



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

Date Dyddiad	15th February 2022
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BY EMAIL ONLY

Dear Sir,

Town and Country Planning Act 1990

Pre-App. Ref.: Q2021/0257
PROPOSAL: Request for Non-Statutory Pre-Application Advice - Proposed Solar Farm, Craig Y Perchych, Glais (Development of National Significance)
LOCATION: Craig Y Perchych Glais Swansea

I refer to your correspondence received on 6th December 2021, concerning the above Development of National Significance and your request for pre-application advice. Having considered the nature of submission, I respond as follows.

Local Context and Constraints

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

- SINC Watercourse
- Lower Risk Coal Area

Amgylchedd ac Adfywio

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Environment and Regeneration

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Croesewir gohebiaeth yn y Gymraeg a byddwn yn ymdrin â gohebiaeth Gymraeg a Saesneg i'r un safonau ac amserlenni.

We welcome correspondence in Welsh and will deal with Welsh and English correspondence to the same standards and timescales.

- HSE PADHI Installations – based on the information provided with this submission HSE does not advise, on safety grounds, however you are advised that HSE offer a pre application advice service at <https://www.hse.gov.uk/landuseplanning/padhi.htm>

Relevant Planning History

From an examination of our records, the application site has no relevant planning history.

Relevant Planning Policies

National Planning Policy:

[Planning Policy Wales](#) (Edition 11) was revised and restructured in February 2021 to coincide with publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) and to deliver the vision for Wales that is set out therein.

Future Wales now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.

PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.

The following guidance is of particular relevance in the assessment of this pre application enquiry:

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 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.

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.

5.7.5 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.

5.7.6 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 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:

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.

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.

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;
- 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.

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

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 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.

PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

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

In addition to national guidance contained within Planning Policy Wales, any application would be considered against the Policies within the Adopted Neath Port Talbot Local Development Plan, details of which are available on the Council's web site by visiting www.npt.gov.uk/ldp. The relevant policies would include:

Strategic Policies

- **Policy SP1** Climate Change
- **Policy SP2** Health
- **Policy SP3** Sustainable communities
- **Policy SP4** Infrastructure
- **Policy SP6** Development in the Valleys Strategy Area
- **Policy SP14** The Countryside and the Undeveloped Coast
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection
- **Policy SP17** Minerals
- **Policy SP18** Renewable and Low Carbon Energy
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

Topic based Policies

- **Policy SC1** Settlement limits
- **Policy EN6** Important Biodiversity and Geodiversity Sites
- **Policy EN7** Important Natural Features
- **Policy EN8** Pollution and Land Stability
- **Policy EN9** Developments in the Central Port Talbot Area
- **Policy M1** Development in Mineral Safeguarding Areas
- **Policy M2** Surface Coal Operations
- **Policy RE1** Criteria for the Assessment of Renewable and Low Carbon Energy Development
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design
- **Policy WL1** Development in Language Sensitive Areas

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

- [Planning Obligations](#) (October 2016)
- [Pollution](#) (October 2016)
- [Renewable and Low Carbon Energy](#) (July 2017)

- [Design](#) (July 2017)
- [Development and the Welsh Language](#) (July 2017)
- [Landscape & Seascape](#) (May 2018)
- [Biodiversity and Geodiversity](#) (May 2018)

All of the above SPG can be viewed on the [Council's website](#).

Analysis of Proposal

Principle of development

With these new policies referred to above the Welsh Assembly Government has strengthened its commitment to meeting the challenges of climate change, including specifically to increasing the amount of energy generated from renewable sources. The new Future Wales sets out 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 previous policies did not include specific targets for the whole of Wales, so the new policies are much clearer about the Welsh Assembly Government’s intentions for the planning system to help contribute to renewable energy provision.

New policy in Future Wales and PPW11 respectively set out that *“the Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs”* and that the planning system should *“maximise renewable and low carbon energy generation”*. To support local communities, the new policies retain the previous policy requirement that new energy projects must have an element of local ownership – at least a Gigawatt of capacity must be locally owned by 2030.

Within the new policy documents, large scale solar and wind developments are not supported in National Parks or Areas of Outstanding Natural Beauty (consistent with the previous policy approach) and all renewable schemes must be deemed appropriate in terms of their impacts on landscape, visual receptors, ecology, heritage assets, local amenity, electro-magnetic disturbance, defence interests and transport. Materials are also required to be sustainably sourced and it must be demonstrated that decommissioning can be carried out in an appropriate manner.

The new more supportive policy context for all renewable energy schemes will improve the chances of gaining consent for solar energy developments, as long as they can be demonstrated to meet the required criteria mentioned above (visual, ecological, heritage, etc). Although it is acknowledged that the determination of an application of the nature proposed would not fall on this Authority it is required to be assessed against the criteria contained within the relevant policies of the adopted Neath Port Talbot Local Development Plan.

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

Policy RE1 sets out requirements for renewable energy developments criterion 4 states:

“all renewable energy or low carbon energy development proposals will be required to demonstrate that:

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

Policy RE2 states

“Development proposals which incorporate schemes that generate renewable and low carbon energy will be encouraged.”

In relation to the above criterion specified in Policy RE1 the following comments are provided:

Visual amenity and the natural environment;

As limited information has been provided we are not able to comment on design and visual amenity. The application will need to be accompanied by a Landscape and Visual Impact Assessment with photomontages from critical viewpoints as part of any future planning application. It is noted that this submission has included a number of viewpoints, however these appear to be all within the administrative boundary of Swansea City Council. It is suggested that further consideration is given to providing additional viewpoints from public vantage points to the east of the proposed site within Neath Port Talbot. It is also noted that the boundaries of the proposed application site on the viewpoint plan differs from that shown on the location plan.

The long-term addition of a renewable energy development into a landscape that is not currently characterised by built form will usually have an appreciable effect on the character of at least a localised area within that landscape. Whether such effects would be significant depends on the sensitivity of the landscape resource and the scale or magnitude of landscape effects, as predicted in the viewpoint analysis.

It is acknowledged that there would be some short-term effects on the character of the site as a result of the construction phase, with the various activities lasting for only small parts of the overall timescale. The presence of construction machinery and activities would be transient (temporary, short-term and reversible). Therefore, it is considered that the effects of the construction phase is unlikely to result in a significant or adverse effect on the landscape character of the site.

The main effects on the landscape character of the site would occur during the operational phase as a result of the presence of the solar farm and associated elements. The elements of the proposal most likely to be visible across the surrounding area would be the solar panels, inverter/transformer buildings, power conversion units and battery storage containers, all of which would become key characteristics of the site landscape and, although few existing key

characteristics would be lost or changed, they would contrast with the existing character such that these built forms may result in a change to the character of the site landscape.

The decommissioning phase would be very short-term, ground disturbance would be very limited in extent and there would be the removal of the built form and the reinstatement of the ground on completion of the works, which should largely return the site to its current character. Therefore, it could be argued that the decommissioning phase would result in a significant beneficial effect on the landscape character of the site relative to the operational phase but no change in character relative to the current landscape character of the site.

However, it would be impossible to site a solar farm of this scale in Wales without significantly affecting the character of at least the site. The key issue is how far this change in landscape character would extend and whether this change would be acceptable, having regard to all other material considerations. Landscape and visual impacts are only one part of the assessment, and must be considered alongside the wider environmental, economic and social benefits that arise from renewable energy projects.

Full information about the features and characteristics and further advice about these matters is set out in the Landscape and Seascape SPG.

Impact on residential amenity

Given the separation distance from the nearest residential property and the proposed development it is considered unlikely that there would be unacceptable direct impacts on the amenity of occupiers. However, the proposed construction route may result in an unacceptable impact in relation to noise and disturbance, dust and vibration. Such issues would need to be addressed within any submission together with any mitigation measures, which may be required.

Impact on highway and pedestrian safety

The Authority's Highways Officer initially provided the following comments in respect of additional information, which would be required in support of an application. These included:

1. A full Transport Impact Assessment is required which shall include a scoping opinion between the Council Highways and the applicant to agree on which areas of highway are to be assessed and surveyed as part of the TIA.
2. Scoping route of traffic (deliveries) to and from the site using forestry and county roads is required, together with timings of deliveries.
3. Proposed delivery route on county roads may be subject to a condition survey before commencement of any heavy good deliveries to and from the site. These surveys may be completed annually throughout the life of the planning consent and any defects/damage to the existing highway resulting in frequent use of HGV's will be remediated by the applicant or a financial contribution to the Council shall be made to allow the Councils highway department to make good the damage.
4. A Construction Method Statement is required. The statement shall provide for:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works
- h. scheme for the erection of temporary/semi temporary signage warning drivers of the presence of children and speed restrictions.
- i. The Construction Method Statement shall be signed by a competent person(s).

The approved Statement shall be adhered to throughout the construction period.

Further comments have been provided by the Highways Officer following a review of the Preliminary Draft Construction Management Plan, which has been provided to us by Swansea City Council. There are concerns over the proposed construction route through the NPTCBC boundary via Alltwn to the proposed 'Set Down' site. The proposed route is not considered to be an acceptable route for large HGVs as the roads are narrow without any segregated pedestrian footways with HGVs traversing past the primary school and through a residential area. There is an NPTCBC maintained bridge near the county line, which the Authority's Bridges and Structures Manager will not permit to form part of the construction route, this bridge is in poor condition and will not accommodate such vehicle movements.

Given the above concern, the Authority's Highway Officer suggests that consideration is given to using the route from Glais for two way traffic trips associated with the set down site, however as this route falls outside this Authority's administrative boundary your attention is drawn to the suitability or otherwise of this route provided in any response received from Swansea City Council.

It is acknowledged that the majority of vehicular movements to and from the site would take place during the construction phase with minimal trip movements once the solar farm is operational. However, to fully assess the impact of the development on the highway network any planning application would need to be accompanied by details on how the development will be managed both during construction and operation, details of delivery vehicle types, routes, operational vehicle movements and details of staff car parking area, compound area and site office during the course of construction.

Impact on radar, air traffic control systems, telecommunications links, television reception, radio communication and e) emergency services communications

Any submission would need to demonstrate that there would be no impact upon these communication systems.

Decommissioning and restoration

Any planning application should include a decommissioning statement detailing how the site would be dismantled and returned to its former use together with any proposed ecological enhancements.

Biodiversity

Planning Policy Wales bases its policy position on the Environment (Wales) Act 2016, which was introduced to maintain and where possible enhance biodiversity and the resilience of ecosystems (Section 6 Duty). PPW sets out that planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

Subsequent guidance issued by Welsh Government has clarified that in light of the PPW and the Environment (Wales) Act 2016, where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission.

Within the LDP, Policies SP15, EN6 and EN7 seek to protect, conserve, enhance and manage biodiversity and geodiversity and, where harm is unavoidable, to ensure effective mitigation measures are required to ensure there is no reduction in the overall value of the area or feature; and to protect important natural features.

As identified above, Policies EN6 and EN7 will be of relevance insofar as there is a need to ensure any impacts on biodiversity/ natural features are appropriately assessed and, where applicable, mitigated.

Accordingly, you are advised of the need to undertake an Extended Phase 1 habitat survey of the site for submission as part of your application. This survey should include the identification of the presence of s7 Environment (Wales) Act (s42 NERC Act 2006)/ LBAP habitats and species, and sites that meet SINC criteria, in addition to protected species. A balance of s7/LBAP/SINC habitat loss/gain to the scheme should be included, and the surveys should cover all areas that may be impacted by the scheme.

It will be important to follow any recommendations made within the phase 1 survey, insofar as they relate to the need for further more specific surveys (e.g. bird surveys, reptile surveys).

You will also need to put forward proposals for mitigation/compensation for any adverse impacts identified in the above assessments.

Once you have the results of the survey, you are therefore strongly encouraged to liaise further with the Council's Countryside & Wildlife team (Tel: 01639 686149), so that they may provide proactive advice to seek to address any identified biodiversity issues at the earliest stage of your project / design.

The Authority's Biodiversity Officer has reviewed the documents submitted with this pre application and had sight of the comments raised by Swansea City Council which they concur with.

Impact on Heritage Assets

The Historic Environment (Wales) Act (2016) stands at the centre of an integrated suite of legislation, policy, advice and guidance for the historic environment, with National policy incorporated within Chapter 6 of Planning Policy Wales (Edition 10) and guidance in Technical Advice Note 24: The Historic Environment (May 2017).

PPW explains that it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset that might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance)

[Technical Advice Note 24: The Historic Environment](#) elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

PPW also explains that local authorities should value, protect, conserve and enhance the special interests of parks and gardens and their settings included on the register of historic parks and gardens in Wales and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

We have consulted Glamorgan Gwent Archaeological Trust who advise that a total of nine sites have been identified, primarily relating to agricultural and land management features and note that there was the possibility of encountering further, previously unidentified, archaeological remains during the course of the development proposal, however the proposal has been designed to minimise the impact on these sites.

Therefore, if a similar application is submitted to that outlined in this pre application submission they are likely to recommend that 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, GGAT would 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.

It is suggested that a note should be attached to any planning consent explaining that: The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (<https://www.archaeologists.net/codes/cifa>) and it is recommended that it is carried out either by a CIfA Registered Organisation or a MCIfA level accredited Member (<https://www.archaeologists.net/lookingforanarchaeologist>).

Impact on mineral resource

It is noted that the site is located within a Mineral Safeguarding Area under Policy M1 of the adopted LDP (sandstone). Policy M1 looks to safeguard mineral resources as they are finite and any development will need to meet criteria which ensures they are not sterilised or their extraction hindered.

Coal Mining/Land Stability

The application site falls within the defined Coal Mining Development Low Risk Area as a consequence and due to the nature of the proposals any subsequent planning application will not be required to be accompanied by a Coal Mining Risk Assessment. The proposal accords with Policy EN8 of the adopted Local Development Plan.

Noise, Air and Ground Pollution

The comments of the Environmental Health Section are still awaited and will be forwarded once received. The siting and design process for the proposed solar site will be required to mitigate any potential for noise emissions associated with any elements of the proposal together with an assessment of construction and operational noise. Any application would need to be accompanied by a Noise Assessment

You are encouraged to contact Natural Resources Wales (NRW) if you have not already done so to seek further pre-application advice – see note below for details of their pre-application services.

Drainage

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

You should assess how the development would affect any inland watercourses, wetland, ponds or underground waters as part of the planning application. Foul water and surface water discharges shall be drained separately from the site. No surface water or Land drainage run-off shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Sustainable Drainage – Statutory Requirements w.e.f January 2019

Please note that all new developments of more than 1 house or where the construction area is of 100m² or more will require sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. More information is available in [Schedule 3 of the Flood & Water Management Act 2010](#).

These systems must be approved by the Council's Engineering Service acting in its SuDS Approving Body (SAB) role **before construction work begins**. In this respect it is essential that a developer of any such project gain SAB approval of its surface water drainage alongside any relevant planning permission. **You will not be allowed to start construction until both permissions have been approved.**

If you have not done so already, and your development would not fall into any of the relevant exceptions¹, you are therefore strongly encouraged to request further advice from the SAB. Involving the SAB Officers in pre-application discussions will allow for SuDS drainage matters (to ensure suitability of proposed SuDs design in line with national standards and adequate site layout) to be considered alongside the assessment of planning merits. **There is an additional charge of £250 for this service.** This can be as part of any agreed further pre-application submissions with the Planning Authority (recommended) or independently/ direct with the SAB. You are advised, however, that failing to engage in joint pre-application discussions has the potential to lead to delays and, most notably, the potential need to obtain further planning permission should any agreed SuDS design not be compliant with any relevant planning permission. Further details are available at www.npt.gov.uk/planning.

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

Major Developments

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

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

Best practice guidance for developers on Pre-application Community Consultation can be found on the [Welsh Government website](#).

Section 106 Planning Obligations / Community Fund Benefit

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.

Para 5.0.1 of the Neath Port Talbot Supplementary Planning Guidance "Renewable Energy and low carbon Energy" states that "Welsh Government guidance acknowledges that there may be a

¹ Exceptions and exemptions, in summary, relate to:-

- Existing sites and developments with planning permission granted or deemed to be granted (whether or not subject to any conditions as to a reserved matter) or for which a valid application has been received but not determined by 7 January 2019. However, SAB approval will still be required if the planning permission was granted subject to a condition as to a reserved matter and an application for approval of the reserved matter is not made before 7 January 2020.

need to mitigate the impact of some renewable or low carbon energy developments and recognises the established principle of such measures being made the subject of conditions or legal agreements / obligations required to make the proposal acceptable and allow planning permission to be granted. A clear distinction is however drawn between requirements of this type which are necessary to make a proposal acceptable and voluntary arrangements entered into by developers which secure benefits for host communities but should have no influence on the determination of any planning application.

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

The Council's approved [Planning Obligations Supplementary Planning Guidance](#) (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in Neath Port Talbot. The Council's approved SPG is also available to view/ download at www.npt.gov.uk/planning.

None of the consultation responses referred to in this letter have indicated that there would be a requirement to seek financial contributions to mitigate the proposed development.

Conclusion

To conclude, any application will be assessed with reference to both national and local policies. The national policies are strategically aimed at increasing renewable energy production, in order to achieve reductions in carbon emissions and reducing greenhouse gases. However, these objectives have to be balanced against the impact of such a development upon a number of criteria and highlighted within this response.

Please be advised that this response is based on the information submitted and represents an informal opinion, provided in accordance with the Council's Planning Pre-Application Service Protocol, and that full consultation with local people, statutory consultees and any other interested parties has not been undertaken. It does not, therefore prejudice any decision which the Local Planning Authority may make should an application be submitted.

Required Supporting Documentation

We would encourage you to submit your application electronically via www.gov.wales/planningapplications.

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

- Pre-Application Consultation (PAC) Report ('Major' development)
- Design and Access Statement (see TAN 12 Design, Appendix 1)
- Welsh Language Impact Assessment (see our [Development and the Welsh Language SPG](#) for guidance)
- Extended Phase 1 Habitat survey

- An assessment of the impacts upon areas identified as sites of importance for nature conservation (SINC) and all areas that would meet the criteria of a SINC.
- An assessment of ecosystem resilience
- Proposals for mitigation/compensation for any of the above.
- Biodiversity Enhancements
- Lighting Strategy
- Construction Environmental Management Plan
- Ecological Management Plan
- Tree Survey and Arboricultural Impact Assessment
- Site survey identifying existing ground levels, plus details of proposed levels including sections / cross-sections
- Transport Assessment
- Noise Assessment
- Landscape and Visual Impact Assessment
- Construction Method Statement
- Surface water drainage strategy
- Archaeological desk based assessment and mitigation strategy

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

It is also this Authority's practice to recommend to applicants that detailed information is submitted at application stage to ensure that, in the event of planning permission being granted, that 'pre-commencement' conditions (which require approval of details prior to work starting on site) can be minimised. You are therefore encouraged to ensure that your initial submissions incorporate as much information as possible (for example materials, boundary treatment, ecology mitigation, Construction Management Plan, Travel Plan etc.), and address all matters raised in the advice given above.

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

“Guidance on the use of the standard application form ('1app') and validation of applications”:
<http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/1appguidance>

The Town and Country Planning (Development Management Procedure)(Wales) Order 2012: [http://www.legislation.gov.uk/wsi/2012/801/contents/made \(original Order\)](http://www.legislation.gov.uk/wsi/2012/801/contents/made (original Order)).
 (Note subsequent Amendment Orders: [2014](#) ; [2015](#) ; [2016](#) ; and [2017](#)).

Requests for Further Advice

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

Yours faithfully

**Helen Bowen
Senior Planning Officer**

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

Seeking Pre-Application Advice from External Consultees

Natural Resources Wales (NRW)

Natural Resources Wales has a key role in the planning system and you may wish to hold pre-application consultation with them, utilising their pre-application service, so that environmental considerations are identified and addressed at the earliest opportunity. More information about Natural Resources Wales's pre-application service, including what advice can be sought for free, and what advice is subject to a fee can be found at:

<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/advice-for-developers/our-service-to-developers/?lang=en>

Dŵr Cymru Welsh Water (DCWW)

Dŵr Cymru Welsh Water has a key role to play in the development and planning process as the services provided are at the forefront of public health and protection of the environment. Dŵr Cymru encourages all developers to engage with them as early as possible in order to address any issues that may arise during the planning/construction process.

To assist, Dŵr Cymru operates a pre-planning service in order to assess the impact of the proposed development. A written response will be provided advising whether the local network(s) can support the proposal, whether off-site water mains and/or sewers will need to be provided, and whether there are any apparatus located within the land you wish to develop and the requirements for these apparatus. This service is provided for a fee of £155+ VAT and can be submitted by post or by completing the online enquiry form at <http://www.dwrcymru.com/en/Developer-Services>. Further information can be obtained from the dedicated team of planning officers on 0800 917 2652.

Coal Authority

In line with many other statutory consultees, the Coal Authority no longer provides responses to pre-application enquiries without a charge. The Coal Authority therefore requests LPAs to direct applicants that are seeking pre-application advice regarding coal mining legacy issues because their site falls within the Development High Risk Area to them, so they may provide a quotation for providing advice.

Should only a small part of your site fall within the High Risk area, we would especially encourage you to engage with the Coal Authority, since they may advise in certain situations that a Coal Mining Risk Assessment is not required.

Further advice may be found at: <https://www.gov.uk/government/organisations/the-coal-authority>