

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT**

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE)(WALES) ORDER 2012**

APPROVAL OF FULL PLANNING PERMISSION

Name and address of the applicant

Lightsource Property Investment
Management
LPIM
7th Floor
33 Holborn
London
EC1N 2HT

Name and address of the agent

Miss Rachel Dodd
Lichfields
The St Nicholas Building
St Nicholas Street
Newcastle Upon Tyne
NE1 1RF

DATE REGISTERED: 10 August 2022

APPLICATION NO: P2022/0694

LOCATION: Caegarw Solar Farm, Caegarw Farm, A48 From Margam
Roundabout To Pyle Road, Margam, Bridgend, Neath Port
Talbot, CF33 6PT

PROPOSAL: Variation of condition 3 of planning permission P2016/0567 to
extend the period of time that the development can occupy the
site before returning it to its former condition.

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL as the Local Planning Authority
in pursuance of its power under the above mentioned Act and Order hereby **GRANTS
PLANNING PERMISSION** for the development as described above to be carried out in
accordance with the application and the plans submitted therewith, subject to compliance
with the following conditions:

Conditions:-

Time Limit Conditions

- 1 Before beginning any development at the site, you must do the following: -
 - a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and

b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason:

To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.

NOTE: Templates of the required Notice and Site Notice are available to download at www.npt.gov.uk/planning

- 2 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason

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

- 3 Within 40 years and six months following completion of construction of the development, or within six months of the cessation of electricity generation by the solar photovoltaic facility, or within six months following a permanent cessation of construction works prior to the solar photovoltaic facility coming into operational use, whichever is the sooner, the solar photovoltaic panels, frames, foundations, and all associated structures and fencing hereby approved shall have been dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production or within 40 years and six months of the completion of construction, whichever is the sooner.

Reason:

In the interests of visual amenity

List of Approved Plans

- 4 the development shall be carried out in accordance with the following approved plans:

- DH 271-01-03A
- S557/03
- 0242-09 v1 General Layout 15/1/16
- 0242-10 v1 security and CCTV 19/1/16
- 0242-11 v1 fence 19/1/16
- 0242-02 v5 red line location plan 3/8/15
- SOL001 D05 site welfare 27/10/15
- SOL004 D05 cable route 27/10/15
- SUS008 D01 customer unit (aka the client substation) 2/10/15

- SUS011 D01 transformer unit 2/10/15
- SOL022 D03 trench plan 19/10/15
- SOL024 D04 string inverters mounting detail 16/10/15
- SOL025 D03 pile plan detail 19/10/15
- SOL026 D04 pile plan detail 19/10/15
- SOL001 D05
- Transport Statement

Reason

In the interest of clarity

Pre-Commencement Conditions

- 5 A Decommissioning Plan shall be submitted to and approved in writing by the local planning authority prior to the first beneficial use of the development for the generation of electricity. The Decommissioning Plan shall include details of the works necessary to revert the site to its original condition, including the method for the removal of all the solar panels, cabins, structures, enclosures, equipment and all other apparatus above and below ground level from the site and details of their destination in terms of waste/recycling, and details of how the site is to be restored to its original condition.

Reason:

In the interests of visual amenity

Details in respect of the above condition were approved by planning permission ref. P2017/0313 on 9th of May 2017.

- 6 Prior to work commencing on site a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, which shall include details of locations of all existing trees and hedgerows within the site and those to be retained, and details of the composition and specific location of the new hedgerows to be provided within and along the boundaries of the site and additional tree planting within the boundaries. The planting scheme shall be implemented during the first planting season following the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced the next planting season with others of a similar size and the same species unless the Local Planning Authority gives written consent to any variation.

Reason

In the interests of visual amenity

Details in respect of the above condition were approved by planning permission ref. P2016/0690 on 14th of September 2016.

- 7 No development shall commence until such time as full details of the proposed site compound - to include details of any site office, parking, manoeuvring areas, enclosures and storage areas - and the precise route and any alterations to facilitate the temporary access to the site, have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity

Details in respect of the above condition were approved by planning permission ref. P2016/0690 on 14th of September 2016.

- 8 No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. Loading and unloading of plant and materials
 - iii. Storage of plant and materials used in constructing the development
 - iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities to prevent deposition of material onto any hard surface road
 - vi. Measures to control the emission of dust and dirt during construction
 - vii. Identification of the significant construction noise sources, detailing the physical and operational management controls necessary to mitigate emissions from these noise sources, as well as noise complaint investigation procedures.
 - ix. Hours of working on site, and specified hours for deliveries and any elements of the demolition or construction that could lead to amenity issues from noise and disturbance to adjoining properties.

Reason

In the interests of residential amenity

Details in respect of the above condition were approved by planning permission ref. P2016/0690 on 14th of September 2016.

- 9 Prior to work commencing on site a scheme shall be submitted to and for the written approval of the LPA detailing the holding area identified in item 2.17 of the submitted transport statement. This area shall be surfaced in a suitable hardwearing material and provided with adequate surface water drainage proposals to prevent the pollution of any adjacent watercourse from the wheel washing facilities and surface run-off.

Reason

In the interest of highway safety

Details in respect of the above condition were approved by planning permission ref. P2016/0690 on 14th of September 2016.

- 10 Prior to work commencing on site the access track measured back from back edge of footway shall be hardsurfaced for the first 20 metres in a well compacted hard wearing material and provided with adequate drainage to prevent surface water discharging onto or over the highway.

Reason

In the interest of highway safety

- 11 Prior to the commencement of work on site a scheme to assess the nature and extent of any contamination on the site, and confirmation of whether or not it originates on the site shall be submitted to and agreed in writing with the Local Planning Authority.

The investigation and risk assessment must be undertaken by competent persons in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006) and shall be submitted as a written report which shall include:

(i) A desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) identifying all plausible pollutant linkages to be assessed.

(ii) a survey of the extent, scale and nature of contamination;

(iii) an assessment of the potential risks to:

- human health,
- ground waters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments;

(iv) an appraisal of remedial options, and proposal of the preferred remedial option(s).

Reason

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

Details in respect of the above condition were approved by planning permission ref. P2016/0739 on 12th of September 2016.

- 12 Prior to the commencement of work on site a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historical environment shall be prepared and submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Details in respect of the above condition were approved by planning permission ref. P2016/0739 on 12th of September 2016.

- 13 Prior to the commencement of work on site, safety fencing shall be erected around the mine entries to prevent unintentional access of plant and machinery to this area where

a risk to public safety exists. This fencing shall remain in place for the duration for the construction phase of the development.

Reason

In the interest of public safety.

Action Conditions

- 14 The means of connection to the electricity grid from the site shall be carried out in accordance with the approved detail as agreed under Planning Permission P2015/1120.

Reason

In the interests of clarity

- 15 Within two months of the completion of construction of the development, the temporary construction compound and access (where such access route included a new route or hard surfacing) shall be removed from site and the land restored in accordance with a scheme, the details of which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity.

- 16 No construction work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours: Monday to Friday 0800 to 1800; Saturday 0800 to 1300; Unless such work:
- a) is associated with an emergency (relating to health and safety or environmental issues);
 - (b) is carried out with the prior written approval of the Local Planning Authority.

Reason:

To safeguard the amenities of local residents.

- 17 The drainage strategy hereby approved shall be fully implemented for the duration of the development.

Reason

In the interest of good drainage

- 18 Prior to first use of the HGV access points a scheme shall be submitted for the written approval of the LPA detailing the management arrangements identified in item 2.17 of the transport statement during construction and decommissioning. These details as approved shall be implemented during the period of the approval.

Reason

In the interest of highway safety

Details in respect of the above condition were approved by planning permission ref. P2016/0690 on 14th of September 2016.

- 19 If any bare slopes are created as a result of the pre development works they will become vulnerable to surface erosion by the natural elements. Appropriate arrangements will therefore be required to ensure no silt or stone laden surface water run-off is deposited in any adjacent watercourse where it could impede the flow and subsequently cause nuisance to premises and land downstream. The provision of any such drainage arrangements must be made before the commencement of the development of the site.

Reason

In the interest of good drainage.

- 20 Notwithstanding the submitted plans identifying temporary signage, this signage shall be bilingual and be first displayed prior to the first delivery of material and then retained on site during the whole construction period.

Reason

In the interest of highway safety

- 21 Prior to first use of the access onto the A48 the vegetation identified in item 2.14 of the transport statement shall be cut back and maintained as such for the duration of the construction and decommissioning works.

Reason

In the interest of highway safety

- 22 For the duration of the construction period any gate shall be set back a minimum of 20 metres measured back from back edge of footpath.

Reason

In the interest of highway safety

- 23 Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition (Please insert the condition number requiring remediation to be carried out) shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 24 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the

effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

- 25 The development shall be carried out in accordance with the Landscape mitigation strategy; Drawing No DH271-01-03A.

Reason
In the interest of ecology

- 26 The development shall be carried out in accordance with the Badger Protection Scheme dated 21 January 2016.

Reason
In the interest of ecology.

Informatives:

- 1 There must be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site, without prior consultation and agreement with the Authority.

The decision to recommend planning permission be issued has been taken in accordance with Section 38(6) of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

The further extension of the operation of the solar farm is considered to be justified by the continued generation of renewable energy at the site. It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact. Accordingly, the proposed development is in accordance with Policies SP1; SP4; SP5; SP14; SP15; SP16; SP18; SP20; SP21; SC1; I1; TO2; EN2; EN3; EN6; EN7; M1; RE1; TR2; BE1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040 and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Signed:



Ceri Morris – Head of Planning & Public Protection

Date: 13 October 2022

IMPORTANT:

(1) Please note that for all decisions issued after 16th March 2016 for outline or full planning permission, a revised decision notice will be issued whenever a subsequent consent is given, for example providing details of any Reserved Matters approvals (outline applications only) and/or approval of conditions (including on Reserved Matters). This will ensure that the current status of the conditions applied to a consent is clear. Accordingly you are advised to visit www.npt.gov.uk/planning to view the application documentation to see if this is the current version, or whether it has been superseded by a more up-to-date revision of this Decision Notice. For Reserved Matters approvals the revised Decision Notice will only be shown under the Outline approval.

(2) Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

(3) In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition). Please note that any works carried out without compliance with the conditions attached to this approval will be entirely at the risk of the persons involved and may result in formal action being taken by the Local Planning Authority.

(4) The developer should have regard to Sections 4, 7, 8 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution's Code of Practice for "Design of buildings and their approaches to meet the needs of disabled people" (BS 8300:2009+A1:2010).

(5) From 1st October 2012 it has been an offence to install a public sewer or lateral drain without having an adoption agreement in place. From the 1st October 2012 the vast majority of all existing private sewers and lateral drains which link with the public sewer network were transferred to Welsh Water. For further details on how this will affect your development please contact: Welsh Water Developer Services, PO Box 3146, Cardiff, CF30 0EH. Telephone No. 0800 9172652 or email: developer.services@dwrcymru.com.

IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

The applicant's attention is drawn to the notes below.

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- (2) You can also appeal to the Welsh Government against a decision to refuse permission or grant subject to conditions in respect of applications made for :- Listed Building or Conservation Area Consent; Consent under a Tree Preservation Order; Advertisement Consent.
- (3) You can also appeal If your application for a Certificate of Lawful Existing Use or Lawful Proposed Use is partly or wholly refused or is granted differently from what you asked for (under Section 195/196) of the Town and Country Planning Act 1990 (as amended).
- (4) If you are aggrieved of the LPAs decision, the following deadlines apply for appeals to be submitted to the Welsh Government (from the date of the Council's decision):-

(1) Planning Permission (with the exception of Minor Commercial and Householder applications – see below)	Within 6 Months
(2) Householder Appeal see endnote i	Within 12 weeks
(3) Minor Commercial Appeal see endnote i	Within 12 weeks
(4) Listed Building or Conservation Area Consent appeals	Within 6 months
(5) Tree Preservation Order (TPO) Consent	Within 28 days
(6) Advertisement Consent	Within 8 weeks
(7) Certificate of Lawfulness of Existing (Section 191) or Proposed (Section 192) Use or Development	Within 6 months
(8) Hazardous Substances Consent	Within 6 months
- (5) Appeals must be made on a form which is obtainable from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0303 444 5940, or online at www.planningportal.gov.uk/pcs .
- (6) The Welsh Government has power to allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (7) The Welsh Government is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted having regard to the statutory requirements to the provisions of the development order, and to any directions given under the Order. They do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.
- (8) If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Government, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the County Borough Council, in which the land is situated, as the case may be, a **purchase notice** requiring that Council purchase his interest in the land in

accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Making an Appeal

- (9) Please note that for all applications received by the LPA after 5th May 2017, it is now a requirement that any appeal made to the Planning Inspectorate (other than Householder and Minor Commercial Appeals, and appeals against refusal to grant advertisement consent) must be accompanied by all the information and evidence you intend to rely upon (a **“full statement of case”**). You must also send a copy of the notice of appeal and full statement of case to the LPA.
- (10) In addition, for ‘planning appeals’ an amendment to an application following notice of appeal may only be made to correct an error.
- (11) Additional details and information on making an appeal to the Welsh Government is available from the Planning Inspectorate at the above address and website. The relevant documents are entitled “making your planning appeal” and “planning appeals Public Local Inquiries”.
- (12) Further correspondence regarding this application should bear the reference number quoted on the top of the decision notice.

THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

- BUILDING REGULATIONS – Please contact buildingcontrol@npt.gov.uk or 01639 686820 to discuss all aspects of the service that is offered by Building Control
- HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

ⁱ Please see the [Town and Country Planning \(Referred Applications and Appeals Procedure\) \(Wales\) Regulations 2017](#) for appeal procedures and for full definitions of:

- *“householder application”* (essentially an application for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or change of use to enlarge the curtilage of a dwelling house)
- *“householder appeal”* means an appeal in relation to a householder application, but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.
- *“minor commercial application”* (essentially relates to existing buildings of no more than 250 square metres gross external floor space at ground floor level, currently in use for any of the purposes set out in Schedule 1A to The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 which is an application for change of use from Class A1 to A2 or A3; or Class A2 to A3); or the carrying out of building or other operations to a shop front.
- *“minor commercial appeal”* means an appeal in relation to a minor commercial application but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.