2014/0402 (Approved on 02/09/2015) to vary method statement outlining the treatment of turf and soils. **Approved non material amendment 10/03/16**
- **P2016/0146** Details pursuant to the partial discharge of condition 26 (pre-development condition survey of the existing highway network) of planning permission P2014/0402 (approved on 02/09/2015) **Approved 09/03/16**
- **P2016/0300** Non-material amendment to Planning Permission P2014/0402 (Approved on 02/09/2015) to vary method statement outlining hedge translocation **Approved non material amendment 06/04/16**
- **P2016/0438** Details pursuant to the partial discharge of condition 11 (Micro siting of turbines) of planning permission P2014/0402 (approved on 02/09/2015) **Approved 21/06/16**
- **P2016/0450** Non-material amendment to Planning Permission P2014/0402 (Approved on 02/09/2015) to allow 24 hour working for four days during turbine foundation concrete pour and turbine erection and for alterations to the design and layout of the sub-station building **Approved non material amendment 14/06/16**
- **P2016/0914** Variation of conditions 2 (environmental statement), 16 (traffic management scheme) & 19 (construction method statement) of planning permission P2014/0402 (approved on the 2/9/15 for 2 No. Wind Turbines previously approved under P2007/1413, granted on appeal on the 07.05.09) to allow for the retention of an alternative type and source of material that has been used in the construction of the roadways/hardstandings within the application site. **Ongoing**
- **P2018/0502** Request for screening opinion under Regulation 6(1) of the (Environmental Impact Assessment)(Wales) Regulations 2017 for a ground mounted 1.4.MW solar PV array and 10 MW battery storage. **EIA Not required 02/07/18**

Relevant Planning Policies

In addition to national guidance contained within Planning Policy Wales, any application would be considered against the Policies within the Adopted Neath Port Talbot [Local Development Plan](#), details of which are available on the Council's web site .The relevant policies would include:

Strategic Policies

- **Policy SP1** Climate Change
- **Policy SP2** Health
- **Policy SP3** Sustainable Communities
- **Policy SP14** The Countryside and Undeveloped coast
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP17** Minerals
- **Policy SP18** Renewable and Low Carbon Energy.
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

Topic based Policies

- **Policy SC1** Settlement limits
- **Policy EN2** Special Landscaped areas
- **Policy EN6** Important Biodiversity and Geodiversity sites
- **Policy EN7** Important Natural Features
- **Policy M1** Development on mineral safeguarding areas
- **Policy RE1** Criteria for assessment of renewable and low carbon energy development
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

Supplementary Planning Guidance:

The following SPG's are of relevance to this application: -

- Renewable and low carbon energy (July 2017)
- Design (July 2017)
- Landscape and Seascape (May 2018)
- Biodiversity and Geodiversity (May 2018)

Analysis of Proposal

Policy SC1 lists the types of development that would be acceptable outside settlement limits, indicating that proposals for renewable energy developments would be acceptable in principle subject to compliance with other relevant policies (criterion 10 which states *"It is associated with either agriculture, forestry, minerals or energy generation;"*)

Policy RE1 sets out requirements for renewable energy developments criterion 4 states *"all renewable energy or low carbon energy development proposals will be required to demonstrate that:*

- a) Measures have been taken to minimise impacts on visual amenity and the natural environment;*
- b) There will be no unacceptable impacts on residential amenity;*
- c) The development will not compromise highway safety;*
- d) The development would not interfere with radar, air traffic control systems, telecommunications links, television reception, radio communication and*
- e) emergency services communications; and*
- f) There are satisfactory proposals in place for site restoration as appropriate."*

As detailed information has not been submitted as part of this pre application you are advised that you will be required to demonstrate that these requirements have been met, in particular (a) relating to impacts on visual amenity and the natural environment, taking into account that the site is within the Mynydd y Garth Special Landscape Area. Policy EN2/1 states that it must be demonstrated that the proposal will have no adverse impacts on the features and characteristics for which the SLA has been designated.

Full information about the features and characteristics and further advice about these matters is set out in the Landscape and Seascape SPG. A detailed evaluation of landscape issues should be included with the application.

The application is also located within a mineral Safeguard Area (Category 1 Sandstone resource) again no detailed information has been submitted as such you are advised that the development proposal would only be permitted where you can demonstrate the following:

1. The mineral concerned is no longer of any value or potential value; or
2. The mineral can be extracted satisfactorily prior to the development taking place; or
3. In the case of temporary development, it can be implemented and the site restored within the timescale that the mineral is likely to be needed; or
4. There is an overriding need for the development; or
5. The scale and location of the development would have no significant impact on the possible working of the resource.

To conclude, it is considered that the general principle of a solar farm at this location would be acceptable subject to complying with the other relevant policies that are listed above.

Visual Amenity

As limited information has been provided we are not able to comment on design and visual amenity. However as a minimum the following would be required as part of the planning application

The application will need to be accompanied by a Landscape and Visual Impact Assessment with photomontages from critical view points as part of any future planning application, should you wish us to comment on locations for these viewpoints you would need to provide us with a zones of theoretical visibility plan.

The site is in close proximity of Historic Landscape Character Areas (HLCAs) associated with the Black Mountain and Mynydd Myddfai Historic

As such the application would need to be assessed and mitigated against if required as part of the planning application process subject to the submission of a via the submission of a full ASIDOHL2 assessment with particular consideration given to the visual impact of the proposal.

Residential Amenity

As limited information has been provided we are not able to provide a detailed comment on residential amenity, however our records show the nearest residential property to be Troed Rhiw Felin Farm which is approximately 950m away. The impact the solar farm would have upon this property and others within the area would need to be fully assessed as part of the planning application.

Highways and Pedestrian safety

We do not consult any internal sections as part of our Statutory Pre-application; however as this is considered to be a major development the application will need to be accompanied by a Transport Statement which shall include as a minimum:

- a) Delivery vehicle type(s).
- b) Scoping route for deliveries
- c) Calculation of the number of delivery vehicles during the course of the construction period.

- d) Statement regarding the operational vehicle movements.
- e) Details of staff car parking area, compound area and site office during the course of construction.

Drainage

No details of drainage have been provided however you should ensure that adequate provision is made for the drainage of the site, to ensure that the drainage of any adjoining land is not interrupted or otherwise adversely effected by the development. There must also be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site.

You should assess how the development would affect and inland watercourses, wetland, ponds or underground waters as part of the planning application

Ecology

We do not consult any internal sections as part of our Statutory pre application however due to the scale of the project, it is recommended that you should take advice from a suitably qualified ecologist on this development in relation to the impact this development may have upon protected species. The following documents would be required as part of the full planning application as advised by our Ecologist within a recent screening opinion.

- An Extended Phase 1 habitat survey, this should include the identification of the presence of S7 Environment (Wales) Act (S42 NERC Act 2006)/ LBAP habitats and species, sites that meet SINC criteria, in addition to protected species. A balance of S7/LBAP/SINC habitat loss/gain to the scheme should be included. The surveys should cover all areas that may be impacted by the scheme including the access route. The results of this survey should inform the requirement for further more specific surveys, such as bird surveys, reptile
- A biodiversity record search from the South East Wales Biodiversity Records Centre (SEWBRc) should be undertaken to inform the required surveys and the assessment.
- An assessment of the impacts upon areas identified as sites of importance for nature conservation (SINC) and all areas that would meet the criteria of a SINC. NB details of identified SINC are available from SEWBRc and the criteria are available from the Wales Biodiversity Partnership website.
- An assessment of ecosystem resilience (Section 2 Environment (Wales) Act 2016); this shall particularly consider:
 - a) diversity between and within ecosystems;
 - b) the connections between and within ecosystems;
 - c) the scale of ecosystems;
 - d) the condition of ecosystems (including their structure and functioning);
 - e) the adaptability of ecosystems.
- An assessment of impacts upon bird habitat (Section 10 The Conservation of Habitats and Species Regulations 2017); this should ideally be based on up to date survey information (including breeding, foraging and wintering requirements).

- Proposals for mitigation/compensation for any adverse impacts identified in the above assessments.

Coal Mining

As stated above the application lies within the Coal Authority's development high risk area, you will therefore need to submit a coal report together with a coal mining risk assessment. You should take advice from a suitably qualified specialist on this matter as this could affect the development. More information on this can be obtained from the following link <https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments>

Archaeological Impact

We do not consult external bodies as part of the Statutory pre-application, However Glamorgan Gwent Archaeological Trust recently commented on a Screening opinion for this development. They advised that there are several prehistoric structures in the vicinity, including numerous cairns along the prominent ridge although it is likely that some of these features date to the medieval and Post-medieval periods. In the medieval period it was located in the ecclesiastical parish of Llangiwig, and two farms are depicted on Rees' map of the 14th century, Bryn Du and Pen Rhiw. Farms are also depicted on the Yniscledwn Estate map, with later cartographic sources indicating cairns, boundary stones, pits, quarries and coal workings. It is considered that these impacts need to be assessed and mitigated against if required via the submission of an archaeological desk-based assessment and mitigation strategy.

Should you wish to have a more detailed response and advice from other departments you can take benefit of our Additional Non-Statutory Pre-Application Advice service for a top up fee of £600 I would strongly recommend that you to do this and also provide additional detailed information as outlined above so that we can fully assess the proposal.

Major Developments

Please be aware that as a 'major' development there is now a statutory requirement (introduced by s17 of the Planning (Wales) Act 2015) for the applicant / developer to consult the community and relevant statutory consultees in advance of formal submission of an application.

Please note that a major application cannot be validated until such consultation is undertaken and a Pre-Application Consultation (PAC) Report submitted with the application.

Detailed advice on Pre-application Consultation can be found on the [Welsh Government website](#).

Community Fund Benefit

Para 5.0.1 of the Neath Port Talbot Supplementary Planning Guidance "Renewable Energy and low carbon Energy" states that *"Welsh Government guidance acknowledges that there may be a need to mitigate the impact of some renewable or low carbon energy developments and recognises the established principle of such measures being made the subject of conditions or legal agreements / obligations required to make the proposal acceptable and allow planning permission to be granted. A clear distinction is however drawn between requirements of this type which are necessary to make a proposal acceptable and voluntary arrangements entered into by developers which secure benefits for host communities but should have no influence on the determination of any planning application."*

It is acknowledged that different types of development have different impacts upon the local communities. Moreover, it is also acknowledged that the financial returns to developers differ between developments; i.e. wind farms are more profitable than solar farms and the impacts are also significantly different. The scale of fees within Annex B of the *Community funds policy relating to renewable energy generating developments* reflects these differences.

Following consideration of the proposed development and potential impacts and needs arising from the development, I would advise that the Council is likely to seek a community fund benefit of £42,000 as a single payment or spread as phased payments over the first 5 years of the development. This figure is in accordance with Annex B of the *Community funds policy relating to renewable energy generating developments*.

Required Supporting Documentation

We would encourage you to submit your application electronically via www.planningportal.gov.uk.

Having regard to the nature of your proposal, it is considered at this stage that in addition to the submission of standard mandatory supporting documentation such as application forms, plans and fee, any application for the above development should also be accompanied by the following additional documentation: -

- Pre-Application Consultation (PAC) Report ('Major' development)
- Design and Access Statement (see TAN 12 Design, Appendix 1)
- Surface Water Drainage Strategy.
- Transport Assessment.
- Landscape and Visual Impact Assessment with photomontages from critical view points
- ASIDOHL2 assessment with particular consideration given to the visual impact of the proposal.
- Ecology surveys to include:
 - Extended Phase 1 habitat survey
 - A biodiversity record search from the South East Wales Biodiversity Records Centre (SEWBReC)
 - An assessment of the impacts upon areas identified as sites of importance for nature conservation (SINC) and all areas that would meet the criteria of a SINC.
 - An assessment of ecosystem resilience
 - An assessment of impacts upon bird habitat
 - Proposals for mitigation/compensation for any of the above.
- Archaeological desk-based assessment and mitigation strategy.
- Coal mining report and risk assessment.
- An assessment of the impact the development would have upon the Sandstone resource.

If any subsequent application fails to include the information above, there is a chance it may not be registered and, in any event, it is likely that an application will either be refused or will not be able to be progressed until its satisfactory submission.

It is also this Authority's practice to recommend to applicants that detailed information is submitted at application stage to ensure that, in the event of planning permission being granted, that 'pre-commencement' conditions (which require approval of details prior to work starting on site) can be minimised. You are therefore encouraged to ensure that your initial submissions

incorporate as much information as possible (for example materials, ecology mitigation, Construction Management Plan, Travel Plan etc.), and address all matters raised in the advice given above.

Detailed guidance on the use of the national standard application form for planning permission and other associated consent regimes; and the information which must accompany a planning application so that the local planning authority can determine the validity of the application, can be found as follows: -

“Guidance on the use of the standard application form ('1app') and validation of applications”:

<http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/1appguidance>

The Town and Country Planning (Development Management Procedure)(Wales) Order 2012 :

[\(http://www.legislation.gov.uk/wsi/2012/801/contents/made \(original Order\)](http://www.legislation.gov.uk/wsi/2012/801/contents/made (original Order))

[\(Note subsequent Amendment Orders: 2014 ; 2015 ; 2016 ; and 2017\)](#)

How we will deal with your planning application

As part of its emphasis on ‘Delivering Quality Development Quickly’, the Planning department prides itself on the service it offers our customers. Once your application has been received, this will include an allocated case officer making contact with you or your appointed agent within the first week and arranging a visit, following which we will contact you by phone or email to advise of any discrepancies with your application. We will also work with you to address any outstanding concerns, including any amendments required to make your proposal acceptable.

Once we are happy with the validity of your application, we will formally consult neighbours and relevant consultees. Provided there are no significant matters of concern resulting from such consultations, we will then seek to determine your application as swiftly as possible after the expiry of the statutory publicity period, and aim to do so within the 8 week statutory period.

While Officers will endeavour to ensure you are aware of the progress of your application, we would encourage you to contact the case officer should you wish to discuss any matter further.

Development Team Approach – Building Control

The Development Management and Building Control teams work closely to assist developer's in improving the quality of their development and ensuring compliance with all appropriate conditions and Regulations. In particular, Building Control provide a competitive and highly professional service and seek to actively engage with developer's at the earliest stage of their project. You are therefore encouraged to contact the Building Control team on 01639 686820 or by emailing building.control@npt.gov.uk to enter into early negotiations and understand the benefits of the Council's Development Team approach.

Requests for Further Advice

Following receipt of this initial advice, should you wish to discuss your scheme prior to formal submission, please contact the case officer on the direct number or email address given above. Further charges may apply.

Yours faithfully,

Steven Jenkins
Senior Planning Officer

If you require this information in larger print, or in an alternative format, please contact the above named officer.

Please Note:

The advice offered in this response represents an informal opinion, provided in accordance with the Council's Planning Pre-Application Service Protocol. In particular, it is emphasised that while this pre application advice will be carefully considered in reaching a decision or recommendation on an application, the final decision on any application that you may make can only be taken after we have consulted local people, statutory consultees and any other interested parties. It does not, therefore prejudice any decision which the Local Planning Authority may make should an application be submitted.