



City & County of Swansea / Dinas a Sir Abertawe

Directorate Of Place / Cyfarwyddiaeth Lleoedd

Planning and City Regeneration / Cynllunio ac Adfywio'r Ddinas

Civic Centre, Oystermouth Road, Swansea, SA1 3SN

Y Ganolfan Ddinesig, Heol Ystumllwynarth, Abertawe, SA1 3SN

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Mr. James Cook
Sirius Planning
Office Suite 2
The Beacon Centre For Enterprise
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Llanelli
SA14 8LQ

Please ask for:

Simon Hughes

Direct Line:

07970 680506

E-mail: simon.hughes@swansea.gov.uk

Date: 14/02/2022

Dear Mr Cook

Application No: 2021/2803/PRE

Site Location: Craig Y Perchych Glais Swansea

Proposal: **CONFIDENTIAL PRE APP for construction and operation of a solar farm (Development of National Significance)**

Further to your recent request for pre-application advice in relation to the above Development of National Significant (DNS) project, please find set out below the Council's response to your pre-application enquiry.

Relevant Planning History

There is no relevant planning history for the application site.

Planning Policy

The National Development Framework: Future Wales - the National Plan 2040 (FW)

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic Placemaking

Policy 9 - Resilient ecological networks and Green Infrastructure

Policy 17 - Renewable and Low Carbon Energy and Associated Infrastructure

Policy 18 – Renewable and Low Carbon Energy Developments of National Significance

Policy 28 - National Growth Area - Swansea Bay and Llanelli

Planning Policy Wales (11th Edition) 2021

Good Design Making Better Places

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3.3 Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area.

3.4 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

Environmental Sustainability

3.7 Good design promotes environmental sustainability and contributes to the achievement of the well-being goals. Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution. An integrated and flexible approach to design, including early decisions regarding location, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places. This embraces the principles of 'ecosystems services' and sustainable management of natural resources where multiple benefits solution become an integral part of good design. In a similar manner, addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits.

Climate Change, Decarbonisation and the Sustainable Management of Natural Resources

3.30 In 2019 the Welsh Government declared a climate emergency in order to coordinate action nationally and locally to help combat the threats of climate change. The planning system plays a key role in tackling the climate emergency through the decarbonisation of the energy system and the sustainable management of natural resources. The transition to a low carbon economy not only brings opportunities for clean growth and quality jobs, but also has wider benefits of enhanced places to live and work, with clean air and water and improved health outcomes.

3.31 The Environment (Wales) Act 2016 sets a legal target of reducing greenhouse gas emissions in Wales by at least 80% in 2050. The Act also requires a series of interim targets (for 2020, 2030 and 2040) and carbon budgets. The budgets set a limit on the total amount of greenhouse gas emissions

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in Wales over a 5-year period to serve as stepping stones and ensure progress is made towards the decadal targets.

3.32 In May 2019 the Climate Change Committee published its recommendation for the UK to set a net zero target for 2050. It recommended Wales set a 95% target as our fair contribution to the UK effort. The Welsh Government accepted this recommendation, but is seeking to go beyond 95% to reach net zero.

3.33 Climate change is a global challenge, with impacts felt at the local level presenting a significant risk to people, property, infrastructure and natural resources. We need to plan for these impacts, reducing the vulnerability of our natural resources and build an environment which can adapt to climate change. The planning system plays a significant role in managing this risk. Development allowed today will be around for decades to come. The most important decision the planning system makes is to ensure the right developments are built in the right places.

The Best and Most Versatile Agricultural Land

3.58 Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC)¹⁵ is the best and most versatile, and should be conserved as a finite resource for the future.

3.59 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. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

Supporting Infrastructure

3.61 Adequate and efficient infrastructure, including services such as education and health facilities along with transport, water supply, sewers, sustainable waste management, electricity and gas (the utilities) and telecommunications, is crucial for economic, social and environmental sustainability. It underpins economic competitiveness and opportunities for households and businesses to achieve socially and environmentally desirable ways of living and working. Infrastructure which is poorly designed or badly located can exacerbate problems rather than solving them.

3.62 Planning authorities should, in conjunction with key providers, take a strategic and long term approach towards the provision of infrastructure as part of plan making. This may involve collaboration between planning authorities and key infrastructure providers to ensure infrastructure provision is sustainable, fit for purpose and can be co-ordinated and timed to support placemaking aspirations.

3.63 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

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how the provision of infrastructure can be effectively co-ordinated to support development plans. Infrastructure choices should support decarbonisation, socially and economically connected places and the sustainable use of natural resources.

Energy

5.7.1 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. Renewable electricity will be used to provide both heating and transport in addition to power. The future energy supply mix will depend on a range of established and emerging low carbon technologies, including biomethane and green hydrogen.

5.7.2 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.

5.7.3 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. The planning system should facilitate delivery of both this and Welsh, UK and European targets on renewable energy.

5.7.4 Future Wales - The National Plan 2040 sets out the national development plan context for energy and provides specific policies for heat network and renewable energy development.

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5.7.6 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.

5.7.7 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. The continued extraction

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of fossil fuels will hinder progress towards achieving overall commitments to tackling climate change. The planning system should:

- integrate development with the provision of additional electricity grid network infrastructure;
- optimise energy storage;
- facilitate the integration of sustainable building design principles in new development;
- optimise the location of new developments to allow for efficient use of resources;
- maximise renewable and low carbon energy generation;
- maximise the use of local energy sources, such as district heating networks;
- minimise the carbon impact of other energy generation; and
- move away from the extraction of energy minerals, the burning of which is carbon intensive.

Renewable Energy Targets

5.7.14 The Welsh Government has set targets for the generation of renewable energy:

- for Wales to generate 70% of its electricity consumption from renewable energy by 2030;
- for one Gigawatt of renewable electricity capacity in Wales to be locally owned by 2030; and
- for new renewable energy projects to have at least an element of local ownership by 2020.

5.7.15 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.

5.9 Renewable and Low Carbon Energy

5.9.1 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. Planning authorities should seek to maximise the potential of renewable energy by linking the development plan with other local authority strategies, including Local Well-being plans and Economic/ Regeneration strategies.

Development Management and Renewable and Low Carbon Energy

5.9.19 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.

5.9.20 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:

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- 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. In doing so, consider whether measures to adapt to climate change impacts give rise to additional impacts.

5.9.21 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.

5.9.22 Whatever the size of a scheme, developers should take an active role in engaging with the local community on renewable energy proposals. This should include pre-application discussion and provision of background information on the renewable energy technology that is proposed.

Re-powering, Life Extension, Decommissioning and Remediation

5.9.30 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.

Integrating Green Infrastructure and Development

6.2.4 Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and are intrinsic to the quality of the spaces we live, work and play in. The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The multiple benefits that resilient ecosystems and green infrastructure offer to society, including the economic and social contribution they make to local areas, should be taken into account when balancing and improving these needs.

6.2.5 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes. There are multiple ways of incorporating green infrastructure, dependent on the needs and opportunities a site presents.

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Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.

6.3 Landscape

6.3.1 Landscape is an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors. Landscape policy is guided by the European Landscape Convention.

6.3.2 The landscapes of Wales are rich and varied. Many Welsh landscapes are iconic, and a quarter of the land area of Wales is designated as either a National Park or Area of National Outstanding Beauty (AONB). The character and special qualities of all our places and landscapes, both urban and rural, can provide a strong sense of place, inspiration and belonging, and contribute to the distinctive cultural identity of Wales.

6.3.3 All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places. Considering landscape at the outset of formulating strategies and policies in development plans and when proposing development is key to sustaining and enhancing their special qualities, and delivering the maximum well-being benefits for present and future generations as well as helping to deliver an effective and integrated approach to natural resource management over the long term. Collaboration and engagement with adjacent planning authorities, Natural Resources Wales (NRW), Cadw and the third sector will be necessary to draw on a wide range of expertise and evidence. This means:

- ensuring Wales contributes to meeting international responsibilities and obligations for landscapes;
- ensuring statutorily designated sites are properly protected and managed;
- ensuring that the value of all landscapes for their distinctive character and special qualities is protected; and
- ensuring the opportunities landscapes provide for tourism, outdoor recreation, local employment, renewable energy and physical and mental health and well-being are taken into account and multiple well-being benefits for people and communities secured.

6.3.4 Where adverse effects on landscape character cannot be avoided, it will be necessary to refuse planning permission

Biodiversity and Ecological Networks

6.4.1 Biodiversity underpins the structure and functioning of ecosystems. It is the diversity of living organisms whether at the genetic, species or ecosystem level. An ecosystem is made up of living organisms, plants, animals and micro-organisms, in conjunction with their non-living environment, air, water, minerals and soil, and all the diverse and complex interactions that take place between them.

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6.4.2 The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. The Nature Recovery Action Plan supports this legislative requirement to reverse the decline in biodiversity, address the underlying causes of biodiversity loss by putting nature at the heart of decision-making and increasing the resilience of ecosystems by taking specific action focused around the 6 objectives for habitats and species.

6.4.3 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 are in place to both protect against loss and to secure enhancement. Addressing the consequences of climate change should be a central part of any measures to conserve biodiversity and the resilience of ecosystems. Information contained in SoNaRR, Area Statements and species records from Local Environmental Record Centres should be taken into account. Development plan strategies, policies and development proposals must consider the need to:

- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
- ensure statutorily and non-statutorily designated sites are properly protected and managed;
- safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat; and
- secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

6.4.4 It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals. Since these considerations are not confined by administrative boundaries they must be addressed strategically through consultation and collaboration with adjoining planning authorities and other bodies such as NRW and the third sector. All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.

Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty)

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so planning authorities must also take account of and promote the resilience of ecosystems, in particular the following aspects:

- diversity between and within ecosystems;
- the connections between and within ecosystems;
- the scale of ecosystems;

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- the condition of ecosystems including their structure and functioning; and
- the adaptability of ecosystems.

6.4.6 In fulfilling this duty, planning authorities must have regard to:

- the list of habitats and species of principal importance for Wales, published under Section 7 of the Environment (Wales) Act 2016;
- the SoNaRR, published by NRW; and
- any Area Statement that covers all or part of the area in which the authority exercises its functions.

6.4.7 Planning Authorities should also refer to up to date ecological survey information (where appropriate).

6.4.8 A proactive approach towards facilitating the delivery of biodiversity and resilience outcomes should be taken by all those participating in the planning process. In particular, planning authorities must demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions.

Protection for Non-statutory Designations

6.4.20 Although non-statutory designations carry less weight than statutory designations, they can make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given adequate protection in development plans and the development management process. Before authorising development likely to damage a local wildlife designation, planning authorities should give notice of the proposed operation to the County Ecologist and third sector environmental organisations. Where a Green Infrastructure Assessment has identified that certain features or characteristics of the site need to be conserved or enhanced, planning authorities should state in their development plans what features or characteristics require this extra protection and why, and explain how the policies will achieve this protection. Assessments should similarly consider the presence of protected and priority species including those on the Section 7 list and appropriate weight attached to their protection. Policies for non-statutory sites should make it clear that such designations do not preclude appropriate developments, where there are no adverse impacts on the features for which a site is designated.

Maintaining and Enhancing Biodiversity

6.4.21 Planning authorities must follow a stepwise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible.

1. The first priority for planning authorities is to avoid damage to biodiversity and ecosystem functioning. Where there may be harmful environmental effects, planning authorities will need to be satisfied that any reasonable alternative sites that would result in less harm, no harm or gain have been fully considered

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2. Planning authorities should ensure that features and elements of biodiversity or green infrastructure value are retained on site, and enhanced or created where ever possible, by adopting best practice site design and green infrastructure principles. The provision of up to date ecological survey information will assist in this process. Where necessary, planning authorities should seek to modify the development proposal through discussion with the applicant at the earliest possible stage. Biodiversity and green infrastructure modifications should draw on the issues and opportunities identified through the Green Infrastructure Assessment.

3. In some circumstances, it will be appropriate to attach planning conditions, obligations or advisory notes to a permission, to secure biodiversity outcomes. Planning authorities should take care to ensure that any conditions necessary to implement this policy are, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects.

4. When all other options have been exhausted, and where modifications, alternative sites, conditions or obligations are not sufficient to secure biodiversity outcomes, offsite compensation for unavoidable damage must be sought:

a. This should normally take the form of habitat creation, or the provision of long-term management arrangements to enhance existing habitats and deliver a net benefit for biodiversity. It should also be informed by a full ecological assessment before habitat creation or restoration starts.

b. The Green Infrastructure Assessment should be used to identify suitable locations for securing offsite compensation. Where possible, a landscape-scale approach, focusing on promoting wider ecosystem resilience, should help guide locations for compensation. This exercise will determine whether locations for habitat compensation should be placed close to the development site, or whether new habitat or additional management located further away from the site would best support biodiversity and ecosystem resilience at a wider scale.

c. Where compensation for specific species is being sought, the focus should be on maintaining or enhancing the population of the species within its natural range. This approach might also identify locations for providing species-specific compensation further away from the site. Where they exist, Spatial Species Action Plans should be used to help identify suitable locations.

d. Any proposed compensation should take account of the Section 6 Duty (Biodiversity and Resilience of Ecosystems Duty), and the five key ecosystem resilience attributes that it outlines. It should also be accompanied by a long term management plan of agreed and appropriate mitigation and compensation measures.

5. Finally, where the adverse effect on the environment clearly outweighs other material considerations, the development should be refused.

Protected Species

6.4.22 The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is

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sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site, and potentially the surrounding area, concerned. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the development management process. It is considered best practice that screening to determine the presence of protected species should be carried out by a competent ecologist on the basis of data provided by the relevant Local Environmental Record Centre.

Trees, Woodlands and Hedgerows

6.4.24 Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling the climate emergency by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.

6.4.27 The protection and planting of trees and hedgerows should be delivered, where appropriate, through locally-specific strategies and policies, through imposing conditions when granting planning permission, and/or by making Tree Preservation Orders (TPOs). They should also be incorporated into Green Infrastructure Assessments and plans.

Sustainable Drainage Systems (SuDS) and Development

6.6.17 New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development. In guiding new development the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area. A concerted effort of this nature will bring benefits over a whole catchment. At a development plan level, however, there will be considerable advantages

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associated with developing collaborative approaches which, drawing on evidence obtained through green infrastructure assessments, integrate SuDS as part of growth strategies for particular areas.

6.6.19 Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle, providing issues such as land contamination would not result in the mobilisation of contaminants which may have an impact over a wider area. Design for multiple benefits and green infrastructure should be secured wherever possible and as part of Green Infrastructure Assessments suitable approaches towards the provision of SuDS should be identified. It may, in some circumstances, be necessary for 'hard' infrastructure solutions to be preferred because of practical or archaeological considerations, but taking into account the role of water services in contributing to the quality of place, nature based solutions should be the preference.

Managing Potential Environmental Risk Arising through Construction Phases

6.7.26 Planning authorities must consider the potential for temporary environmental risks, including airborne pollution and surface and subsurface risks, arising during the construction phases of development. Where appropriate planning authorities should require a construction management plan, covering pollution prevention, noisy plant, hours of operation, dust mitigation and details for keeping residents informed about temporary risks.

Lighting

6.8.4 Planning authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems, for example, requiring energy-efficient design and to prevent light pollution.

Technical Advice Notes (TANs)

Technical Advice Note 5: Nature Conservation and Planning (2009)

Technical Advice Note 10: Tree Preservation Orders (1990)

Technical Advice Note 12: Design (2016)

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 18: Transport (2007)

Technical Advice Note 23: Economic Development (2014)

Technical Advice Note 24: The Historic Environment (2017)

Development Plan and Relevant Policies

The Development Plan for the area is the Swansea Local Development Plan (Adopted February 2019) and within which the following policies are considered to be relevant to your proposal:

PS 2 Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

CV 2 Development in the Countryside - Development outside defined settlement boundaries will be required to ensure the integrity of the countryside is conserved and enhanced. There is a

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presumption against development in the countryside except where it meets a specific set of criteria. Countryside development must be of a sustainable form with prudent management of natural resources and respect for the cultural heritage of the area. Where possible, existing buildings should be reused and where this is not feasible new buildings should be positioned close to existing buildings.

IO 1 Supporting Infrastructure - development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

HC 1 Historic and Cultural Environment - Proposals must preserve and enhance the County's distinctive historic and cultural environment in compliance with policy principles.

HC 2 Preservation or Enhancement of Buildings and Features - Proposals must preserve or enhance the County's buildings and features of historic importance in compliance with Policy principles.

ER 2 Strategic Green Infrastructure Network - Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

ER 5 Landscape Protection - Development will not be permitted that would have a significant adverse effect on the character and quality of the landscape of the County.

Priority will be given to protecting, enhancing and managing the character and quality of the 4 Special Landscape Areas (SLAs) (shown on the Proposals Map). Within SLAs development will only be permitted where there is no significant adverse impact, including cumulative impact, on the character and quality of the landscape, a landscape assessment may be required. Permitted development should aim to protect and enhance the features for which the SLA has been designated. In exceptional circumstances, where development that will have a significant impact on the landscape is necessary, a landscaping scheme will be required with appropriate mitigation and enhancement measures.

ER 6 Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation.

Development that would adversely affect locally designated sites should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that specified policy criteria are met.

ER 8 Habitats and Species - Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where they meet specific criteria.

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ER 9 Ecological Networks and Features of Importance for Biodiversity - Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

ER 11 Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

Where necessary a tree survey; arboricultural impact assessment; an arboricultural method statement; tree protection plan and/or scheme for tree replacement, including details of planting and aftercare will be required in support of a planning application.

T 1 Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T 5 Design Principles for Transport Measures and Infrastructure - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

T 6 Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

T 7 Public Rights of Way and Recreational Routes - development that significantly adversely affects the character, safety, enjoyment and convenient use of a Public Right of Way (PROW) will only be permitted where an acceptable alternative route is identified and provided. Linkages, and where appropriate extensions, to the existing PROW network will be expected from all new developments, which must have regard to the existing character of the PROW and the aspiration to improve access for all.

EU 1 Renewable and Local Carbon Energy Developments - proposals for renewable or low carbon energy development will be permitted subject to compliance with specific criteria

EU4 Public Utilities and New Development - development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

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RP 1 Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

RP 2 Noise Pollution - Where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants. Noise sensitive development will not be permitted unless effective mitigation will prevent exposure to existing noise generating uses. Development that would lead to an increase in environmental noise at a NAPPAs or would have an unacceptable impact on a Quiet Area will not be permitted.

RP 3 Air and Light Pollution - Where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants.

RP 4 Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

RP 5 Avoidance of Flood Risk - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

RP6 Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

RP 7 Land Instability - Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant direct risk to life, human health, property, buildings and structures, or the natural heritage on the site or in its vicinity. Development will only be permitted on unstable or potentially unstable land where it is in line with policy principles. Development is not permitted within Graig Trewyddfa Slip area.

RP 13 Safeguarding Minerals - Development within mineral safeguarding areas that would permanently sterilise identified resources of aggregates will only be permitted where it can be demonstrated compliance with specific criteria. Development of a temporary nature will only be permitted where the site can be restored within a timescale that the mineral is likely to be needed.

Supplementary Planning Guidance (SPG):

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- Biodiversity and Development (adopted 2021)
- Planning Obligations (adopted 2010)
- Trees, Hedgerows and Woodlands (adopted 2021)

Internal Consultee Responses:

Placemaking and Strategic Planning:

Overview

This is a proposal for a photovoltaic farm, in area of approximately 38ha, on an elevated plateau above Glais (to NE) and Clydach (to E).

The Panels proposed are approx 0.8m to 1.2m wide and 1.6m to 2m long, secured to a mounting frame angled between 15 and 30 degrees from the ground, no more than 3m from the ground. Associated transformers, substations and control cabins. 2 metre security fence around the site, ground cover ratio of 40 to 60%. Estimated lifespan of 40 years, after which all equipment will be removed and agricultural/biodiversity use restored. 15ha of land identified as non-operational is dedicated to biodiversity management and enhancement.

The site is very close to the administrative boundary of NPT, who have also been consulted.

This proposal falls within the definition of a DNS, as the scheme comprises an electricity generating station with potential capacity of between 10 and 350 mw.

Principle of Development

The principle of renewable and low carbon energy development is supported by national and local planning policy (Future Wales Policies 17 and 18, PPW11 Chapter 5, LDP Policy EU1). The site lies outside the LDP LSA for Solar, but this does not preclude the site from being potentially acceptable in principle at the local, subject to appraisal of the scheme against policy EU1. Applicants must also have regard to any specific landscape, biodiversity and amenity issues which will be assessed against the relevant LDP policies.

Future Wales Policy 17 states there is “*strong support for principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs*”. The policy also makes clear 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 our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.*” The Policy also requires that “*Proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities.*”

Planning Policy Wales 11, Chapter 5 reflects Future Wales and the wider Welsh Government energy policy. References to Strategic Search Areas have been removed and TAN 8, *Renewable Energy* revoked. Reference is also made to Local Energy Planning and the

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introduction of the Welsh Government's local ownership policy for all renewable energy projects in Wales.

LDP Policy EU 1 similarly seeks to facilitate renewable and low carbon energy development subject to compliance with the criteria specified. The proposal lies outside the local search area (LSA) for Solar PV between 5-50 MW and as such the proposal must not prejudice the purpose of the LSA.

Criterion iii a-d states that, in all cases, **the impact of the development and associated infrastructure on character, public amenity, telecoms, and carbon sinks must be considered**. There are specific local criteria specified, which must be read together with principles for development management of renewable energy set out in National Planning Policy and Guidance.

Criteria iv - emphasises that applicants must demonstrate that **satisfactory mitigation will be put in place** to reduce the impact of the proposal, and specifically glint and glare. Appropriate provision for restoration and aftercare must be agreed with the LPA prior to development being carried.

Criteria v - states that **additional compensatory benefits** may need to be sought in accordance with **LDP Policy IO 1** Supporting Infrastructure and Planning Obligations and in line with WG policy on Community benefits from renewable energy

Specialist advice should be sought as to the extent to which any landscape impact can be justified in and the appropriateness of any mitigation and enhancement measures proposed in relation to consideration any of the above referenced policies.

LDP para 2.13.6 recommends that applicants submit a report which sets out how each of the national and local considerations have been addressed. This may include a LVIA and, where heritage assets are affected, an HIA.

Placemaking and Heritage Principles

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard for all proposals to seek to incorporate:

Future Wales Policy 2 sets out that:

- development should **adhere to key placemaking principles** in order that it positively contributes towards building sustainable places that support well-being objectives, and
- opportunities should be taken to ensure that **multifunctional GI is fully integrated** into development schemes wherever possible.

Swansea LDP Policies PS 2 and ER 2 highlight that:

- all proposals should **adhere to key placemaking principles and development criteria**, to ensure that proposals make a positive contribution to the experience and enjoyment of places

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- development should **enhance the quality of places and spaces**, and respond positively to aspects of **local context and character**
- the design, layout and orientation of proposed buildings, and the spaces between them, should **provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity**, and that
- development must take opportunities to **maintain and enhance the County's GI network**, having regard to the extent, quality and connectivity of the GI resource

LDP Policy HC 2 Preservation or Enhancement of Buildings and Features:

Submission of Archaeological desk based assessment (Oct 21) noted. LDP policy requires the preservation or enhancement of SAMs and their settings. Specialist advice of GGAT should be referred to on this issue.

Biodiversity Enhancement

Complementary to the need to align with placemaking requirements, developments are required to take opportunities to enhance biodiversity and integrate nature-based solutions to the design process wherever possible, in line with **Development Plan** policy and having regard to Council adopted **SPG on Biodiversity and Development**. This reflects the Council's duty under Section 6 of the Environment (Wales) Act 2016 ("the S6 duty").

Future Wales Policy 9 and PPW require that:

- all applications demonstrate the actions that have been taken where possible to maintain and enhance biodiversity and ecosystem resilience, as well as relevant GI assets.
- a clear and proportionate approach is taken to considering biodiversity and securing overall enhancement.

Extracts from the Council's **Biodiversity and Development SPG** are provided in Annex B of this response. These relate to how the requirement for biodiversity can be addressed, as well as details of specific measures that could be provided to enhance biodiversity and ecosystem resilience.

The following highlights key biodiversity issues that need to be addressed having regard to the relevant LDP policies:

- **Protected Sites** The submitted documents refer to the SSSI's at Glais Moraine and at Forst Goch, but do not refer to the Graig Ola SINC is located within the application site, (shown on the LDP constraints map). Policy ER 6 and ER 9, supported by the adopted Biodiversity SPG, set out the stepwise process that should be followed to ensure that the biodiversity and ecosystem resilience of these important sites is maintained and enhanced.

- **GI and biodiversity enhancements:** There is potential to explore provision of ground level GI or biodiversity enhancements beneath and around solar panels (for example biodiverse planting, grazing arrangements etc. Securing these aspects should be explored through the CEMP). These measures have potential to directly benefit the efficiency of the solar panels

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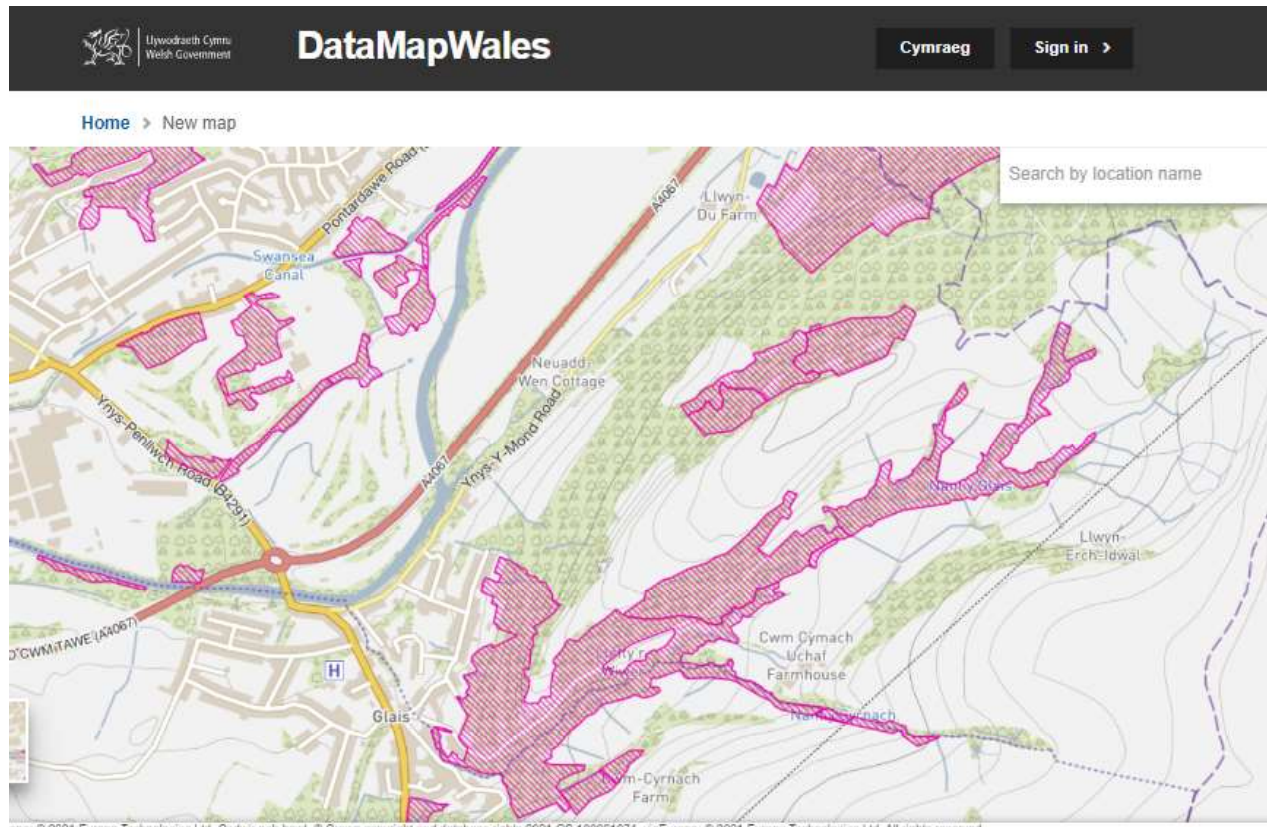
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through reducing surface temperatures and increasing evapotranspiration. Landscape and screening design should also consider opportunities relating to integration of SUDs, ecology and connectivity measures and their associated benefits in terms of providing additional functionality re connectivity corridors, cooling and shading, and evapotranspiration.

- **Trees – LDP Policy ER 11 and adopted SPG.** Arboricultural impact assessment in accordance with BS5837:2012 required. Once impacts are established the following issues need to be addressed

- **Ancient Woodland:** Ancient woodland is identified on some of the maps submitted, but not clearly referenced as a constraint, nor any reference to impact of development on the AW, nor mitigation proposed in response. PPW, Policy ER 11 and the supporting Trees, Hedgerows and Woodlands SPG is clear that ancient woodland is an irreplaceable habitat.



- **Tree replacement:** Where development results in the need to provide mitigatory or compensatory replacement tree planting, either on or off site, the method of calculation of the number and quality of replacement trees is provided in the Tree Replacement Standard at Appendix A of the Adopted Trees, Hedgerows and Woodland SPG (extracts provided at Annex B of this response).

Other issues

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The LDP Constraints and Issues Map shows historic contaminated land in the area, around Graigola colliery. **Policy RP 6** requires that the applicant demonstrates that measures can be taken to overcome any significant risks identified. A site investigation report may be required, together with appropriate consultation with NRW.

Final Comments

The principle of renewable energy development is broadly supported. This is subject to the Council being satisfied the proposal does not have any negative visual, landscape or amenity impacts.

Submission of a report is strongly encouraged to set out how each of the considerations of national policy, and each of the criteria of LDP Policy EU1 have been addressed, especially with regard to impact on identified local features and assets and having regard to the results of any existing or updated ecological surveys, LVIA or HIA.

Local Highway Authority:

There is not enough information at this stage to provide full comments on the proposals however it is recognised that the initial construction stage is temporary and that this type of development, once the construction phase is over, results in minimal traffic on the highway network with periodic maintenance being carried out by smaller vehicles.

The development is large scale and is remote from major arterial routes such as the M4 and the highway network in general. It is presumed that the construction phase will require large vehicles on a frequent basis which will be travelling through the village of Glais and narrow rural roads and full details on how the construction phase will be managed, the scale of the development, travel routes, construction traffic type and intensity of movements will be required to be submitted with any subsequent applications.

Further comments following a review of the Preliminary Construction Traffic Management Plan:

In the absence of required information and swept paths it is not possible to submit comments at this stage.

Ecology

Relevant documents reviewed:

- Pre-Application Discussion Document, Sirius Planning, November 2021; and
- Technical Note Ecology, FPCR, September 2021.

Protected Sites

The Graig Ola - Cwm-cymach Site of Importance for Nature Conservation (SINC) is located within the application site and the development must therefore comply with Policy ER6.

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Policy ER 6: Designated Sites of Ecological Importance of the LDP states the following:

Development that would adversely affect locally designated sites of nature conservation importance should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that:

- i. The need for the development outweighs the need to protect the site for nature conservation purposes;
- ii. There is no satisfactory alternative location for the development that avoids nature conservation impacts; and
- iii. Any unacceptable harm is kept to a minimum by effective avoidance measures and mitigation, or where this is not feasible, compensatory measures must be put in place to ensure that there is no overall reduction in the nature conservation value of the area.

In assessing the potential harm the Council will consider:

- The individual and cumulative effects which will include impacts during construction;
- The role of the site in the ecological connectivity network; and
- Whether effective mitigation and/or compensation measures have been provided.

Ecological Management Plan (EMP)

The proposal to manage the SINC habitats is welcomed. The management proposals will be formalised within an EMP.

This site-specific document must outline processes and instructions to manage and monitor the site, and its operations, both during and after development, in such a way so as to protect and enhance the biodiversity and ecology of the site (and adjacent habitats where applicable). The EMP will be informed by the results of any ecology surveys.

The DEFRA metric is not widely used in Wales as the net gain calculations are not mandatory like in England. However, habitat condition surveys can be used to order to monitor the quality of the habitats before, during and after development in order to measure the effectiveness of the habitat management and ensure that biodiversity and ecosystem resilience are maintained and enhanced. Monitoring surveys will also be required for protected/priority species, so that any impacts of the development can be assessed and mitigated for where necessary.

Protected Species

Any full submission should be accompanied by the results of the Preliminary Ecological Appraisal (PEA). This should include an assessment of the potential of the site to support protected species and habitats, including invasive non-native species, and determine the need for any further surveys. The submission must be accompanied by the results of any further surveys that are identified as necessary within the PEA. It should also include recommendations for avoidance, mitigation/compensation and enhancements.

It may be necessary to undertake reptile, bat, badger, breeding & wintering bird, dormouse, otter, water vole and invertebrate surveys.

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As proposed, an EclA should be submitted once the phase 2 surveys are complete.

Hedgehog:

There is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of The Wildlife and Countryside Act 1981 (as amended), which prohibits killing and trapping by certain methods. They are also listed on Section 7 of The Environment (Wales) Act 2016. This is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.

In order to retain habitat connectivity for species of principal importance, such as hedgehogs, boundary treatments should not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points. See: <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>

Lighting Strategy

A sensitive lighting strategy for the site will be required to support any application. It should aim to protect bats and other nocturnal species. A plan showing location, light spill and specification for any proposed lights on the site (during construction & operation) must be submitted for approval. The lighting plan should reflect the Bat Conservation Trust's Bats and Artificial Lighting in the U.K. (2018) guidance: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>

Construction Environmental Management Plan (CEMP)

A CEMP for the site will be required to support any application. The document will need to include sufficient detail to demonstrate how construction will be managed to ensure pollution prevention and protection of habitats and species on and adjacent to the site.

Ecological Enhancements:

The Biodiversity Supplementary Planning Guidance (SPG) should be referred to for further information: <https://www.swansea.gov.uk/biodiversityspg>

A scheme to demonstrate that the development will conserve and enhance biodiversity and resilient ecosystems will be required to support any application. This is in line with the Section 6 Duty of the Environment (Wales) Act 2016, the Resilient Wales Goal of the Well-being of Future Generations Act 2015, Planning Policy Wales Edition 11, Future Wales and Technical Advice Note 5.

The proposed specification and location of the enhancements shall we shown on an architectural drawing submitted to the LPA for approval.

Green Infrastructure

LDP Policy ER2 requires that in order to be acceptable, development must not compromise the integrity of the green infrastructure system. This means that where a development proposal will result in loss in green infrastructure and consequently a loss in ecosystem service provision, mitigation and compensation measures will be required. The LDP policy now requires that

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compensatory measures should maintain and enhance the green infrastructure network. The policy criteria set out the type of measures that could be incorporated into a development scheme to achieve this.

Sustainable Drainage (SuDS):

From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m² or more require sustainable drainage to manage on-site surface water. It is advised that reference is made to the Swansea Council LDP.

SuDS work by making use of landscape and natural vegetation to control the flow of surface water and reduce the risk of flooding. Designs can include ponds, permeable paving and swales, which slow down the discharge of surface water more than conventional piped drainage.

Standard S5 addresses the design of SuDS to ensure, where possible, they create ecologically rich green and blue corridors in developments and enrich biodiversity value by linking networks of habitats and ecosystems together. Biodiversity should be considered at the early design stage of a development to ensure the potential benefits are maximised.

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

Pollution Control

Pollution Control has no grounds to object to this proposal or additional comments to raise at this time.

Drainage

Any watercourse crossing will require the Authority's prior written consent under Section 23 of the Land Drainage Act 1991 irrespective of any other permissions given.

Schedule 3, Flood and Water Management Act 2010

Your development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given.

Trees

An arboricultural impact assessment in accordance with BS5837:2012 is required.

Common impacts on solar farms are potential shading and excavation from cable runs. From the aerial photography there appears to be mature trees in the hedgerows and the panels shown close to these in their potential shadows.

Rights of Way

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The track marked in yellow on the map is an adopted highway. As such, walkers, cyclists and equestrians have the right to use it along its full extent. It links up footpaths YM2 and YM4. In fact, without the adopted highway there would be no way to access footpath YM2 from the Northern end.

I have covered this area for over 10 years for the Countryside Access Team and have been quite surprised by how many people use it. The people that do use it don't tend to stick to the public footpaths, but just seem to wander where they wish to a certain extent. I also know equestrians have used this area a fair bit, although some of them may have used it by virtue of being members of the hunt.

The land at the far end of the adopted highway is managed by NRW and is currently being looked at with regards to native tree planting and access improvements, so it may be that more people will be encouraged to use the paths and the adopted highway for fitness and fresh air.

I know from experience of being up on the footpaths in the area that the site can be seen from footpath YM2, YM4, YM5 and also bridleway Y370a and would change the feel of the area for path users.

I believe it would be worthwhile speaking to the contact from NRW Andrew Hood Andrew.Hood@cyfoethnaturiolcymru.gov.uk to see how this development may affect their plans for the woodland abutting the application site.

If the development does go ahead the countryside access team would like for a dedicated link / entrance for equestrians to use the adopted highway into the NRW woodland, (subject to discussions with them). I know there are a number of stables in the area.

External Consultee Responses:

Coal Authority

I have reviewed the proposals and can confirm the Coal Authority would not expect the planning application to be supported by a Coal Mining Risk Assessment, or equivalent, to assess the risk to the development from coal mining legacy. The nature of the proposals meet with our exemption criteria.

Accordingly, there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted with any planning application or for the Coal Authority to be consulted on this proposal.

Glamorgan Gwent Archaeological Trust (GGAT)

We have consulted the regional Historic Environment Record (HER) and note the submission of an Archaeological Desk-based Assessment by Archaeology Wales (Report no. 2013, dated

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October 2021). The document assesses the archaeological resource of the area, as well as the potential impact upon it by the proposed development. A total of eight sites have been identified, including a medieval earthwork and cultivation ridges. A drystone walled field system, sheepfold and several quarries have also been identified. As such there is the possibility of encountering archaeological remains during the course of the proposal. However it is noted that the proposal has been designed to minimise the impact on these sites.

Therefore, should a similar application to the one you have outlined be submitted, we would be likely to recommend a condition requiring the applicant to submit a detailed written scheme of investigation (WSI) for a programme of archaeological work be attached to any consent.

Assuming the sympathetic design of the proposal continues, we envisage that this programme of work would take the form of a watching brief during any groundworks affecting the drystone walls or cultivation ridges, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

Cadw

An Archaeological Desk-based Assessment has been prepared for the development by Archaeology Wales and this has considered the impact on the settings of the above designated historic assets. This has concluded that at worst, there will be a minor, but not significant, adverse impact on the settings of any of these designated historic assets. We concur with this conclusion.

As such there is no need for further assessment of the impact of the proposed development on the settings of designated historic assets to be carried out. However, it is noted that a number of undesignated archaeological features are located inside the proposed development area and it is strongly recommended that the Glamorgan-Gwent Archaeological Trust, the archaeological advisors to the City and County of Swansea should be consulted as the need for further investigation of these features to be carried out and if appropriate mitigation measures are in place to reduce the scale of any impact on them.

Initial assessment of the proposed development and consideration of planning merits

In view of the scale of the proposal, the decision on whether to grant consent would not rest with this Authority, however, by way of context, it is important to briefly set out the national planning policy on renewables set out within FW and PPW.

Importantly FW states 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 the target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.

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FW Policy 18 sets out 11 criteria that all renewable Developments of National Significance must be considered against. The national planning policy on renewables is reflected in the LDP's approach to the provision and consideration of renewable energy proposals. Under LDP Policy EU1 the Proposals Map includes a Local Search Area (LSA) for solar developments. The pre-application site lies entirely outside the LSA. While this does not indicate an automatic presumption against the development, the LSA does identify areas within Swansea that would have the least constraints for such a development following the methodology within the Council's Renewable Energy Assessment.

The application site is located entirely within the open countryside and it is recognised that such developments, for the most part, must be sited in such areas given the extensive land required to accommodate the infrastructure. It is also recognised, in light of national policy guidance, that the provision of renewable energy infrastructure would be considered as 'necessary infrastructure provision' under the exceptions criteria (vii.) of LDP Policy CV2.

Notwithstanding this, PPW notes that when considering development management decisions considerable weight should be given to protecting the best and most versatile agricultural land because of its special importance. PPW advised 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. Any planning submission would need to be accompanied by an Agricultural Land Classification Survey in order to demonstrate that the land for the proposed development would not be the best and most versatile agricultural land according to PPW.

The proposal will now be considered against the key criteria of LDP Policy EU1, which requires that the development should not have a significant effect in relation to:

a. The characteristics and features of the proposed location as a result of the siting, design, layout, type of installation and materials used;

The site is not located within a Special Landscape Area (SLA) under LDP Policy ER5, however, this does not automatically indicate that the development would be acceptable in landscape terms. A Landscape and Visual Impact Assessment would be required to fully consider the landscape impacts of the proposed development and feedback has previously been provided to you in relation to the suggested viewpoints.

Any proposal must be implemented in strict accordance with Policy PS 2 (Placemaking and Place Management) to ensure that development in the countryside successfully integrates with the landscape. It should be noted that FW states that renewable proposals must ensure no unacceptable adverse visual impacts on nearby communities and individual dwellings. In this respect it is noted that the application site is relatively well contained on its southern side by

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woodland and there do not appear to be any dwellings within close proximity of the site, with the nearest some 200m to the west of the site on Graigola Road.

An indicative cable route has been provided indicating the development would connect to an existing substation on the southern bank of the River Tawe opposite Vale Europe. For the most part the route would follow the adopted highway, however, it does appear to cross some woodland areas. The cable route proposals will need to be refined to avoid important green infrastructure assets. It is also not clear how the cable proposals relate to the DNS application. Will the cable route form part of the DNS application or will a separate application be submitted?

Solar panels and associated infrastructure should be sited a satisfactory distance from existing green infrastructure features such as hedges and trees to ensure these features would not be harmed both at the construction and operational stages. The Council's Tree Officer has indicated that there may be potential conflicts with such features as such an Arboricultural Impact Assessment would be required in accordance with BS5837 and careful consideration would be required to the impact of the development on Ancient Woodland.

b. Public amenity or public accessibility to the area;

As indicated above, given the distance to the nearest residential property, it is considered unlikely that the operational phase of the proposed development would result in any significant direct impacts upon the amenity of nearby residential occupiers. Notwithstanding this, given the narrow construction traffic route in proximity to housing, there is a concern that the construction phase of the development would have the potential to result in significant impacts in relation to noise, vibrations and dust etc. These impacts would need to be fully explored and mitigated within any development proposals.

The Council's countryside access officer has noted there is an adopted highway leading to the site from Glais that provides access to footpaths in the surrounding area. Public access along this route will need to be carefully considered as this access forms part of the route for construction traffic.

The countryside access team has requested a dedicated link / entrance for equestrians to use the adopted highway into the NRW woodland (subject to discussions with them). This would provide some benefit to the local community and should be considered as part of the proposals.

As you are aware there has been a claim in relation to a right of way going through part of the site and this is currently being reviewed by the countryside access team. Clearly the outcome of this claim has the potential to impact upon the proposed development and any planning submission would need to have regard to the outcome of the claim.

Consideration will need to be given to the impact of the development on public views from this highway and surrounding paths. This will be assessed further as part of the LVIA, noting that viewpoints are proposed from these paths.

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c. Radar, Aircraft Operations or Telecommunications;

It is unlikely the proposals would impact upon these areas and confirmation of this should be provided within any future submission.

d. Carbon sinks, unless it can be demonstrated that on-site loss can be adequately mitigated;

In order to address this criteria any application would need to be accompanied by information to demonstrate that the proposed development would not result in any unacceptable impact in relation to carbon sinks.

iv. Satisfactory mitigation should be in place to reduce the impact of the proposal and its associated infrastructure; and in the case of solar proposals must mitigate against any impacts of glint and glare. Proposals shall make provision for the restoration and after-care of the land for its beneficial re-use. This will be agreed with the LPA prior to the development being carried out.

Glint and Glare impacts would need to be addressed through the submission of an assessment in relation to these matters.

In relation to mitigation, it is noted the site is located outside of any nationally designated sites of ecological importance but forms part of the Graigola Cwm-cymach SINC as detailed within the ecology response above. The proposal, by virtue of its sheer scale, will have the potential to result in harmful ecological and environmental impacts. From the outset, the development should seek to both retain existing green infrastructure features on site and provide satisfactory mitigation and ecological enhancements, as required by national planning policy within FW Policy 9 and LDP Policy ER9. It is understood that areas adjacent to the site may be set aside and managed for this purpose and that further broad details in relation to the intended mitigation measures will be discussed with the Council's ecologist. It would need to be demonstrated that such areas would be within the applicant's control for the duration of the development. It would also need to be demonstrated that the proposed works would result in a net biodiversity benefit and that there would be a suitable mechanism in place for the management of these areas. Any proposed hedgerow loss should be mitigated through replacement hedgerows within and around the site, where possible (with translocation considered where feasible).

Access and Highway Safety

It is not entirely clear from the plans where access to the fields will be gained from the adopted highway. If any widening works or tracks are required in order to facilitate access to the site then these areas will need to fall within the red line application site area. Details of track construction should be provided within the planning submission.

The LHA have expressed concerns regarding the narrow nature of the roads surrounding the site and their ability to accommodate the significant levels of construction traffic associated with

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the proposed development. While a Preliminary Construction Traffic Management Plan has been provided the LHA has requested further details in relation to swept path assessments etc.

Following discussions with colleagues in Neath Port Talbot Council it is understood that their Highways officer has noted significant concerns in relation to the proposed construction traffic route associated with the proposed drop down area.

Drainage

The development will require SAB consent therefore you are encouraged to engage in pre-application discussions with the SAB in order to ensure the chosen SUDs system for the development would be SAB compliant and compliant with LDP Policies RP4 and RP5:

<https://www.swansea.gov.uk/sustainable Drainage>

Any planning submission should be accompanied by an appropriate drainage strategy.

Land Instability and Land Contamination

The Coal Authority have indicated that the nature of the proposals meet with their exemption criteria as such the Coal Authority would not expect the planning application to be supported by a Coal Mining Risk Assessment. On this basis the proposal would not appear to conflict with LDP Policy RP7.

The Pollution Control division have raised no concerns in relation to the human health impacts arising from the development, however, you are encouraged to discuss the environment impacts of the development with NRW who operation a separate pre-application advice service. On the basis of the information received to date, it is considered unlikely that the proposed development would conflict with the requirements of LDP Policy RP6.

Heritage

Cadw have reviewed the submitted Archaeological Desk-based Assessment and concur with its conclusions that the proposal would, at worst, result in a minor, but not significant, adverse impact on the settings of designated historic assets.

Cadw have confirmed there is no need for further assessment of the impact of the proposed development on the settings of designated historic assets to be carried out.

GGAT have reviewed the pre-application submission and note that a total of eight heritage sites have been identified, including a medieval earthwork and cultivation ridges. A drystone walled field system, sheepfold and several quarries have also been identified. As such there is the possibility of encountering archaeological remains during the course of the proposal. GGAT note that the proposal has been designed to minimise the impact upon these sites and, should an application be submitted, would recommend a condition requiring the applicant to submit a

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detailed written scheme of investigation (WSI) for a programme of archaeological work be attached to any consent.

In light of the above, and subject to conditions, the proposal would be unlikely to conflict with any known heritage assets and would likely comply with LDP Policies HC1 and HC2.

Community Ownership

There is a requirement within PPW (5.9.24) for all renewable schemes to include an element of local ownership, in order to retain wealth and provide real benefits to the community. In order to move the dialogue forward on this point you are encouraged to engage with Clydach Community Council and the local councillors for Llansamlet ward and Clydach ward in order to discuss the options available to benefit the local community.

Cumulative Impacts

LDP Policy EU 1 specifically states that impact must be considered in terms of the impact of the scheme itself, cumulative impact and impact in combination with existing, approved or proposed development.

The LPA is not aware of any other renewable energy schemes within the vicinity of the site, however, there is a non-strategic housing allocation to the north west of the site (H1.9). In view of the relatively small scale of the housing allocation, it is unlikely the proposal would result in any significant cumulative impacts in combination with this allocation. However, the cumulative impacts of the development will need to be considered further within the LVIA.

S106 Agreement

At this stage no consultee responses have requested any financial contributions. As indicated above, there is a requirement within PPW for the development to incorporate an element of local ownership and it is likely the mechanism to secure such a requirement would be through the provision of a Section 106 agreement.

Details of any documents required for a subsequent application:

- Pre-Application Consultation Report
- Design and Access Statement
- Transport Assessment (together with any mitigation measures for highway issues)
- Construction Traffic Management Plan
- Drainage Strategy
- Preliminary Ecological Assessment
- Environment Management Plan
- Tree Survey and Arboricultural Impact Assessment
- Site Investigation
- Landscape and Visual Impact Assessment

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- Green Infrastructure Strategy
- Agricultural Land Classification Survey
- Glint and Glare Assessment
- Archaeology Desk-based Assessment

Conclusion

In conclusion, while the proposed development is outside of the LSA, the provision of a solar farm in this area may have some merit and would make a positive contribution to achieving a national shift towards renewables. There are a number of technical issues to address and a raft of supporting technical information will be required in order to demonstrate compliance with national and local planning policies.

Please note that this guidance is given on the basis of the information submitted, and that full consultation with Statutory Undertakers or interested parties, such as neighbours has not been undertaken. Additionally, the views expressed are those of an officer of the Authority, which cannot prejudice any final decision the Council may make if an application for planning permission is submitted.

I trust that the above advice is satisfactory for your current purposes. However should you require clarification of any of the above matters, or you would like to engage in further discussions please do not hesitate to contact Simon Hughes on the above number.

Yours faithfully

Andrew Ferguson

Andrew Ferguson

Area 1 – Team Leader

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