

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2023/0356	<u>DATE:</u> 06.06.2023
PROPOSAL:	Proposed ground mounted solar PV array with a generating capacity of up to 1.3MW, including development of ancillary structures, fencing and landscaping works
LOCATION:	Dreamfields, Llandarcy, Neath SA10 6JU
APPLICANT:	J Hale, Hale Energy Ltd
TYPE:	Full Plans
WARD:	Coedffranc West

BACKGROUND

This application is reported to Planning Committee as the applicant is a close relative of a Member of Neath Port Talbot County Borough Council.

SITE AND CONTEXT

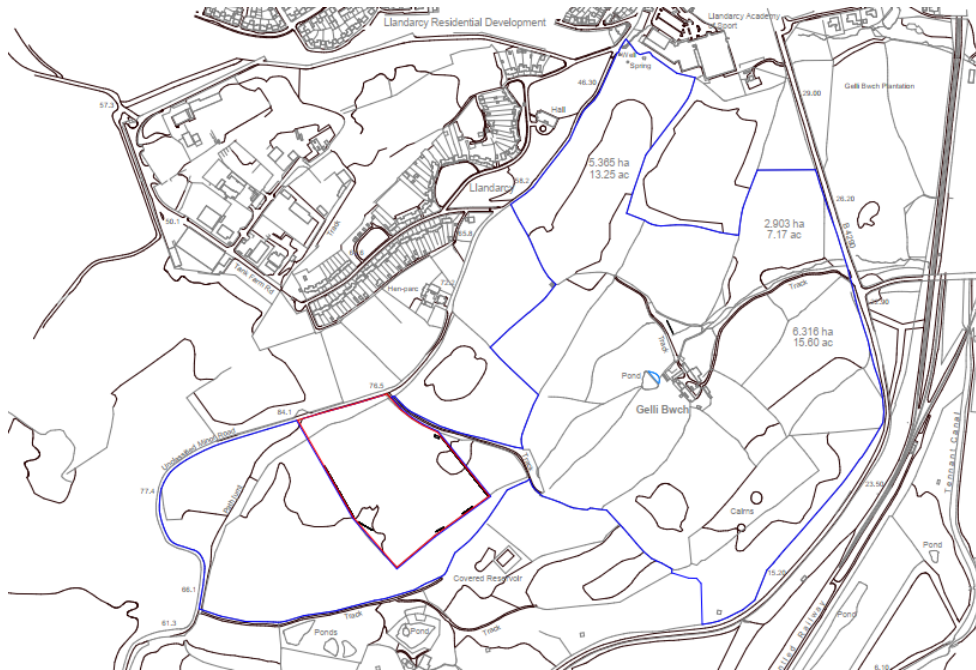
The application site comprises part of a wider land holding formerly known as Gelli-Bwch Farm, now known as Dreamfields, and comprising approximately 129 acres (52ha) of agricultural land, a farmhouse and associated buildings located on the western side of the of the B4290 in Llandarcy. The settlement of Jersey Marine is located approximately 800m southwest of the application site, and Briton Ferry is located approximately 1.8km to the east. Main vehicular access to the site is obtained from the B4290 on the eastern side of the site, with secondary field accesses located off the unclassified highway on the western side near to Llandarcy village.

The application site itself forms a roughly rectangular shaped parcel of land measuring approximately 4.91ha in size and is formed by two open agricultural fields that have historically been used for the grazing of animals. The application site lies on the Northern aspect of a local high point (106m AOD) that forms part of the wider agricultural landholding. The site is currently a mixture of open grassland and gorse scrub, bordered to the north by an oak woodland to the Llandarcy Road, to the east by an overgrown existing track, with hedgerow banks to the northwest and northeast and the remains of dry stone walls to southwest and southern boundaries with grassland extending to the east, south and west beyond.

The topography of the Site is undulating with the landform sloping from the highpoint to the southwest at circa 100m AOD down to the Llandarcy Road at circa 82m AOD to the north and down to the south at 87m AOD.

The local topography is defined by sloping farmland to the northeast with steeply sided wooded escarpments to the southeast, south and west that fall towards the River Neath to the east (4m AOD) and Swansea Bay to the south and Crmlyn Bog to the west (7m AOD). In the wider landscape the landform rises to Kilvey Hill to the west, Mynydd Drumau to the north and Craig-y-darren to the east.

No public rights of way, bridle ways or roads cross the application site which is accessed via existing gated vehicular accesses to the northeast and northwest.



Application site edged red, and the other land in the applicant's ownership edged blue.



DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for a proposed ground mounted solar PV array with a generating capacity of up to 1.3MW, including development of ancillary structures, fencing and landscaping works. The application is accompanied by a suite of drawings and supporting technical reports and information, including:

- Planning, Design and Access Statement
- Pre-Application Consultation ('PAC') Report
- Landscape and Visual Appraisal (ref:2311/EH/LVA001), prepared by Bea Landscape Design Ltd;

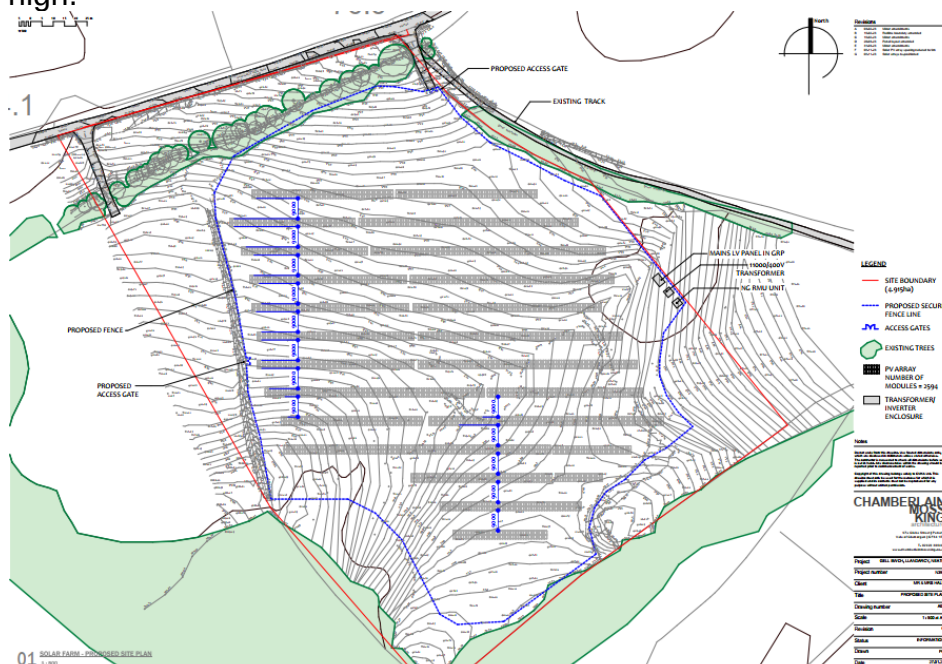
- Heritage Settings Assessment (ref:2169 – February 2023), prepared by Archaeology Wales;
- Preliminary Ecological Appraisal (ref: HE/34/2021 – Issue 1) and follow -up reports, Prepared by Hawkeswood Ecology Ltd;
- Agricultural Land Classification Report (ref: KCC3512 – July 2023), prepared by Kernon Countryside Consultants;
- Air Quality Technical Note (ref: 0128 – July 2023), prepared by Greenavon Air Quality Consultants;
- Drainage Technical Note (ref: C1853 Rev.C – October 2023), prepared by CB3.

The plans show that the PV Array panels would be 2.5m high, rotational instead of fixed, and set in rows on a roughly east-west axis, with the panels themselves facing due south. The layout, as amended to satisfy landscape concerns, shows the rows of panels spaced 9m apart and ground mounted using screwed in anchors with the panels angled at 30 degrees.

The proposed development would also include the development of 2 metre tall wire mesh security fencing to ensure the panels remain safe and secure during the operational phase of development. The operation of the development will also require cabling within the site and a proposed transfer and inverter enclosure, which will be located adjoining the eastern boundary of the site.

In addition to the PV panels the proposed solar farm comprises of the following:

- Inverters - to convert the direct current electricity generated by the PV panels, into alternating current for the grid. Inverter cabinets are typically in the order of 7.5m long, 3m wide and 3m high. The proposal will require 1 inverter.
- Transformers are required to connect the solar farm to the high voltage grid, which would sit alongside or inside the inverter cabinets.
- The Distribution Network Operator ('DNO') will also install a switchgear cabinet, which connects the underground grid connection cable of the solar farm to the distribution network. The size of this cabin will be determined by the DNO requirements, but it is likely to be no more than 4m long, 3m wide and 2.5m high.



Once constructed, access to the solar farm will typically generate one or two visits per year by technicians for maintenance works arriving in either 4x4's or transit van sized vehicles, not HGVs. Maintenance will include washing the panels with water approximately twice a year and mowing the grass. There will be no onsite office or permanent staffing at the site.

The proposed solar farm will have an operational lifespan of 25 years. After which it shall be decommissioned and removed to the land, in accordance with a scheme of restoration that is proposed to be agreed with the Local Planning Authority.

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

NEGOTIATIONS

Extensive negotiations have been undertaken in order to address unacceptable visual amenity, highway safety and landscape/biodiversity impacts, including achieving improved landscaping, visibility and a net benefit for biodiversity across the wider "Dreamfields" site land holding (the latter is also linked to current applications P2023/0550 and P2024/0352, see planning history below).

PLANNING HISTORY

The application site has the following relevant planning history:

Ref.	Description	Decision	Date
P2025/0143	Agricultural barn for storage of agricultural machinery and hay.	Prior Approval Required and Refused	07.04.2025
P2024/0352	Clearance works (removal of ash, oak, gorse and bramble) in an area of woodland protected by Llandarcy Village Conservation Area as part of a proposed National Grid upgrade to replace the existing 11kV overhead line with new underground cables (part retrospective).	Pending consideration	
P2023/0550	Widening and resurfacing of existing access and construction of new security gates, adjoining walls, piers and proposed bin storage area (part retrospective)	Pending consideration	
P2023/0182	Erection of new outbuilding to house poultry, farm equipment, hay, and 2 no. biomass boilers with solar panels on the roof	Refused Appeal Dismissed	12.08.2024 12.02.2025

P2022/1050	Request for Screening opinion under Regulation 6 of the Town and Country Planning (Environment Impact Assessment) (Wales) Regulations 2017 for a proposed ground mounted solar PV array with a generating capacity of up to 1.41 MW	EIA Not Required	Screening	05.01.2023
P2013/0894	Request for a screening opinion under Regulation 5 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 (as amended) for the erection of a wind turbine with height of 79.6m to tip	EIA Not Required	Screening	28.10.2013

CONSULTATIONS

Highways: No objection, subject to conditions.

Drainage: No objection. SAB approval required.

Biodiversity: No objection, subject to conditions. .

Tree Officer: No objection.

Landscape: No objection, subject to conditions.

Contaminated Land: No objection, subject to conditions.

Footpaths Officer: No PRowS affected.

WG Land Classification Unit: No objection. Best and Most Versatile (BMV) agricultural land is not affected.

WG Trunk Road Agency: No direction issued.

Cadw: No objection.

DCWW: No objection.

GGAT/Heneb: No objection.

NRW: No objection, subject to conditions.

Fire Authority: No objection.

Mining Remediation Authority: Consultation not required.

Gas: No apparatus affected.

REPRESENTATIONS

The Ward Councillors and Coedffranc Town Council were notified on 6 June 2023 and 23 December 2024.

The neighbouring properties were consulted on 6 June 2023 and 2 January 2025.

A site notice was also displayed on 14 June 2023 and 8 January 2025.

The application was also advertised as a Major Development in the press on 9 June 2023.

In response, to date 1 no. representations have been received, with the issues raised summarised as follows:

- Concerns around traffic generation and overall highway safety.
- The access road to the proposed development site namely the 'Back Road' which runs from Llandarcy to Jersey Marine is not suitable to accommodate the heavy goods vehicles which will need to be used to transport the structures to the development site. This road is in fact no more than a country lane, suitable for light vehicle usage and even then offers very little opportunity to be able to pass oncoming traffic.
- There have been occasions when heavy goods vehicles have attempted to use this road and have become stuck requiring the driver to reverse back down onto the main road, there have also been occasions when lorries have had to be towed out of ditches. On these occasions there has been significant damage done to the overhanging trees.
- I also have concern that the condition of the roads surface will not be able to sustain additional vehicle movement, currently the road leading up to the proposed entrances to the site is severely impacted by potholes and uneven surfaces.
- Increase noise and disturbance that the heavy goods vehicles will cause when passing through Llandarcy village and in particular when passing outside of my property and would be interested to know whether any impact assessment has been undertaken in respect of this issue.

REPORT

National Planning Policy:

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

The Active Travel (Wales) Act 2013 makes walking and cycling the preferred option for shorter journeys, particularly everyday journeys, such as to and from a workplace or shops and services.

The Environment (Wales) Act 2016 places a duty on the Council to maintain and enhance biodiversity, promote the resilience of ecosystems and increase their ability to adapt to events such as the impacts of climate change.

The Historic Environment (Wales) Act 2023 enhances the protection and sustainable management of the wider historic environment for the cultural, social, economic and environmental benefit of future generations.

[**Future Wales: The National Plan 2040**](#) is the national development framework, setting the direction for development in Wales to 2040. The development plan sets out 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 wellbeing of our communities.

The following policies are of particular relevance to the assessment of this application:

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 8 - Flooding

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure

‘The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs.

In determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales’ international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency....

....Proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities. New strategic grid infrastructure for the transmission and distribution of energy should be designed to minimise visual impact on nearby communities. The Welsh Government will work with stakeholders, including National Grid and Distribution Network Operators, to transition to a multi-vector grid network and reduce the barriers to the implementation of new grid infrastructure.’

[**Planning Policy Wales \(Edition 12, February 2024\)**](#)

The primary objective of PPW 12 is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes 12 action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities. It encourages a wider, sustainable and problem solving outlook which focuses on integrating and addressing multiple issues rather than on an approach which is fragmented, un-coordinated and deals with issues in isolation. It provides an opportunity to remove any actual or perceived problems in current approaches and stimulate and support innovative and creative ideas as well as high standards of evidence and assessment to underpin the preparation of development plans and

strategies and individual proposals. Monitoring and learning from development outcomes so as to drive sustainable improvements in planning practice is also important.

The following is of particular relevance in the assessment of this planning application:

3.64 Around towns and cities there may be a need to protect open land from development. This can be achieved through the identification of Green Belts and/or local designations, such as green wedges. Proposals for both Green Belts and green wedges must be soundly based and should only be employed where there is a demonstrable need to protect the urban form and alternative policy mechanisms, such as settlement boundaries, would not be sufficiently robust. The essential difference between them is that land within a Green Belt should be protected for a longer period than the relevant current development plan period, whereas green wedge policies should be reviewed as part of the development plan review process.

3.68 Green wedges are local designations which essentially have the same purpose as Green Belts. They may be used to provide a buffer between the settlement edge and statutory designations and safeguard important views into and out of the area. Green wedges should be proposed and be subject to review as part of the LDP process.

3.69 The general policies controlling development in the countryside apply in a Green Belt and a green wedge but there is, in addition, a general presumption against development which is inappropriate in relation to the purposes of the designation.

3.77 Certain other forms of development may be appropriate in the Green Belt or green wedge provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- mineral extraction;*
- renewable and low carbon energy generation;*
- engineering operations; and*
- local transport infrastructure.*

3.78 Other forms of development would be inappropriate development unless they maintain the openness of the Green Belt or green wedge and do not conflict with the purposes of the designation.'

6.2.12 A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15) has been applied.

6.4.12 Where biodiversity enhancement proportionate to the scale and nature of the development 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.

6.4.42 Permanent removal of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits. Where individual or groups of trees and hedgerows are removed as part of a proposed scheme, planning authorities must first follow the step-wise approach as set out in paragraph 6.4.15. Where loss is unavoidable developers will be required to provide compensatory planting (which is proportionate to the proposed loss as identified through an assessment of green infrastructure value including biodiversity, landscape value and carbon capture). Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost.

Planning Policy Wales 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 (September 2009)
- Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010)
- Technical Advice Note 11: Noise (October 1997)
- Technical Advice Note 12: Design (March 2016)
- Technical Advice Note 15: Development, Flooding & Coastal Erosion (March 2025)
- Technical Advice Note 18: Transport (March 2007)
- Technical Advice Note 24: The Historic Environment (May 2017)

Local Planning Policy:

In addition to National guidance contained within Planning Policy Wales, any application would be considered against the Policies within Future Wales and 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 SP5 | Development in the Coastal Corridor 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 SP19 | Waste Management |
| • Policy SP20 | Transport Network |
| • Policy SP21 | Built Environment and Historic Heritage |

Topic Based Policies

- Policy SC1 Settlement limits
- Policy I1 Infrastructure
- Policy EN3 Green Wedges
- Policy EN6 Important Biodiversity and Geodiversity Sites
- Policy EN7 Important Natural Features
- Policy EN8 Pollution and Land Stability
- Policy M1 Development in Mineral Safeguarding Areas
- **Policy RE1 Criteria for the Assessment of Renewable and Low Carbon Energy Development**
- Policy W3 Waste Management in New Development
- Policy TR2 Design and Access of New Development
- Policy BE1 Design
- Policy BE2 Buildings of Local Importance

Supplementary Planning Guidance:

A [Renewable and Low Carbon Energy \(July 2017\)](#) SPG supplements LDP Policies SP18 and RE1 which seek to balance the benefits of renewable energy development against the need to protect the natural and historic environment. It focuses on all major renewable energy sources. The aim of the SPG is to give information about the planning approach to renewable and low carbon energy in Neath Port Talbot and sets out the relevant matters that will need to be taken into consideration when developments are being planned in the County Borough.

The following SPG is of relevance to this application: -

- Planning Obligations (October 2016)
- Parking Standards (October 2016)
- Biodiversity and Geodiversity (May 2018)
- **Renewable and Low Carbon Energy (July 2017)**
- Open Space & Greenspace (July 2017)
- **Landscape and Seascape (May 2018)**
- Pollution (October 2016)
- Design (July 2017)
- The Historic Environment, including Schedule of Buildings of Local Importance and Schedule of Designated Canal Structures (April 2019)

The Placemaking Charter, of which Neath Port Talbot Council are a signatory, sets out the following principles:

People and community

The local community are involved in the development of proposals. The needs, aspirations, health and well-being of all people are considered at the outset. Proposals are shaped to help to meet these needs as well as create, integrate, protect and/or enhance a sense of community and promote equality.

Location

Places grow and develop in a way that uses land efficiently, supports and enhances existing places and is well connected. The location of housing, employment and leisure and other facilities are planned to help reduce the need to travel.

Movement

Walking, cycling and public transport are prioritised to provide a choice of transport modes and avoid dependence on private vehicles. Well designed and safe active travel routes connect to the wider active travel and public transport network and public transport stations and stops are positively integrated.

Mix of uses

Places have a range of purposes which provide opportunities for community development, local business growth and access jobs, services and facilities via walking, cycling or public transport. Development density and a mix of uses and tenures helps to support a diverse community and vibrant public realm.

Public realm

Streets and public spaces are well defined, welcoming, safe and inclusive with a distinct identity. They are designed to be robust and adaptable with landscape, green infrastructure and sustainable drainage well integrated. They are well connected to existing places and promote opportunities for social interaction and a range of activities for all people.

Identity

The positive, distinctive qualities of existing places are valued and respected. The unique features and opportunities of a location including heritage, culture, language, built and natural physical attributes are identified and responded to.

Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) Screening

The application site exceeds the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. Accordingly, the application has been screened in accordance with the requirements of Schedule 3 of the Regulations. The conclusions of the screening opinion were that the proposed development would inevitably result in a number of effects, most notably in terms of the physical change to the site itself, landscape and visual impact and effects on the historic environment. However, whilst these will likely be important considerations and need to be subject to further assessment, the type of development proposed, coupled with the context of the site and the localised nature of the impacts, are such that significant environmental effects are unlikely and the proposed development, alone or in combination, is unlikely to have effects that are significant enough to warrant EIA.

The proposed development is also located within a zone of influence for a Special Area of Conservation (SAC), Candidate Special Area of Conservation (CSAC) or Ramsar sites. In this particular case, the application site lies approximately 500 metres to the north of the Crymlyn Bog Special Area of Conservation (SAC) and Ramsar site.

As a consequence, an assessment of the likely significant effects, as set down within the Conservation of Habitats and Species Regulations 2017, has been undertaken and it is considered that the proposed development would by itself, or in combination with any other development/project be unlikely have a significant effect on Crymlyn Bog SAC/Ramsar. As such, the report concludes that an Appropriate Assessment is not required in this case.

Issues

The main issues for consideration with regards to this planning application are the principle of the development at this site, the impact on visual amenity and landscape interests, together with the impact on residential amenity, highway and pedestrian safety, ecological and cultural heritage matters.

Principle of Development

The application site lies outside of the designated settlement limits of the Adopted NPT LDP (*LDP Policy SC1*). The site is therefore treated as 'open countryside' for the purpose of planning control and new development is strictly controlled in accordance with national and local planning policies designed to protect the countryside from inappropriate development, having regard to the strategic sustainable development plan objectives of Future Wales and the LDP. The site lies within a designated Green Wedge (*LDP Policy EN3/4 Crymlyn Bog/Crymlyn Burrows/Llandarcy*) in the Adopted LDP where there is a presumption against inappropriate development in accordance with PPW12 and LDP Policy SP14.

LDP Policy SC1 identifies 12 criteria whereby development will be permitted outside settlement limits and in all cases requires that *'any new buildings must be located adjacent to existing buildings or settlements wherever possible and be of an appropriate scale and form'*. Supporting paragraph 3.0.16 goes on to state that *'whether specific development proposals are appropriate or suitable outside settlement limits will be assessed with reference to the relevant topic policies within this Plan and national policy.'*

The supporting text to LDP Policy EN5, at paragraph 5.3.18, explains that *'within the designated Green Wedges, inappropriate development will not be permitted except in very exceptional circumstances. 'Inappropriate development' is defined in Planning Policy Wales and relates to all types of development other than those for certain justified or essential activities that need to be located in that area and small scale extensions or farm diversification'*. The types of new development that, according to PPW12, are not inappropriate in a Green Wedge, are detailed in paragraphs 3.75 - 3.77, being development for:

- *justified rural enterprise needs;*
- *essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;*
- *limited extension, alteration or replacement of existing dwellings; or*
- *small scale diversification within farm complexes where this is run as part of the farm business.*
- *mineral extraction;*
- ***renewable and low carbon energy generation;***
- *engineering operations; and*
- *local transport infrastructure.*

In this particular case, the proposed development would be classed as renewable and low carbon energy generation and therefore is not inappropriate development in a Green Wedge and is acceptable in principle, provided it preserves openness and does not conflict with the purposes of including land within the Green Wedge. The

determining issues are therefore matters of detail, including whether the development is of an appropriate scale and form and preserves openness, and these are assessed in more detail in subsequent sections of this report.

Future Wales Policy 17 sets out the Welsh Government's strong support for the principle of developing renewable and low carbon energy from all technologies and at all scales to meet future energy needs.

This approach is supported by LDP Strategic Policy SP18 which encourages all forms of renewable energy and low carbon technology development, subject to compliance with criteria contained within LDP Policy RE1 which states:

"Proposals for renewable and low carbon energy development will only be permitted subject to the following criteria:

1. Large scale wind farm developments (>25MW) will be expected to be located within the boundaries of the refined Strategic Search Areas.

2. Proposals for wind farms of any size outside the SSAs will only be permitted where it is demonstrated that there will be no unacceptable impact on visual amenity or landscape character through the number, scale, size, design and siting of turbines and associated infrastructure.

3. Small scale wind farm developments (<5MW) will be required to demonstrate that impacts are confined to the local scale.

4. 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 emergency services communications; and

(e) There are satisfactory proposals in place for site restoration as appropriate.

As the development is not for a wind farm, it is necessary only to consider the criterion at point 4 of Policy RE1 which are also matters of detail and assessed in subsequent sections of this report.

Impact on Visual Amenity/Landscape and the Natural Environment

The Council's Adopted Landscape and Seascape SPG sets out likely impacts on landscape character from new development and how changes can significantly affect the landscape including through direct physical changes, indirect changes or cumulative changes resulting from new development combined with other developments. Paragraph 3.1.3 records that: 'The significance and acceptability of these impacts will vary according to landscape sensitivity and condition, and the nature of the development, including the scope for mitigation in character with the existing

landscape. Sensitivity includes reference to the expectations and proximity of visual receptors including user groups such as walkers, cyclists, passengers on public transport, visitors and local residents, as well as existing land-use, the pattern and scale of the landscape and degree of openness.'

The submitted 'Landscape and Visual Appraisal' report ('LVA') has been assessed by the Council's Landscape specialist who considers it to be appropriate to the scale and form of development with an acceptable methodology that has been consistently applied with the classifications used also considered appropriate. There are no sensitive visual receptors that would experience a sufficiently adverse effect to create a notable effect that would require mitigation. This includes a thorough glint and glare and residential amenity impact assessment. Similarly, there would be no effects on users of any public rights of way.

The LVA has established a Zone of Theoretical Visibility ('ZTV') which shows the topography of the land in and around the application site limit the majority of views from land to the north of the site.



The LVA has identified seven viewpoints from which the proposed development would be visible from, which range from the highway adjoining the application site to 2.3km to the southeast. From the seven viewpoints, the LVA concludes that the magnitude of change arising from the proposed development would be no change or low in six out of the seven viewpoints. Given the site's location on a headland, there would be no publicly afforded front facing views of the panels from the southern aspect. There is appreciable screening that is proposed to be bolstered.

Only the viewpoints taken from the rear access road to the properties of The Greenway would undergo medium magnitude of change. This is the only view of the site/development from the nearby Llandarcy Conservation Area. The LVA concludes that the scale of the proposed effect from here would be a moderate substantial

adverse impact. In particular, Viewpoint 1, adjacent to the operational site access, shows a somewhat aggressive and urbanising appearance that requires softening.



Therefore, both the LVA and the Council's Landscape specialist conclude that some landscaping mitigation measures are required. These mitigation measures are shown on the amended site layout and proposed landscaping plans and can be summarised as follows:

- Retain and enhance the existing woodland to the northern boundary and supplement with additional woodland planting;

- Retain the existing trees to the eastern boundary and supplement with additional tree planting;
- Restore boundary hedgerow bank to west; and
- Layout of solar panels to avoid localised highpoints.



Therefore, subject to this mitigation and referencing back to paragraph 3.1.3 of the Adopted Landscape and Seascape SPG, the significance and acceptability of the impacts that have been identified in the submitted LVA are considered to be acceptable given the landscape sensitivity and condition, and the nature of the proposed development.

It is considered that the submitted LVA satisfactorily demonstrates that it is fit for purpose and the development site, proposals and impacts area well-analysed and drafted such that, overall, the scheme as proposed is considered to be acceptable in this landscape, subject to the proposed mitigation measures as set out. These can be controlled by imposing suitably worded planning conditions, including those that provide screening to the site access and the Conservation Area beyond.

Biodiversity / Ecology

As identified above, Policies EN6 and EN7 of the Local Development Plan 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.

PPW 12 sets out that 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, informed by an appropriate level of assessment, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places help to overcome the potential for conflicting objectives, and contribute to health and well-being outcomes.

The application is accompanied by a Preliminary Ecological Appraisal and subsequent follow-up survey reports including a more recent walk-over to establish the most up-to-date evidence. The desktop study findings show a total of 704 priority and protected

species records from the 1 kilometre search area although less than 20 are found within 750 metres of the application site itself. The PEA identifies the ranges of species identified from the records in the area surrounding the application site which it notes is approximately 300m north of a range of designated ecological sites which include:

- Crymlyn Bog Special Area of Conservation;
- Crymlyn Bog Wetland of International Importance (RAMSAR Site);
- Crymlyn Bog and Pant-Y-Sais National Nature Reserve;
- Pant-Y-Sais Site of Special Scientific Interest; and
- Pant-Y-Sais Local Nature Reserve.

The whole of the application site lies within a Site of Importance for Nature Conservation (SINC), including Jersey Marine Woodlands, which includes small areas of the application site and some of its boundaries. Qualifying features for the Jersey Marine Woodlands SINC are Native Woodlands, Scrub Communities, Lowland Meadows, Purple Moor-grass and Ruch Pastures and Other Bracken Communities.

The field surveys show that the application is dominated by agriculturally modified grassland and there is no evidence of peat being present. The planning application is accompanied by an Agricultural Land Classification ('ALC') report which surveyed the whole application site area – approximately 5 hectares in total – and found it to be no better than Grade 4, which contradicts the current information contained within the published Predictive ALC Map which identifies it as subgrade Grade 3a and 3b, with the former being protected by PPW 12 and TAN 6 as best and most versatile agricultural land ('BMV'). Welsh Government's Agricultural Land Division has reviewed and validated the submitted ALC survey report and considers it to be an accurate reflection of the agricultural land quality on the site. This confirms that the application site does not contain BMV and consequently there is no planning policy constraint to the development of the land.

The application, as amended, includes a proposed Mitigation and Enhancement Strategy and Green Infrastructure Statement which have been produced by the applicant's ecologist in consultation with the Council's own Ecologist.

A proposed new 'woodland planting' area has been identified as part of the proposed mitigation for this development and other proposals within the wider Dreamfields landholding that are subject to separate planning applications as identified above.

This will ensure that, appropriate compensation and mitigation to achieve full compliance with the 1:3 tree replanting ratio required by PPW12 is met within the wider landholding and a wider biodiversity net benefit achieved across the landholding as a whole.

Subject to imposing suitably worded planning conditions to secure this net benefit for biodiversity, the Council's Ecologist and Tree Officer raise no objection to the application.

Impact on Residential Amenity

Policy BE1 of the LDP requires that development ensures would not have a significant adverse on the amenity of occupiers of adjacent land or dwellings. The nearest residential properties are located to the north, principally in and along the land serving Llandarcy Village, with the settlement of Jersey Marine being further away and not directly impacted due to the topography of the landscape in this area.

Given the nature of the site and proposed development, there will be no impact on the light, outlook or privacy of any residential properties. The proposed solar panels will be positioned facing south and tilted upwards towards the sun to maximise the generation of renewable energy, and in this regard, will be facing away from any residential properties to the north from which the submitted LVA conclude some views of the site are possible. As such, given the topography of the land and the orientation of the solar panel in comparison to the nearest dwellings, the proposals will not give rise to any unacceptable glint or glare impact.

Accordingly it is considered that the proposals will have an acceptable impact on residential amenity and complies with LDP Policy BE1 in this regard.

Impact on Highway Safety

In light of comments made by the Council's Highways Officer, the proposal has been amended and now proposes a construction/decommissioning phase access and a separate, operational phase access, utilising the two existing field entrances from the public highway that runs along the northern boundary of the application site. Traffic movements will be higher during the construction and decommissioning phases than the operational phase. The former will involve the use of HGVs, the latter will not.

The application includes vehicle tracking information to demonstrate that the construction access can be safely used by an articulated lorry, i.e. there is no requirement for any abnormal or indivisible load vehicles to be used during any phase of the development. The application details that the proposed substation, Mains LV Panel, Transformer and RG RMU Unit can be accommodated by 4 HGV trips, fencing by 2 HGV trips, with only a small area of concrete proposed which can be accommodated by 3 HGV trips. An estimated 4 HGV trips are proposed for cabling (assuming one HGV per 500m length of cable). This totals 13 HGV trips over the course of each of the construction and decommissioning phases, which is estimated to be in the region of 15 days, equating to less than 1 HGV trip movement per day.

The visibility splay for the construction and decommissioning phase access shows that excess of 2.4m x 100m can be achieved in both directions which is considered to be acceptable. It is also proposed that this entrance is monitoring by a banksman during the construction and decommissioning phases to avoid conflict with other vehicles using the road during these phases of the development when traffic movements are at their highest. The construction entrance is also served by an enlarged area of the public highway which allows for large vehicles to enter and exit the site, as demonstrated by the vehicle tracking shown on the submitted plans. Notwithstanding the third-party objection comments received, it is considered that any adverse highway impacts will be short-term, localised, and not resulting in adverse impact on the amenity of other users of the highway, particularly having regard to the lawful use of the existing accesses. The Council's Highways Officer raises no objection to the proposed development, subject to road condition surveys being undertaken at the pre

and post construction and decommissioning phases with any damage made good by the developer. This can be secured by imposing a suitably worded planning condition.

The visibility splay for the operational phase access is in excess of 2.4m x 100m in one direction but only 2.4m x 65m in the other direction which the Highways Officer considers to be unacceptable. Full visibility in this direction cannot be achieved without crossing third party land. However, given that this is an existing access, which historically would have been used by larger agricultural vehicles over many years, for the relatively modest number of trips expected each year during the operational phase of the development - mainly by 4x4 or transit van sized vehicles for maintenance purposes – this visibility shortfall is, on balance, considered to be acceptable, subject to a detailed scheme for achieving safe egress being submitted for the prior, written approval. The LVA has already identified that mitigation is required in order to ‘soften’ the visual impact of this existing access therefore both these issues can be addressed at the same time. This can be secured by imposing a suitably worded planning condition.

Heritage Assets

There are a number of designated historic assets are located within 3km of the application site. The planning application includes a Heritage Settings Assessment report which establishes that, aside from scheduled monument GM290 Gelli-Bwch Round Cairn, intervening topography, buildings and vegetation block all views between the proposed development and any designated historic assets.

Regarding GM290 Gelli-Bwch Round Cairn, the report considers that there are important long views from the monument towards Foel Fynyddau and Mynydd y Gaer 5 – 6km to the east and south and southwest towards Swansea Bay and the night sky. Significant views are identified as those towards the cairn from the east and southeast in particular from a neighbouring ridge as these incorporate views of other associated nearby cairns, not directly inter-visible with GM290 Gelli-Bwch Round Cairn. However, it is noted that such views do not contain the development site due to the location of both the monument and the other cairns, on a false crest of a ridge. The report notes the proposed development is partially visible from GM290 Gelli-Bwch Round Cairn but that this is not in an identified significant view and considers any impact to be partially mitigated by the south facing alignment of the proposed solar panels and by the effect of intervening scrub vegetation. The report concludes the impact from the proposed development on the setting of scheduled monument GM290 Gelli-Bwch Round Cairn is low. Cadw have reviewed the submission and concur with the conclusion that the proposed development will have a minor but not significant impact on the setting of scheduled monument GM290 Gelli-Bwch Round Cairn. Cadw therefore raise no objection to the application.

GGAT/Heneb have also reviewed information contained within the Historic Environment Record, which shows there are no noted buried archaeological features or findspots within the immediate area of the proposed development. A review of historic Ordnance Survey and other mapping from the 19th century shows the area to be an open rural landscape. They therefore consider it unlikely that significant archaeological remains would be encountered during the proposed development and raise no objection to the application.

With regard to the nearby Llandarcy Conservation Area, the Adopted Historic Environment SPG identifies that it was originally designed as a garden village, built between 1918 and 1922, of some 250 houses and flats to house the workers of the former adjacent oil refinery in an 'arts and crafts' style. Crucially, in respect of this application, the Conservation Area boundary consists not only of the 1920's buildings which formed the village, but also some additional land to the east of this, which is formed of wooded areas and agricultural fields, some of which falls within the existing Dreamfields landholding (but not the current application site itself). Therefore the impact on the special character and appearance of the Conservation Area, including its setting, is an important consideration.

The submitted LVA and its ZTV considers this in detail and, as discussed in the landscape section above, concludes that from at least one viewpoint there will be a moderate adverse impact (rear of The Greenway). However, subject to the retention and bolstering of the existing woodland planting, it is considered that this impact can be sufficiently mitigated so as to not adversely effect the Conservation Area itself. As already outlined above, this can be secured by imposing suitably worded planning conditions.

In conclusion, the proposals are considered to have an acceptable impact in respect of heritage assets and complies with LDP Policy BE1 and the Historic Environment SPG in this regard.

Other Matters

The application site falls within a safeguarded category 1 sandstone resource designated area. Policy M1 of the LDP 'Development in Mineral Safeguarding Areas' allows for 'temporary' developments where the land can be restored and doesn't preclude future mineral extraction from being undertaken. The proposal is for a 'temporary', albeit 25 year development and, as such, is considered to comply with overall aims and objectives of Policy M1 of the LDP in this regard.

The TAN15 Development Advice Map shows that the site is within Flood Zone A with little or no risk of flooding. The more up-to-date Flood Maps for Planning for Wales shows that the site is within Flood Zone 1 and therefore still at little or no risk of flooding. NRW and the Council's Drainage Officer raise no objection to the application.

Due to the close proximity of the site to previous and current industrial uses, the Contaminated Land Officer has advised that the risks from this should be considered and risk assessed and to address this, the standard contaminated land conditions should be imposed on any decision.

With regard to noise - which may be an issue from the proposed substation, switch gear and solar area - and dust, which is more likely to be an issue only during the construction and decommissioning phases, these are not directly addressed or assessed in the application documents. However, methods for mitigating these impacts are expected to be localised and relatively minor in nature, particularly given the distance to the nearest residential properties. It is therefore accepted that these can be controlled by a Construction Environmental Management Plan ('CEMP') which will need to be secured by imposing a suitably worded planning condition.

Section 106 Planning Obligations / Community Benefits

Welsh Government guidance acknowledges that there may be a need to mitigate the impact of some renewable or low carbon energy developments and recognises the established principle of such measures being made the subject of conditions or legal agreements / obligations required to make the proposal acceptable and allow planning permission to be granted. However, a clear distinction must be drawn between requirements 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. The Council has acknowledged this issue and has a related policy which sets out the Council's expectations for securing funds for the communities who are most affected by energy generating developments. For solar farm developments, this community benefit contribution equates to £30,000 per megawatt for the whole development as a single payment which can be paid over a period of five years from the first generation of power.

Notwithstanding the above, it should however be noted that community funds are not a mandatory requirement of developers and cannot be secured to mitigate any potential harm which could be caused as a consequence of a development.

In view of the type and form of development proposed in this location, having regard to local circumstances and needs arising from the development and the Council's Adopted SPGs, no planning obligations are considered necessary to make the development acceptable in planning terms or to meet the policy and legislative tests for planning obligations. Restoration of the site at the end of the 25 year lifespan of the development (or cessation of energy generation, whichever comes first) can be secured by imposing a suitably worded planning condition.

CONCLUSION

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on visual amenity, highway safety and the natural environment of the area. Accordingly, the proposed development is considered to accord with Policies EN3, EN6, EN7, EN8, RE1, TR2 and BE1 of the Neath Port Talbot Local Development Plan and Policy 17 of Future Wales: The National Plan 2040.

Recommendation – Approval Subject to conditions.

Conditions:-

Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.

Reason:

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

- 2 The development hereby approved shall endure for a period of 25 years from the date when electricity is first exported from the development within the site to the electricity grid network, excluding any testing or commissioning ('First Export Date'). The developer shall notify the Local Planning Authority in writing of the First Export Date within 28 days of the First Export Date.

Reason:

In the interest of visual amenity, safety and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Renewable and Low Carbon Energy Supplementary Planning Guidance dated July 2017.

List of Approved Plans

- 3 The development shall be carried out in accordance with the following approved plans and documents:

N395-A08 - PROPOSED SITE PLAN Rev (G)

Hawkeswood Ecology Report Ref. HE/47/2023 - Mitigation and Biodiversity Enhancement - Issue 2 (December 2024)

Hawkeswood Ecology Report Ref. HE/47/2023 - Green Infrastructure Statement, Dreamfields Solar Farm - Issue 1 (2 December 2024)

N395 - A17 CONSTRUCTION ACCESS - VISIBILITY SPLAY (A)

N395 - A16 OPERATIONAL ACCESS - VISIBILITY SPLAY (A)

N395 - A09 PROPOSED PV ARRAY AND SITE ENCLOSURE DETAILS (B)

Planning Design and Access Statement

PAC Report

22-005-P-03E Landscape Strategy/Planting Plan

Air Quality Technical Note (ref: 0128 – July 2023) prepared by Greenavon Air Quality Consultants

Drainage Technical Note (ref: C1853 Rev.C – October 2023), prepared by CB3 Ecology Statement re potential run-off issues and SAC

Agricultural Land Classification Report (ref: KCC3512 – July 2023) prepared by Kernon Countryside Consultants

Preliminary Ecological Appraisal (ref: HE/34/2021 – Issue 1) prepared by Hawkeswood Ecology Ltd

In Season Walk Over (follow up to PEA) Report prepared by Hawkeswood Ecology Ltd

Landscape and Visual Appraisal (ref:2311/EH/LVA001) prepared by Bea Landscape Design Ltd

Heritage Settings Assessment (ref:2169 – February 2023) prepared by Archaeology Wales

N395 - A07 - SITE LOCATION PLAN - (B)

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 4 Before beginning any development at the site, you must do the following: -
- a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and
 - b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason:

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

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

- 5 No development shall take place, including vegetation clearance, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- i) **Construction methods:** details of the extent and phasing of development, details for the storage and management of plant and materials used in constructing the development, how waste generated will be managed;
 - ii) **General site management and drainage:** details of the construction programme including timetable, specified hours for deliveries, hours of working, details of site clearance, details for erection and maintenance of security hoarding including decorative displays and facilities for public viewing, details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
 - iii) **Biodiversity Management:** details of tree and hedgerow protection, invasive species management, species and habitats protection, avoidance and mitigation measures.
 - iv) **Soil/Peat Management:** including protection and restoration methods, details of any topsoil strip, storage and amelioration for re-use;
 - v) **CEMP Masterplan:** details of the extent and phasing of development, location of landscape and environmental resources, design proposals and objectives for integration and mitigation measures;

- vi) **Detailed methodology on PV array installation:** including cable installation and routeways, how generation of silt/suspended sediment will be minimised and associated pollution prevention measures;
- vii) **Control of Nuisances:** details of restrictions to be applied during construction and decommissioning including timing, duration and frequency of works, details of measures to minimise noise and vibration from piling activities including acoustic barriers, details of dust control measures, wheel washing facilities, measures to control light spill and the conservation of dark skies;
- viii) **Resource management:** details of fuel and chemical storage and containment, details of waste generation and its management, details of water consumption, wastewater and energy use;
- ix) **Traffic management:**
 - a) details of site deliveries including routes of vehicles, plus delivery and construction times, taking into account the proximity of residential dwellings, no deliveries in excess of 3.5 tonnes shall access or leave the site via any route during the hours of 8am to 9.30am and 2.30pm to 4pm during school term times;
 - b) details for the loading and unloading of plant and materials; details for the parking of vehicles of site operatives and visitors;
 - c) scheme for the erection of temporary/semi-temporary signage;
 - d) The frequency and size of vehicles used to transport the waste material arising from the construction works;
- x) **Pollution Prevention:** prepare a Pollution Prevention Plan to demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures, incident response plan and a pollution control system during construction and decommissioning;
- xi) **Responsible Persons:** details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details, to include an ecological clerk of works ('ECoW'), the CEMP must be signed by the responsible person(s); and
- xii) **A construction, operational and decommissioning noise management plan,** including identification of access operations to be carried out, mitigation measures and a scheme for the monitoring of noise for all phases of the development's lifespan.

The CEMP shall be implemented as approved during site preparation, construction and decommissioning phases of the development.

Reason:

In the interests of biodiversity and the amenity of the area as a whole and to ensure the development complies with Policy EN7 of the Adopted Neath Port Talbot Local Development Plan.

- 6 Notwithstanding any other details which may be given in the application hereby approved, prior to commencement of any works on site, a scheme shall be submitted to and approved in writing by the Local Planning Authority, detailing the safe access and egress arrangements for the separate Construction/Decommissioning Phase and Operational Phase access points with the existing highway. The submitted scheme shall provide for the following:
- a. The implementation of vehicular visibility splays in accordance with approved drawing numbers: N395 - A16 OPERATIONAL ACCESS - VISIBILITY SPLAY (A) and N395 - A17 CONSTRUCTION ACCESS - VISIBILITY SPLAY (A) within which nothing over 600mm in height shall be erected or allowed to grow and maintained as such for its duration;
 - b. surfacing and drainage arrangements;
 - c. the tie in of the access to the existing adopted highway fronting the site; and
 - d. a timetable for its removal at the decommissioning stage.

The scheme as approved shall be implemented in its entirety prior to works commencing on site and retained for the lifetime of the development. The approved works shall be removed and reinstated to its existing profile within 3 months of the completion of its decommissioning.

Reason:

In the interest of highway and pedestrian safety and to accord with Policies TR2, RE1 of the Adopted Neath Port Talbot Local Development Plan.

- 7 No development shall commence on site, including any enablement works, until a condition survey of the existing highway from the site entrances along the access road leading to the junction with Prettyman Drive, Llandarcy has been undertaken, and the survey results submitted to and approved in writing by the Local Planning Authority. This survey shall include an assessment of the condition of the existing carriageways, footways and soft verges. A further, second survey shall be undertaken within two months of removal of all temporary works at the site. Any damage to the highway identified in the survey as being due to the increased volume of construction vehicles shall be repaired and made good by the developer. The required repairs/making good shall be identified in a scheme accompanying the second survey, with full details including the timing of repairs which shall be agreed in writing with the Local Planning Authority. The pre and post construction condition survey shall include but not be limited to, the following:-
- i. Photographic survey of all trees overhanging the highway carriageway.
 - ii. Photographic survey of all related structures (e.g.) headwalls and gullies.
 - iii. Drainage channels/ditches running alongside the lane access(es).
 - iv. Survey of existing street furniture, lighting and overhead cables.
 - v. All structures abutting and retaining the public highway, together with any widening of bends and highway pinch points that may require additional or new structural support.

- vi. Proposed structural movement gages/tools to be implemented on all relevant structures, so that assessments can be made on any potential movements during operation.
- vii. All surfacing of highway material including bitumen, antiskid surface and lining.
- viii. All removals of projected fixtures (e.g.) overhanging tree branches, hanging baskets, boundary treatments, external light fixtures.

Reason:

In the interest of highway and pedestrian safety and to accord with Policies TR2, RE1 of the Adopted Neath Port Talbot Local Development Plan and Renewable and Low Carbon Energy Supplementary Planning Guidance dated July 2017.

- 8 Prior to the commencement of any works on site for the decommissioning stage of the development, a condition survey of the existing highway from the site entrances along the access road leading to the junction with Prettyman Drive, Llandarcy shall be undertaken, and the survey results submitted to and approved in writing by the Local Planning Authority. This survey shall include an assessment of the condition of the existing carriageways, footways and soft verges. A further, second survey shall be undertaken within two months of removal of all decommissioning works at the site. Any damage to the highway identified in the survey as being due to the increased volume of decommissioning vehicles shall be repaired and made good by the developer. The required repairs/making good shall be identified in a scheme accompanying the second survey, with full details including the timing of repairs which shall be agreed in writing with the Local Planning Authority. The pre and post decommissioning condition survey shall include but not be limited to, the following:-

- i. Photographic survey of all trees overhanging the highway carriageway.
- ii. Photographic survey of all related structures (e.g.) headwalls and gullies.
- iii. Drainage channels/ditches running alongside the lane access(es).
- iv. Survey of existing street furniture, lighting and overhead cables.
- v. All structures abutting and retaining the public highway, together with any widening of bends and highway pinch points that may require additional or new structural support.
- vi. Proposed structural movement gages/tools to be implemented on all relevant structures, so that assessments can be made on any potential movements during operation.
- vii. All surfacing of highway material including bitumen, antiskid surface and lining.
- viii. All removals of projected fixtures (e.g.) overhanging tree branches, hanging baskets, boundary treatments, external light fixtures.

Reason:

In the interest of highway and pedestrian safety and to accord with Policies TR2, RE1 of the Adopted Neath Port Talbot Local Development Plan and Renewable and Low Carbon Energy Supplementary Planning Guidance dated July 2017.

- 9 The development shall be carried out strictly in accordance with the recommendations contained within the Mitigation and Biodiversity Enhancement and Green Infrastructure Statement documents hereby approved.

Notwithstanding any other details which may be given in the application hereby approved, no development shall commence on site, including any enablement works, until the following additional mitigation and compensation details have been submitted to and approved in writing by the Local Planning Authority:

- a) details of woodland planting species and numbers, these to equate to a minimum ratio of 3 new/additional trees for every 1 tree removed and to include enough standard trees to compensate for trees removed and not being replaced at all access points, including the main Dreamfields access off the B4290;
- b) details of all new or reinstated hedgerows;
- c) detailed landscape plans, planting schedules and maintenance/management for at least 10/15 years for all areas;
- d) details of proposed grazing regime(s).

During the first planting and seeding seasons following the construction of the development but prior to the First Export Date, the additional mitigation and compensation details as approved together with the recommendations contained within the approved Mitigation and Biodiversity Enhancement and Green Infrastructure Statement reports, shall be implemented in full.

The approved mitigation, compensation and enhancement measures shall be retained as part of the development in perpetuity and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure a net benefit for biodiversity, to maintain and mitigate against the loss of any foraging habitats, and to accord with Policy 9 of Future Wales: The National Development Plan 2040 and Policy SP15 of the Adopted Neath Port Talbot Local Development Plan.

- 10 Notwithstanding any other details which may be given in the application hereby approved, no development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, including surfacing material, gates and/or other boundary treatment(s), for the proposed construction and operational site access points. The scheme shall include:

- a) removing the existing palisade gates/heras fencing;
 - b) adherence with the details approved pursuant to condition 6 of this permission;
- and

- c) indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

The development shall thereafter only proceed in accordance with the approved hard and soft landscaping details.

Reason:

In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value, and to ensure the development complies with Policies SP15 and BE1 of the Adopted Neath Port Talbot Local Development Plan.

- 11 No development shall commence on site until an assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) 'Investigation of Potentially Contaminated Sites Code of Practice' and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
 - (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
 - (iii) an assessment of the potential risks to:
 - human health,
 - groundwater and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,- ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
 - (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 12 No development shall commence on site until a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historic environment shall be prepared and submitted to and approved in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 13 Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 12 shall have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 14 No part of the development shall commence until a Waste Management Plan for the control, management, storage and disposal of any waste material generated by the development during the construction and operational phases has been submitted to and approved in writing by the Local Planning Authority.

No decommissioning shall commence until an additional Waste Management Plan for the control, management, storage and disposal of any waste material generated by the development during the decommissioning phase has been submitted to and approved in writing by the Local Planning Authority.

All waste shall be treated in accordance with the agreed Waste Management Plan and the development shall thereafter be implemented in accordance with the approved plan.

Reason:

To ensure the appropriate disposal of any waste arising from the development in terms of protection of the environment and to ensure the sustainability principles are adopted during development and complies with Policy W3 of the Neath Port Talbot Local Development Plan.

Action Conditions

- 15 Within 25 calendar years from the date when electricity is first generated to the grid, or within 6 months of the cessation of electricity generation by the solar farm development, whichever is sooner, the solar farm and all its ancillary and associated equipment shall be dismantled and removed from the site and the land restored to agricultural use.

Reason:

To ensure satisfactory restoration of the site and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

- 16 In the event of the solar farm development failing to produce electricity supplied to the local grid for a continuous period of 12 months, then it will be deemed to have ceased to be required, the solar farm and all its ancillary equipment shall be dismantled and removed from the site within 6 months of the deemed cessation date and the site restored to its former condition.

Reason:

In the interest of visual amenity and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

- 17 In the event that any individual solar array or photovoltaic panel does not function (i.e. ceases to supply electricity to the electricity grid network) for a continuous period of 12 months and if so instructed by the Local Planning Authority, the solar array or photovoltaic panel and all its associated ancillary equipment shall be dismantled, including its base, and removed from site within a period of 6 months and that part of the site restored to agricultural use, unless a variation is otherwise first agreed in writing by the Local Planning Authority.

Reason:

In the interest of visual amenity and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Renewable and Low Carbon Energy Supplementary Planning Guidance dated July 2017.

- 18 Within the year prior to decommissioning of the site, but no later than 6 months prior to decommissioning, a full ecological survey of the site shall be undertaken to inform decommissioning. A survey report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of

decommissioning and then implemented as approved. The report shall include ecological mitigation measures, as appropriate, based on the ecological assessment findings to be followed during decommissioning, and beyond.

Reason:

To ensure that the decommissioning of the site is informed with up to date ecological information and mitigation measures if required and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Renewable and Low Carbon Energy Supplementary Planning Guidance dated July 2017.

- 19 Not later than 12 months before the expiry date of the permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. Such a scheme shall include, but not be limited to:
- i. The removal of all surface elements, plus one metre of the arrays and all ancillary structures below ground level, of the solar farm.
 - ii. Confirmation of the management and timing of works.
 - iii. A traffic management plan to fully address highway safety issues during the period of the decommissioning works.
 - iv. Any other works of restoration and aftercare, following consultation with other parties, as the Local Planning Authority deem to be reasonable and necessary.
 - v. A de-construction method statement;
 - vi. Details of measures to prevent/minimise impacts upon important habitats and species including any protected species surveys;
 - vii. Details of all habitat restoration measures including methods and any seed mixes. The scheme shall be fully implemented as approved.

The approved decommissioning scheme shall be implemented and completed within 24 months of the expiry date of this permission.

Reason:

To ensure the impacts of the development exist only for the lifetime of the development, in accordance with policies RE1 of the Adopted Neath Port Talbot Local Development Plan, Policy 17 of Future Wales: The National Plan 2040 and the relevant guidance set out in Planning Policy Wales.

- 20 All electricity and control cables between the solar farm development and control building(s) shall be laid underground unless a variation has first been submitted to and approved in writing by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details.

Reason:

In the interest of visual amenity and to accord with Policy RE1 of the Adopted Neath Port Talbot Local Development Plan and Renewable and Low Carbon Energy Supplementary Planning Guidance dated July 2017.

- 21 The photovoltaic panels and mounting frames shall not exceed 2.5 metres above ground level and the perimeter/security fencing shall not exceed 2 metres above ground level. All fencing shall be finished in RAL 6003 Olive Green unless the Local Planning Authority otherwise first agrees in writing to any variation.

Reason:

In the interest of visual amenity, to preserve the rural character of the area and to accord with Policy BE1 of the Adopted Neath Port Talbot Local Development Plan.

- 22 Prior to the erection of any lighting, a detailed lighting scheme (including lux contour plan) for the site shall be submitted to and approved in writing by the Local Planning Authority detailing the location of all proposed lights, the specification, intensity of illumination, together with proposed hours of operation and any mitigation measures required.

The scheme shall incorporate best practice guidance to ensure the retention of dark corridors for the movement of wildlife with no direct lighting of vegetation. The light mitigation strategy shall be implemented and retained in accordance with the approved details.

There shall be no external lighting installed during the operational phase of the site as a solar farm unless it is installed in accordance with a scheme that adheres to the above requirements and has first been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter only be implemented on site in accordance with the approved scheme, and retained as such thereafter.

Reason:

In the interest of amenity and to ensure that animal and plant species and habitats listed under the Conservation of Habitats and Species Regulations 2017 are adequately protected, and to ensure compliance with Policies SP15, SP16, EN6, EN8 and BE1 of the Adopted Neath Port Talbot Local Development Plan.

- 23 Unless otherwise first agreed in writing by the Local Planning Authority, no surface water or land drainage run-off shall be allowed to connect, either directly or indirectly, to the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to

the environment and ensure the development complies with Policy SP16 and BE1 of the Adopted Neath Port Talbot Local Development Plan.

- 24 On receipt of a justified complaint, following a written request from the Local Planning Authority the applicant shall undertake an assessment of the noise arising from the operations on the site and submit to the Local Planning Authority a written report detailing the findings of the assessment within two weeks of such a request being made (or other such date that may be agreed in writing by the Local Planning Authority). The noise assessment shall be undertaken by a competent and suitably qualified acoustic consultant; The acoustic consultant shall be a member of the Association of Noise Consultants (ANC) and a member of the Institute of Acoustics.

Prior to undertaking the noise assessment for the purpose of preparation of the report, the consultant shall contact the Local Planning Authority and shall agree a methodology and most appropriate standards. Following the noise assessment, a copy of the report shall be submitted to and approved in writing by the Local Planning Authority along with evidence that the control measures recommended within the report are implemented and maintained thereafter.

Reason:

To protect the amenity of the locality, and the amenity of persons living and/or working nearby, and to ensure accordance with Policies BE1 and EN8 of the Adopted Neath Port Talbot Local Development Plan (2011-2026).

- 25 Prior to the installation of any CCTV cameras on the site, a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the location of all cameras indicating their design, height and field of view. The approved camera locations shall be implemented on site in accordance with the approved scheme, and retained as such thereafter.

Reason:

In the interest of visual and rural amenity and to prevent any unacceptable overlooking, and to ensure compliance with Policies SP16, EN8 and BE1 of the Adopted Neath Port Talbot Local Development Plan.

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

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 27 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended for Wales), or any subsequent Order revoking or re-enacting that Order with or without modification, no photovoltaic panels, CCTV, alarms, lighting, fences or other means of enclosure, or ancillary buildings/structures (other than those expressly authorised by this permission) shall be erected within the boundaries of the site.

Reason:

To enable the Local Planning Authority to retain control over the site in the interests of visual amenity and the rural character of the area and to accord with Policy BE1 of the Adopted Neath Port Talbot Local Development Plan.