

## CITY AND COUNTY OF SWANSEA

### NOTICE OF MEETING

You are invited to attend a Meeting of the

### AREA 1 DEVELOPMENT CONTROL COMMITTEE

**At:** Council Chamber - Civic Centre

**On:** Tuesday, 11 November 2014

**Time:** 2.00 pm

Members are asked to contact Ian Davies (Team Leader) on 635714 should they wish to have submitted plans and other images of any of the applications on this agenda to be available for display at the Committee meeting.

### AGENDA

Page No.

- 1 To elect a Chair for the remainder of the Municipal Year 2014-2015.
- 2 Apologies for Absence.
- 3 Disclosures of Personal and Prejudicial Interests. 1 - 2
- 4 Minutes. 3 - 6  
To approve as a correct record the Minutes of the Meeting of the Area 1 Development Control Committee held on 16 September 2014.
- 5 Items for deferral / withdrawal.
- 6 Determination of Planning Applications under the Town and Country Planning Act 1990. 7 - 35



**Patrick Arran**  
Head of Legal, Democratic Services & Procurement  
Tuesday, 4 November 2014

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**Contact: Democratic Services - 636106**

**ACCESS TO INFORMATION  
LOCAL GOVERNMENT ACT 1972 (SECTION 100) (AS AMENDED)**

**(NOTE:** The documents and files used in the preparation of this Schedule of Planning Applications are identified in the 'Background Information' Section of each report. The Application files will be available in the committee room for half an hour before the start of the meeting, to enable Members to inspect the contents).

**AREA 1 DEVELOPMENT CONTROL COMMITTEE (35)**

**Labour Councillors: 25**

John C Bayliss ( <b>Vice Chair</b> )	Erika T Kirchner
Uta C Clay	Andrea S Lewis
Sybil E Crouch	Clive E Lloyd
Nick J Davies	Paul Lloyd
Phil Downing	Penny M Matthews
C Ryland Doyle	Hazel M Morris
V Mandy Evans	Byron G Owen
Robert Francis-Davies	Neil M Woollard
Fiona M Gordon	Paulette B Smith
Joe A Hale	Ceinwen Thomas
Jane E C Harris	T Mike White
Terry J Hennegan	Lesley V Walton
Beverly Hopkins	

**Liberal Democrat Councillors: 6**

Chris A Holley	Paul M Meara
Jeff W Jones	John Newbury
Richard D Lewis	L Graham Thomas

**Independent Councillors: 4**

Keith E Marsh	D Gareth Sullivan
Ioan M Richard	Gordon D Walker

## Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

### Councillors

**Councillors Interests are made** in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

**NOTE:** You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
  - i) Disclose orally both the interest concerned and the existence of the dispensation; and
  - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

## **Officers**

### **Financial Interests**

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A "financial interest" is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE AREA 1 DEVELOPMENT CONTROL COMMITTEE

HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, SWANSEA ON  
TUESDAY, 16 SEPTEMBER 2014 AT 2.00 PM

**PRESENT:** Councillor P Lloyd (Vice -Chair) Presided

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
J C Bayliss	T J Hennegan	K E Marsh
U C Clay	C A Holley	P M Meara
N J Davies	B Hopkins	H M Morris
P Downing	J W Jones	J Newbury
C R Doyle	E T Kirchner	B G Owen
V A Evans	A S Lewis	P B Smith
R Francis-Davies	R D Lewis	D G Sullivan
J A Hale	C E Lloyd	T M White

25 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors SE Crouch, FM Gordon, JEC Harris, PM Matthews, C Thomas, LG Thomas, LV Walton and GD Walker.

26 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests were declared:

Councillor JC Bayliss - Minute No.29 - Planning Application No.2014/0786 (Item 1) – Personal & Prejudicial – I have opposed this application at Licensing Committee, Made Statement under Paragraph 14(2) of the Code and left prior to discussion.

Councillor NJ Davies - Minute No.29 - Planning Application No.2014/0786 (Item 1) – Personal & Prejudicial – I have opposed this application at Licensing Committee, Made Statement under Paragraph 14(2) of the Code and left prior to discussion.

27 **MINUTES.**

**RESOLVED** that the Minutes of the meeting of the Area 1 Development Control Committee held on 19 August 2014 be approved as a correct record.

28 **ITEMS FOR DEFERRAL / WITHDRAWAL.**

None.

29 **DETERMINATION OF PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990.**

The Head of Economic Regeneration and Planning submitted a series of Planning applications. Amendments to this schedule were reported and are indicated below by (#).

**RESOLVED** that:

(1) the undermentioned planning applications **BE APPROVED** subject to the conditions in the report and/or indicated below

**(#)(Item 1) Application No.2014/0786 –**

Change of use of first floor from residential flat (Class C3) to restaurant (Class A3) with rebuilding of walls and fencing and associated works at rear of property. 33 Uplands Crescent, Uplands, Swansea.

Mr M Hard(agent) addressed the Committee.

**(#)(Item 2) Application No.2014/0420**

Demolition of existing building, construction of four detached dwellings, new shared driveway and associated works.(Amended and additional plans received) at Pleasant View Farm, Pleasant View Terrace, Brynhyfryd, Swansea.

Report updated as follows:

Bats have been identified in the existing buildings on site and the site is considered suitable for reptiles. A bat report has been submitted and the Council's Ecologist has raised no objection to the proposed development subject to the imposition of conditions requiring the insertion of bat bricks in the proposed dwellings, a method statement for the demolition of the existing buildings and the submission of a reptile mitigation statement. A protected species licence will also have to be obtained prior to works commencing.

Amendment to condition 2 plus additional conditions 12 – 16 as follows:

2. Before the development hereby approved is occupied the means of enclosing the boundaries of the site and individual curtilages of all dwellings shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The front boundary wall shall be constructed in materials to match the existing front boundary wall on site.

12. No development shall take place until a scheme outlining the method of demolition of the existing buildings on site has been submitted to and approved in writing by the Local Planning Authority. The existing buildings shall be demolished strictly in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting protected species on site.

13. No development shall take place until details of the provision of bat bricks, or similar, within each of the proposed dwellings have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in accordance with the approved details prior to each of the dwellings being occupied and shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interests of protecting protected species on site

14. No development shall take place until a "Bat Licence" has been obtained from Natural Resources Wales and a copy submitted to and approved in writing by the Local Planning Authority. The mitigation measures required by condition 13 shall form part of the "licence to disturb" application.

Reason: In the interests of protecting protected species on site

15. No development shall take place until a reptile mitigation statement has been submitted to and approved in writing by the Local Planning Authority. The reptile mitigation statement shall be implemented in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting protected species on site.

16. Prior to the beneficial occupation of any of the dwellings, the site frontage along Pleasant View Terrace shall be set back to provide a 1.8m footway along the frontage in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety

**(#)(Item 3) Application No.2014/0922**

Fourteen 3 bedroom semi- detached dwellings (details of the appearance, landscaping and scale pursuant to outline planning permission 2013/1632 granted 7th February 2014) at Land at Heol Y Fran, Morriston, Swansea.

Councillor AS Lewis read out a written submission from Mrs J White(objector) as she was unable to attend the committee due to a family bereavement.

Mr E Roberts(on behalf of the applicant) addressed the committee.

Report updated as follows:

Twelve additional letters of objection have been received raising the following issues: more social housing, effect on value of homes, enough brownfield sites around the city to avoid filling up green area, increase in traffic congestion, road is a busy bus route and parked cars cause a bottleneck, land used for kickabout area with no alternative, school is full, loss of use of school field, letter from Gwalia indicating they are starting development in October even though planning permission not granted.

These comments generally reflect the issues raised previously and addressed in the main report. For the avoidance of doubt, Members were advised that the proposal does not result in the loss of the school playing field. The application site is restricted to the embankment area between the school field and the highway. Furthermore, the letter to residents from Grwp Gwalia indicates they hope to start work on site in

October. Discussions between officers and the applicant have confirmed that commencement is conditional on this application being approved and all pre-commencement conditions being discharged.

In paragraph 5 on page 33, correction of typing error in line 6 – 'planning' should read 'planting'

The meeting ended at 2.37 pm

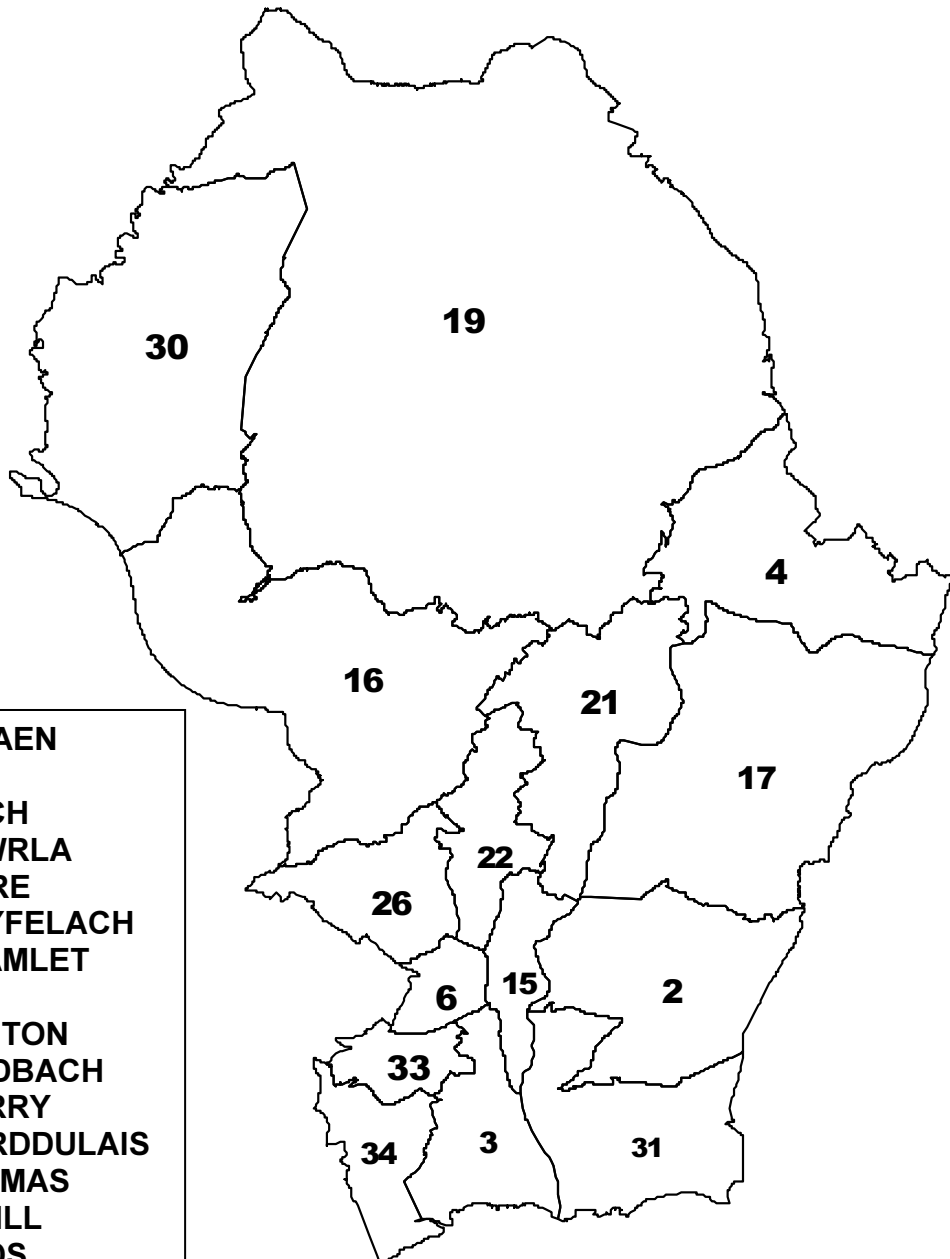
**CHAIR**



CITY AND COUNTY OF SWANSEA  
DINAS A SIR ABERTAWE

Report of the Head of Economic Regeneration & Planning to Chair and Members  
of  
Area 1 Development Control Committee

DATE: 11<sup>TH</sup> NOVEMBER 2014



2. BONYMAEN
3. CASTLE
4. CLYDACH
6. CWMBWRLA
15. LANDORE
16. LLANGYFELACH
17. LLANSAMLET
19. MAWR
21. MORRISTON
22. MYNYYDBACH
26. PENDERRY
30. PONTARDDULAIS
31. ST. THOMAS
33. TOWNHILL
34. UPLANDS

Phil Holmes  
BS(Hons), MSc, Dip Econ  
Head of Economic Regeneration & Planning



## TWO STAGE VOTING

Where Members vote against officer recommendation, a two stage vote will apply. This is to ensure clarity and probity in decision making and to make decisions less vulnerable to legal challenge or awards of costs against the Council.

The first vote is taken on the officer recommendation.

Where the officer recommendation is for “approval” and Members resolve not to accept this recommendation, reasons for refusal should then be formulated and confirmed by means of a second vote.

**The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Members.** The reason(s) have to be lawful in planning terms. Officers will advise specifically on the lawfulness or otherwise of reasons and also the implications for the Council for possible costs against the Council in the event of an appeal and will recommend deferral in the event that there is a danger that the Council would be acting unreasonably in refusing the application.

Where the officer recommendation is for “refusal” and Members resolve not to accept this recommendation, appropriate conditions should then be debated and confirmed by means of a second vote. For reasons of probity, Member should also confirm reasons for approval which should also be lawful in planning terms. Officers will advise accordingly but will recommend deferral if more time is required to consider what conditions/obligations are required or if he/she considers a site visit should be held. If the application departs from the adopted development plan it (other than a number of policies listed on pages 89 and 90 of the Constitution) will need to be reported to Planning Committee and this report will include any appropriate conditions/obligations.

**The application will not be deemed to be approved unless and until suitable conditions have been recorded and confirmed by means of a second vote.**

Where Members are unable to reach agreement on reasons for refusal or appropriate conditions as detailed above, Members should resolve to defer the application for further consultation and receipt of appropriate planning and legal advice.

## CONTENTS

ITEM	APP. NO.	SITE LOCATION	OFFICER REC.
1	2014/0739	Land to South of Gelliwern Isaf Felindre, Swansea, SA5 7PJ <b>Installation of a solar PV array, construction of a storage room, inverter cabin, a substation, switchgear building and fencing</b>	APPROVE

**AREA 1 DEVELOPMENT CONTROL COMMITTEE – 11<sup>TH</sup> NOVEMBER 2014**

ITEM 1

APPLICATION NO.

2014/0739

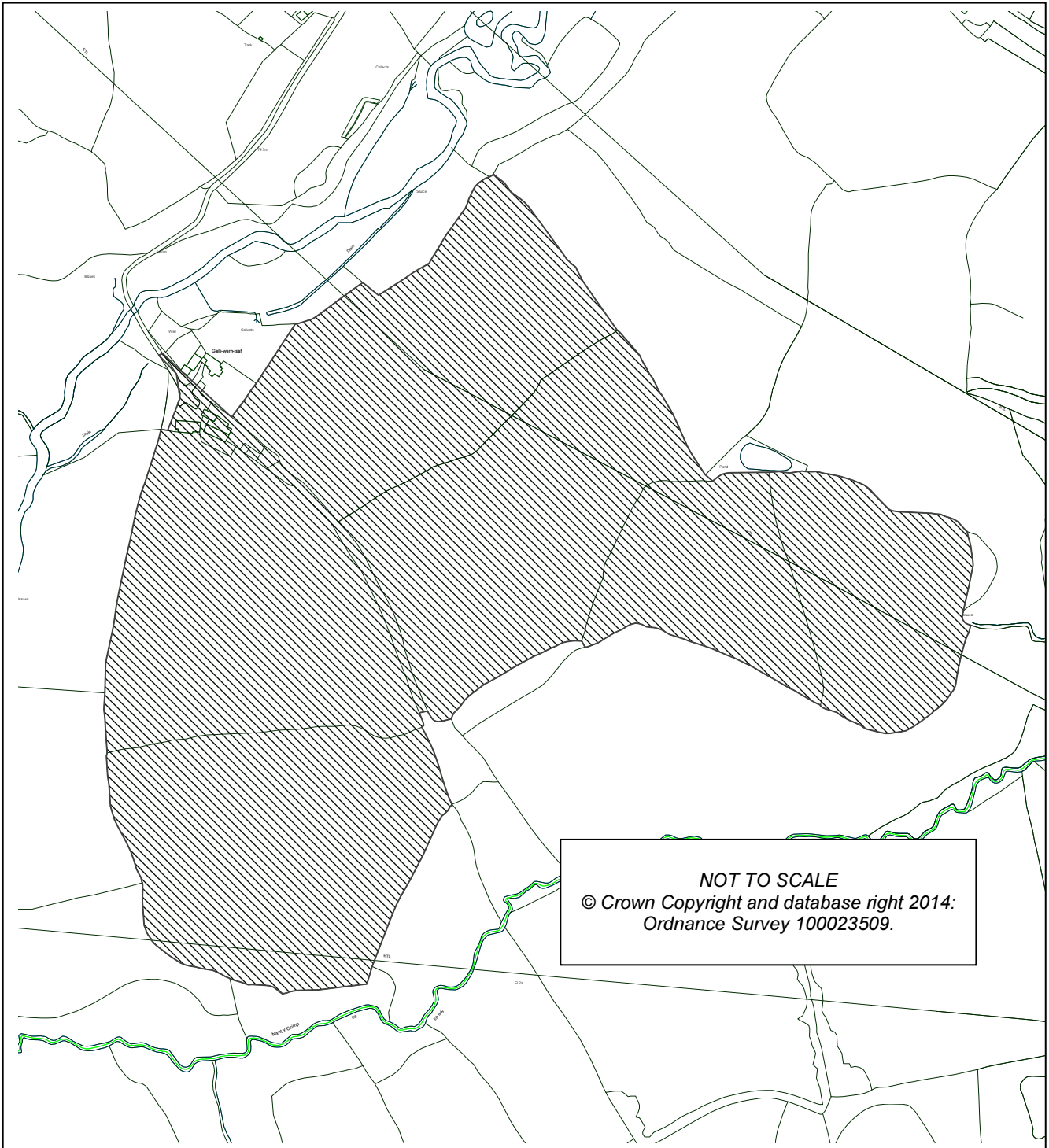
WARD:

Mawr  
Area 1

**Location:** Land to South of Gelliwern Isaf Felindre, Swansea, SA5 7PJ

**Proposal:** Installation of a solar PV array, construction of a storage room, inverter cabin, a substation, switchgear building and fencing

**Applicant:** Mr Mark Dickinson



## AREA 1 DEVELOPMENT CONTROL COMMITTEE – 11<sup>TH</sup> NOVEMBER 2014

ITEM 1 (CONT'D)

APPLICATION NO.

2014/0739

### BACKGROUND INFORMATION

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV21	In the countryside non-residential development will only be permitted where it can be demonstrated that it is beneficial for the rural economy, or it meets overriding social or economic local needs, or it is appropriate development associated with farm diversification, sustainable tourism or nature conservation, or it provides an acceptable economic use for brown field land or existing buildings, or it is essential for communications, other utility services, minerals or renewable energy generation. (City & County of Swansea Unitary Development Plan 2008)
Policy EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008)
Policy R11	Proposals for the provision of renewable energy resources, including ancillary infrastructure and buildings, will be permitted subject to compliance with specified criteria. (City & County of Swansea Unitary Development Plan 2008)

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2005/0927	Consultation under the Public Gas Pipe-Line Works (Environmental Impact Assessment) Regulations 1999 in respect of application made by Transco to the Secretary of State for Trade and Industry for consent to build 120 kms of 1200 mm diameter gas pipeline connecting the coastal terminal near Milford Haven to an above ground installation (AG1) at Cilfrew Decision: No Objection Decision Date: 10/11/2005

## RESPONSE TO CONSULTATIONS

The proposal was advertised on site at multiple site locations and in the local press.

FIFTEEN LETTERS OF OBJECTION have been received which are summarised as follows

1. Concerns regarding the visual effect on the surrounding area and it is an attempt to industrialise the countryside;
2. Cumulative impacts from existing approved solar arrays at Abergelli and Cefn Betingau;
3. Concerns the landscape has already been negatively affected by existing gas pipelines and pylons in the area.
4. Concerns about lack of mitigation planting proposed;
5. Concerns on impact on neighbouring properties; including impacts of the security fencing; CCTV and impact on property prices;
6. Concerns the proposal is on reasonable grade agricultural land and the tenant farmer will lose their land.
7. Concerns there would be an impact on tourism in the area;
8. Concerns regarding the impact on ecology both within the site and nearby. An SSSI is located adjacent to the site;
9. Concerns there would be pollution impacts on nearby watercourses;
10. Health and ecological risks associated with leakage from the panels;
11. Concerns that the local roads are not suitable for higher than normal traffic
12. Concerns regarding use of the existing access track. Although Penllergaer Estates have access to use this lane, it is we and not the estate that owns it, together with the adjacent fields and trees. We do not intend allowing development of the track
13. Concerns that no plans are in place for the safe removal of the panels and re-instatement of the land.
14. Concerns regarding the make-up of this business and the number of companies registered in its name.
15. Concerns the local community will not get any benefit from this project.

**Mawr Community Council** – We as a community feel that not enough information has been given or explained to the residents of the parish of Mawr. We feel that there is already enough of these installations in our vicinity and it does seem that the parish of Mawr and in particular Felindre is being targeted for these renewable developments e.g. Cefn Betingau, and Abergelli Farm and the now proposed Abergelli Gas Power station, Mynydd Y Gwair wind farm and other developments pending.

The parish of Mawr is a very rural parish, and all these developments will have a detrimental affect on the villages and village life. There has been a lot of effort lately to promote this parish for walkers and tourism by Swansea Council itself and this would be a major step backwards if this development goes ahead.

**The Gower Society** - We are greatly concerned that an application on this scale has been made for what is on reasonable grade agricultural land. Previous applications in Mawr have been closer to built up areas but this one is well within the open countryside. Our Society has been attempting over the last few years to gain political support at WA level for the extension of the current Gower AONB into this part of The Lordship of Gower. Such schemes can only damage the possibility of this being achieved.

## AREA 1 DEVELOPMENT CONTROL COMMITTEE – 11<sup>TH</sup> NOVEMBER 2014

ITEM 1 (CONT'D)

APPLICATION NO. 2014/0739

The current scheme at Cefn Betingau should serve as a wake up call about the industrialisation of our agricultural landscape and open countryside. Planning permission has also been given to a large site near by at Abergelli that has yet to be constructed. If yet another such a scheme is allowed at this location it will certainly have an unacceptable impact upon the Mawr Community and in particular the Parish of Felindre that has been attempting to promote itself as a tourist destination. In addition there is the prospect of the huge and dominating Mynydd y Gwair Wind Farm pending. Where does all of this end?

My Society has the opinion that such schemes should be reserved for brown field sites that do not impinge upon the rural landscape and on the roofs of existing industrial buildings. We strongly object to this application and would be obliged if you would take these points into consideration when assessing this application

**Swansea Rambles Association** – On behalf of Swansea Ramblers we do not object to this application as it will not have an adverse effect on our enjoyment of the public rights of way network.

**Glamorgan Gwent Archaeological Trust** – The supporting information includes an archaeological desk based assessment undertaken by ADAS Ltd. The report meets current professional standards and allows an informed mitigation to be made; it has studied the area around the site to provide an informed assessment of the archaeological resource, including both statutorily designated and non-designated heritage assets, including the setting of scheduled monuments. It concludes that the impact on the setting of the scheduled monument would not be adverse and that there would be a low to moderate potential for encountering archaeological remains, which can be mitigated by ensuring ground disturbing work is done under archaeological supervision.

We conclude that mitigation can be achieved by undertaking the groundworks under archaeological supervision, and with suitable contingencies in place to ensure that sufficient time and resources for fuller archaeological investigation to be undertaken is allowed.

We therefore recommend that a condition should be attached to the consent, requiring the applicant to submit a programme of archaeological work in accordance with a written scheme of investigation. This should take the form of an archaeological watching brief and recommend the inclusion of the following condition:

*No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.*

*Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.*

**The Coal Authority** - The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority objects to this planning application as the required Coal Mining Risk Assessment Report, or equivalent, has not been submitted as part of the application.

## AREA 1 DEVELOPMENT CONTROL COMMITTEE – 11<sup>TH</sup> NOVEMBER 2014

ITEM 1 (CONT'D)

APPLICATION NO. 2014/0739

Following the receipt of the above correspondence further dialogue took place between the agents acting on behalf of the applicants and the Coal Authority regarding the types of foundations proposed and that there would be no significant ground works associated with the installations of the solar arrays on site. Based on this additional information and in further correspondence sent direct to the agents the Coal Authority has confirmed that in this instance a Coal Mining Risk Assessment is not considered necessary to support the application.

**Highway Observations** - The application site is located to the west of Felindre, east of Pontlliw and north of Penllergaer forest. The development proposals involve the construction of a Solar PV array, a number of ground mounted solar PV panels, mounted on frames. The panels are to be connected to the electrical distribution grid. The application site is accessed from an unclassified road running west from Felindre and then via an internal access road. The application site is entirely bounded by agricultural fields.

An indicative construction schedule has been submitted indicating that weeks 1-5 will be given to site preparation, weeks 3-11 for the solar PV construction and weeks 11-12 for removal of site services and the temporary site compound. A Construction Traffic Management Plan has also been submitted with the application.

There will be a new 1.5km length of track constructed inside the site from compacted stone/aggregate of nominal 3m width for construction vehicles. The site is accessed from the unclassified road which runs west from Felindre through Tyn-y-Cwm. From the access point an existing private access track will be used which runs in a broadly north-south direction towards Gelliwern Isaf Farm. The existing access currently caters for vehicular trips (including larger agricultural type associated with farms in the area. The proposed access junction has adequate width to allow vehicles to pass clear of the highway and good visibility at the junction. There is an existing access point to the farm which will be utilized.

Traffic movements will be their highest during the construction phase (which will last approximately one month). As a worst case scenario it is assumed that the deliveries will be made during a Monday to Friday working week. It is estimated that 150 deliveries will be made over the period which equates to 3 per day. This is not a high volume of movements. Construction workers are expected to arrive by car/small light goods vehicles and on some occasions a minibus. The maximum workforce will be 15-30 persons at any one time. Car parking spaces are being provided and a maximum of 15 two way trips associated with staff movements is expected. Deliveries will be made using small rigid goods lorry or similar and large commercial vehicles such as 16.5m articulated lorries are not intended to be used due to the narrow nature of the adopted roads from Felindre. No abnormal indivisible load vehicles are required to be used.

There are a number of traffic management measures proposed within the Construction Traffic Management Plan to help reduce the impact of the proposed development. Examples of these measures include the provision of a temporary signing strategy, vehicle scheduling and route enforcement.

Following completion of the scheme, operational traffic will be the occasional service vehicle visit only and therefore will have no adverse impact on local highway safety conditions. There will be no soil removed from the site as it will be stockpiled and reused in the restoration following decommissioning (approximately 35 years).



## AREA 1 DEVELOPMENT CONTROL COMMITTEE – 11<sup>TH</sup> NOVEMBER 2014

ITEM 1 (CONT'D)

APPLICATION NO.

2014/0739

The project intends to undertake dilapidation surveys before and after completion and the methodology will need to be agreed with CCS prior to commencement.

The development is expected to have minimal impact on traffic and highways safety and as such I do not consider that there are any highway safety issues arising.

No highway objection to the proposal subject to:

1. The provision of suitable facilities on site to ensure vehicles leaving the site do not deposit mud or debris on the adjacent highway.
2. The methodology to be submitted to the LPA for approval, for the scope and nature of the dilapidation surveys on the adopted highways

**Pollution Control Division** – No objection provided the information stated within the DAS is adhered to i.e.: Construction 'hours of operation' Monday to Friday 8am to 6pm and Saturday 8am to 1pm only and comments relating to Fuel Storage, disposal of waste water.

**Planning Ecologist** – Overall the PV farm would have a relatively low ecological impact. The surveyor has found some areas are of significant ecological value and has suggested some suitable mitigation – there is a small area in compartment 8 which contains some whorled caraway (a locally scarce plant) which should be protected. The surveyor has suggested that this area is protected from construction traffic and should not have a PV panel on it. Additionally there are areas which may have ground nesting birds, in particular compartments 1 and 2. A condition should be included requiring that these areas are checked for nesting birds if construction work is to take place during the nesting season and if present appropriate action taken to protect them. The surveyor has also suggested that a range of bird and bat boxes are put up around the site in order to enhance the biodiversity of the site.

**Natural Resources Wales** - Do not object to the planning application providing appropriately worded conditions requiring the implementation of mitigation measures are attached to any planning permission your authority is minded to grant.

### Ecology and Protected Species

NRW welcome the submission of the document entitled; '*Extended Phase 1 Habitat Survey and Protected Species Assessment, Land to the South of Gelliwern Isaf Farm, Swansea SA5 7PJ*', dated 30 September 2013, by ADAS UK Ltd.

We note that the habitat surveys were carried out on 20 August 2013 and 29 September 2013, with a survey for protected species carried out at the same time as the first habitat survey. The ecological interest of the grassland within the application area is stated as being semi-improved grassland (with improved indicator species). However, we note that within Compartment 8; whorled caraway was found (which is a local BAP Species and regarded as being regionally important). The report goes on to suggest that the grassland will benefit from a lack of grazing and fertiliser application. NRW would be supportive of a less intensive management regime, but it is important to recognise that these areas, particularly Compartment 8, will require some form of management (i.e. grazing and/or topping combined with the removal of arisings) over the life of the solar farm, otherwise the grassland interests may be lost to scrub encroachment. We advise that you discuss this with your Authority's Planning Ecologist.

## AREA 1 DEVELOPMENT CONTROL COMMITTEE – 11<sup>TH</sup> NOVEMBER 2014

ITEM 1 (CONT'D)

APPLICATION NO. 2014/0739

We note that a number of trees in the field and along the access track boundary are regarded as having potential as bat roosts. Large mature oaks at the south of the access track and oaks along the southern boundary of Compartment 7 are regarded as Category 2 trees. Therefore, we advise that a cautious approach is employed if any works are to be carried out close to these trees.

In addition, if any felling or lopping works are proposed on any of the trees identified as having bat roost potential; then a more detailed assessment/survey should be carried out by a suitably qualified bat worker, prior to work being carried out. The results should be submitted to your Authority's Planning Ecologist and NRW for review and comment. We advise that this is made an enforceable planning condition.

NRW also note that a number of hedgerows at the site are regarded as being suitable for dormouse and it is considered highly likely that the species is present in the area. The hedgebanks and field edges are also regarded as being suitable habitat for reptile species. Therefore, care should be taken when working close to these areas, to avoid damaging these features.

We support the recommendation that the small area of Compartment 8, which contains whorled caraway, is avoided by construction machinery. Although, we note that the solar array are to be set back 11.5 m from the field boundaries. We also support the proposal to install a range of nest boxes at the site and a pre-construction survey for skylark. We recommend that these matters are discussed and agreed with your Authority's Planning Ecologist.

### Nant Y Crimp SSSI

NRW note that the Nant y Crimp SSSI is adjacent to the southern boundary of the proposed site. In terms of the SSSI, we do not anticipate any direct impacts on the site as a result of the proposal.

However, we would advise that prior to any work commencing on site, a Construction Management Statement (CMS) should be submitted to the Local Authority. This should provide detailed and specific information of the measures that will be employed to ensure that the SSSI will be protected from any potential run-off or other effects from the construction and construction traffic. We advise that this is made an enforceable planning condition.

### Landscape

We welcome the submission of the document entitled; '*Land to the South of Gelliwern Isaf Farm, Swansea, SA5 7PJ – Landscape and Visual Impact Assessment*', dated November 2013, by ADAS UK Ltd.

The report states that the site is not within an area which contains high value for all aspects of LANDMAP, but it does highlight that the geological, historic and cultural landscape layers are regarded as being either outstanding or high. However, they regard the sensitivity of the site to be low.

### Surface Water Drainage

The proposal is for a solar farm and associated infrastructure covering an area of approximately 19ha and can therefore be classed as less vulnerable development according to TAN15.

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We note that a Flood Consequences Assessment (FCA) and Preliminary Surface Water Drainage Strategy (Ref. CEN4076, dated April 2014) have been submitted as part of the application. While the FCA states that ground will be available for infiltration underneath the panels, it also acknowledges that runoff from the panels could lead to concentrated surface water runoff pathways. The FCA identifies one location on the site where this is more likely to occur, due to the steepness of the slope and the position of the panels. Therefore, a proposal for a swale or infiltration trench is made in order to intercept and slow down surface water flows.

NRW would be in favour of this approach, but we advise that calculations are undertaken to ensure that the proposed swales are of adequate size to manage the surface water runoff. These should be submitted to the Local Authority for review and approval, prior to work commencing on site; should your Authority be minded to grant planning permission. We recommend that this is made an enforceable planning condition.

The FCA also considers the maintenance of the swales which we consider to be essential to ensure that sufficient capacity is maintained in the structures. It is proposed that sediment deposits will be removed from the swales periodically which we would be in favour of. Therefore, we recommend that an appropriate plan for the management and maintenance of the swales is submitted to your Authority, and agreed with your Authority's Drainage Engineer and NRW, should you be minded to grant planning permission. We request that the following condition be included.

**Condition:** No development approved by this permission shall take place until details of the implementation, maintenance and management of a sustainable drainage system (SUDS) for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to this system, unless otherwise agreed in writing by the local planning authority. The details shall include calculations of the proposed swale to ensure they are of adequate size

**Reason:** To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

### Pollution Prevention

NRW note the information in relation to contamination control which is provided in the document entitled; '*Planning, Design and Access for Solar Photovoltaic Array at Land to the South of Gelliwern Isaf Farm, Swansea SA5 7PJ*', dated May 2014, by ADAS UK Ltd. Should your Authority be minded to grant planning permission, we advise that additional details and site specific information needs to be provided.

As your Authority will be aware there can be no deterioration of water bodies under the Water Framework Directive. It is therefore vital that all appropriate pollution control measures are adopted on site to ensure that the integrity of controlled waters (surface and ground) is assured.

As best practice, we would advise the developer to produce a site specific construction management / pollution prevention plan with particular reference given to the protection of the surrounding land and water environments. If planning permission is granted, we would ask that the following conditions are included.

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**Condition:** No development approved by this permission shall be commenced until a pollution prevention management plan detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The details of the plan shall be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

**Reason:** Prevent pollution of controlled waters and the wider environment.

As a minimum we would recommend that the plan include the following points.

- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- How each of those watercourses and pathways will be protected from site run off during construction.
- How the water quality of the watercourses will be monitored and recorded.
- How surface water runoff from the site during construction will be managed/discharged. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- storage facilities for all fuels, oils and chemicals.
- construction compounds, car parks, offices, etc.
- details of the nature, type and quantity of materials to be imported on to the site.
- measures for dealing with any contaminated material (demolition waste or excavated waste).
- identification of any buried services, such as foul sewers, so that they are protected.
- details of emergency contacts, for example Natural Resources Wales hotline 0800 807 060.

Pollution prevention guidance is available from the Environment Agency's website <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

### Waste Management

Given the nature and location of this development, we would recommend that a site waste management plan (SWMP) for the project is produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. Guidance for SWMPs are available from the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)).

We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such may be best undertaken post permission.

The following condition is suggested, but could be amended as you see fit.

**Condition:** No development approved by this permission shall be commenced until a Site Waste Management Plan has been produced and submitted in writing for approval by the Local Planning Authority.

**Reason:** To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

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Any waste materials that are generated on site (either as a result of construction or demolition) must be stored and treated in line with relevant environmental legislation. If it is proposed to treat waste on site (i.e. production of aggregates), a relevant waste permit/exemption must be registered with NRW. More information on relevant waste exemptions can be found on our website: [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk).

In addition to the above, we would ask that the attached planning advice note is provided to the applicant/developer. This provides further information and advice on matters such as SUDS, pollution prevention and waste management.

**National Grid** – Exercise our right to place a holding objection to the proposal which will cross our high pressure pipeline – Feeder 28 Felindre to Three Cocks and Herbrandston to Felindre & High Voltage Transmission Overhead Line 4YW.

Issues raised include: access crossings encroaching into pipeline easements which shall remain clear except for agreed perpendicular crossings; track design should comply with National Grid specification; no fence post shall be installed within the pipeline easement; the development shall enter into a Deed of consent for all pipeline crossings.

**Health and Safety Executive (HSE)** – HSE does not advise, on safety grounds against the granting of planning permission in this case.

### APPRAISAL

This application has been called to Committee at the request of Cllr Ioan Richard to allow members to assess the cumulative impact of such development on the landscape. A site visit has also been requested.

#### Description

Full planning permission is sought for the installation of a solar photovoltaic (PV) array on land to the south of Gelliwern Isaf Farm, Felindre, Swansea SA5 7PJ. The array would comprise approximately 24,000 solar panels over a site area of approx 19.7 hectares and will have a total installed capacity of 6MW.

Ancillary development would include 4 inverters placed amongst the solar panels, one site cubicle containing grid connection infrastructure, security fencing up to 2m in height and associated security features, meteo sensor column and a temporary construction compound.

#### Site Location and Use

The site lies to the south west of the village of Felindre in a sparsely populated area within the open countryside. The site is afforded a high level of visual screening from a number of blocks of woodland, most notably Penllergaer Forest to the south of the site. The majority of the site is subsequently screened from the views of nearby settlements of Felindre and Ty'n-Y-Cwm.

The application site comprises of eight arable fields all of which comprise semi-improved grassland separated by a series of hedgerows. Access to the site will be gained via the existing farm drive to Gelliwern Isaf Farm. Two watercourses pass adjacent to the site.

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The Afon Lliw flows to the north of the proposed development and Nant Y Crimp passes just to the south of the site. There are no Public Rights of Way (PRoW) that run through the fields containing the Solar PV panels. There is one PRoW that runs along the existing access road to the site (MW/23/3 and MW/23/4). The PRoW will not be affected by the proposal.

The application site does not lie within any areas that have statutory or non-statutory designations for nature conservation or landscape interests and the land is not allocated in the UDP. The nearest SSSI to the proposed development is Nant Y Crimp SSSI, sited along the southern boundary of the site. There are no historic or landscape designations on or adjacent to the site.

The wider surrounding area is predominantly rural in character although there is a significant amount of utilities' infrastructure in the locality e.g. gas pipelines, electricity pylons and cables. Two overhead power lines cross the site with two pylons located within the north of the site and two pylons located within the south of the site. Gas pipelines also cross the site (through the top of field 2 and through fields 8 & 5 and another through the southern area of field 1). The layout of the site has taken these infrastructure constraints into consideration. Further afield lies a water treatment plant, electricity substation and gas compressor station.

The site is primarily contained within a wider farm land area, and whilst having public footpaths running adjacent to the site, the main vehicular and other public vantage points are located away from the application site and, in the most part, are separated from the site by fields. There is mature vegetation along the boundaries of the fields and along the outer boundaries of the site.

The nearest residential properties to the site include Crwca approximately 200m north; Gelliwern Fawr approximately 260m north east and Gelliwern Ganol approximately 350 north east.

The application site is currently tenanted out to a local farmer and Gelliwern Isaf Farm is tenanted out to a third party.

### **Screening Opinion**

Prior to the submission of the application the Local Planning Authority was approached for a Screening Opinion for a solar park at the site in July 2013. Following the submission and having regard to the provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations 1999 the Authority determined that an Environmental Impact Assessment (EIA) was not required for this proposed development. The proposed development is for the same size solar park as that referred to in the pre-application screening and, in general terms, the impacts of the development are not considered of more than local importance.

### **Consultation prior to submission of planning application**

The agents acting on behalf of the applicants undertook consultation with a number of stakeholders in the development of the application including CCS, Cadw, neighbouring residents, Community Councils and the local ward member.

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### **Supporting Documents**

The planning application is accompanied by a number of supporting documents.

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application including several photomontages of views of the site from a number of locations in the surrounding area, both nearby and from distance. Overall it concludes that the landscape has the capacity to absorb the proposed solar array as the site is screened by woodland and hedgerows, follows the topography of the site, with local ridgelines curtailing views (to the north west, north, north east, east and south east) and it would not break the skyline when considered from all directions.

A Construction Traffic Management Plan has been submitted which sets out the details of the anticipated construction programme and outlines details of the proposed construction schedule, a description of the proposed access arrangements, the expected operating hours and the envisaged staff/contractor numbers at the site. The main envisaged traffic impact is understood to be during the construction period which is anticipated to take approximately 60 working days (over a 12 week period). It is understood that large HGV's (such as 16.5m articulated lorries) will not be used to access the site during the construction phase due to the narrow section of the route between Felindre and the site access. The largest vehicle used will be a small rigid good lorry or similar. During the construction period, deliveries will be limited each day to keep the number of vehicles using the access to a minimum with a maximum of two delivery vehicles on site at any one time.

A glint and glare assessment has been submitted defining 'glint and glare' and investigating potential effects on potential visual receptors within the vicinity of the site. This concludes that as all potential visual receptors are located to the north and north east of the site, any views would be at the back of the panels rather than the front thus minimising the risk of glint and glare.

An Extended Phase 1 Habitat Survey has been submitted which assesses the ecological value of the site, recording any protected or otherwise important habitats and any evidence for notable or protected species within and adjacent to the survey area and provides recommendations on mitigation and enhancement where appropriate. The solar arrays and access tracks are to be set back from the field boundaries and the hedgerows and trees will be retained where possible to minimise impacts. Overall the survey concludes that the proposal does not harm features or habitats that are of demonstrable importance to wildlife or nature conservation or that it would cause demonstrable harm to the interests of sites designated as SSSI's (in particular the Nant Y Crimp SSSI adjacent to the southern boundary of the site).

The Council's Planning ecologist has advised that overall the PV farm would have a relatively low ecological impact. There is a small area in compartment 8 which contains some whorled caraway (a locally scarce plant) which should be protected from construction traffic and should not have a PV panel on it. This is recognised in the overall layout which excludes PV panels from compartment 8. Additionally there are areas which may have ground nesting birds, in particular compartments 1 and 2.

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A condition should be included requiring that these areas are checked for nesting birds if construction work is to take place during the nesting season and if present appropriate action taken to protect them. The surveyor has also suggested that a range of bird and bat boxes are put up around the site in order to enhance the biodiversity of the site.

A Flood Risk Assessment has been submitted. The site falls within Development Advice Map Zone A, which is defined as at little or no risk of flooding. There are no historic records of flooding at the site. The FRA concludes that no sites within the immediate vicinity will be at risk from flooding as a result of the proposed development. However, to minimise possibility of increasing surface water run off rates and volumes, it is recommended that a swale is formed at one location to intercept a slightly steeper slope that falls parallel with the array rows.

A Historic Environment Desk Based Assessment has been submitted which assesses the potential for the development to affect previously unrecorded remains and heritage assets. There are no designated heritage assets on the site; therefore there will be no direct impact on designated assets. Moreover, due to the intervening vegetation, topography and large separation distances the assessment concludes that the development will have no significant impacts on all other designated assets within the 5km study area.

An Arboricultural Constraints Report has been submitted to survey the trees/hedgerows on site. No trees within the site are protected under a Tree Preservation Order (TPO). The tree survey also identified Root Protection Areas (RPA) of each tree. The layout of the Solar PV array has been designed to avoid and minimise the impact of trees, hedges and RPAs as far as possible. The existing private access track passes through the RPAs of several mature trees. However, the majority of the proposed access track is an existing farm track that is already heavily compacted the ground below and locating the access road along the existing track would minimise land take and impact on surrounding land. No works are proposed to the existing access track and therefore there would be no conflicts with the roots of existing trees.

### ISSUES

The main issues for consideration are the impacts of the proposed solar park on the visual amenity of the area, upon residential amenity, highway safety, and upon ecology & habitats with regard to policies EV1, EV2, EV3, EV21, EV22 and R11 of the City & County of Swansea Unitary Development Plan 2008. There are no overriding issues with regard to the Human Rights Act.

In policy terms TAN6 is relevant and makes reference to diversification schemes. Para. 3.7 states that many economic activities can be sustainable on farms and includes renewable energy schemes as one of the options that are likely to be appropriate.

Policy EV1 is a general design policy and states that new development shall accord with the objectives of good design, including:

- (i) Be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density
- (ii) Integrate effectively with adjacent spaces and the public realm to create good quality townscape



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- (iii) Not result in a significant detrimental impact on local amenity in terms of visual impact, loss of light or privacy, disturbance and traffic movements
- (iv) Incorporate a good standard of landscape design
- (v) Sensitively relate to existing development patterns and seek to protect natural heritage, the historic and cultural environment not only on-site, but in terms of potential impact on neighbouring areas of importance.

Policy R11 supports the provision of renewable energy resources including ancillary buildings and infrastructure subject to:

- (i) The social, economic or environmental benefits of the scheme in meeting local, and national energy targets outweigh any adverse impacts
- (ii) The scale, form, design, appearance and cumulative impacts of proposals can be satisfactorily incorporated into the landscape, seascape or built environment and would not significantly adversely affect the visual amenity, local environment or recreational/tourist use of these areas
- (iii) There would be no significant adverse effect on local amenity, highways, aircraft operations or telecommunications
- (iv) There would be no significant adverse effect on natural heritage and the historic environment
- (v) The development would preserve or enhance any conservation areas and not adversely affect listed buildings or their settings
- (vi) The development is accompanied by adequate information to indicate the extent of possible environmental effects and how they can be satisfactorily contained and/or mitigated
- (vii) The development includes measures to secure the satisfactory removal of structures/related infrastructure and an acceptable after use which brings about a net gain where practically feasible for biodiversity following cessation of operation of the installation.

### Amount, Scale and Layout

The panels would be located throughout 8 fields within the site, south facing and tilted at a 20° angle and would be arranged in a series of arrays running east-west across the site. The array would comprise approximately 24,000 solar panels, 0.9m off the ground, with the top of each panel a maximum of 2.31m above ground level.

Each PV panel has an installed capacity of 250 Watts. The total installed capacity of the system would be 6MW. The panels would be mounted on a steel framework system, which will be pile driven into the ground.

Ancillary development would include four inverters placed amongst the solar panels, two containers (one for storage and one for a control room, measuring 6.5m in width by 2.9m in height and 2.5m in length) two site cubicles containing grid connection infrastructure, security fencing and associated security features and a temporary construction compound.

The panels will be connected to the site cubicles using cables situated along the mounting framework. No new overhead lines would be constructed as a result of the proposed development. The connection point to the grid is within the development and is to the 33kV OH line passing through the southern most field (field 1).

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The layout has been designed to minimise impacts and to incorporate enhancement measures into the scheme. Measures include:

- Maximising the separation distance between the panels and the Nant Y Crimp SSSI (a minimum separation distance of 11.5m would be achieved);
- Avoiding the placement of solar panels in the area in field 8 which supports the whorled caraway species
- Avoiding development along the PRow;
- Ensuring construction can be achieved to minimise the impact on trees, hedgerows and Root Protection Areas (RPAs);
- Designing fencing to have very little visual impact;
- Incorporating flood risk mitigation measures and ensuring there is a 7m wider buffer zone separating the development and the Afon Lliw river;
- Placing grid connection cables underground and;
- Utilising existing access routes where possible to minimise disturbance and land take.

### Appearance

The panels will be grouped in tables of 4 rows of 6 panels. The solar PV panels will be dark grey/blue in colour and have an anti-reflective coating to minimise glare. The inverter/transformer units (required to convert the direct current (DC) generated by the panels into alternating current (AC) which can then be distributed using the electricity grid) will be approximately the size of the panels themselves. There will also be two high voltage (HV) cubicles on site that will contain the grid connection equipment. A perimeter fence will be erected (up to 2m in height) to protect the solar park from vandalism and to prevent intrusion into areas containing electrical equipment for health and safety reasons. The welded mesh fence with galvanised panels will provide a high security design but also allows visual permeability and it would not appear obvious when viewed from a distance. The fence would be further obscured by hedgerows and vegetation surrounding the site.

### Access

One existing access road will be utilised to gain access to the site, the unnamed access that serves Gelliwern Isaf from the unclassified road which runs west from Felindre through Tyn-y-Cwm. Access to the site would be required during the construction period and for maintenance visits. No works will be required to the existing access track or proposed route to enable delivery of the Solar PV array. The internal access tracks would be constructed of compacted stone to reduce impacts. Internal access tracks have also sought to use existing gaps (used for agriculture) in the hedges where possible.

### Decommissioning

When the panels reach the end of their lifetime (approximately 35 years), the solar farm would be decommissioned. The decommissioning period would last approximately two months during which all equipment would be dismantled and removed from the site and the site restored to its previous use.

### **Visual Amenity**

In terms of the impact of the scheme upon the character and appearance of the open countryside, the local landscape is characterised by rolling farmland dominated by coniferous plantations. The site is bounded by mature hedgerows and woodland that restrict visibility from the immediate vicinity. Due to the enclosed nature of the site, screened by both landform and woodland vegetation, it is therefore considered there would be limited visibility of the development. Although the landscape character of the site itself would change as a result of the development, it is considered the overall landscape character of the wider area would remain unchanged.

With regards to views of the site from the wider surrounding area, the site is contained within the wider Gelli-wern Isaf holding and is located on undulating landscape. The extent of visibility is limited by the local topography with local ridgelines curtailing views to the north-west, north, north-east, east and south-east. The site would be visible from public vantage points and this is demonstrated in the submitted LVIA. However, it is considered that such views are of such a distance that the application site would retain its definition in terms of fields and hedgerows in the wider context of the site, albeit of a difference colour in a landscape containing many fields of varying colour and contrast.

In terms of impact on PRoW, the Gower Way is the closest PRoW, a long distance footpath following the Lliw River Valley sited 130m to the north east along the access track to Gelliwern Isaf Farm. The LVIA demonstrates that mature woodland vegetation helps to screen views of the development from PRoWs closest to the site. Where there are views, these are limited to partial and glimpsed views and in the longer distance views the development would be seen in the context of existing built development and the overhead power lines that cross the valley.

In terms of the potential cumulative impact there are two solar parks with the benefit of planning permission, Abergelli Farm and Cefn Betingau sited 2km and 2.7m respectively east of the proposed site. The LVIA concludes that due to the intervening woodland vegetation and landform, there would be no intervisibility. Other existing large scale developments include multiple lines of overhead power lines, the Morryston Hospital complex and the DVLA Swansea high rise building. Given the screening and distance of the application site from these other large scale developments, in most views the developments will not be visible in conjunction with one another. It is therefore considered that the solar farm development would not result in any adverse cumulative impact or results in negative inter visibility effect in this instance.

### **Residential Amenity**

Turning now to residential amenity, in general the site is well screened from the surrounding villages and residential properties due to intervening vegetation, farm buildings and landform. There are a handful of private dwellings in the vicinity of the site and the LVIA has assessed the visual effects from five residential properties (Gelliwern Isaf Farm, Crwca Farm, Gelliwern Ganol Farm, Gelliwern Fawr Farm and Gareg-Lwyd Farm). Whilst the solar park may be legible from private views of these properties several hundred metres away, the impact of the proposed development on a localised level is not considered to be of such significance that would warrant a refusal in this instance.

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The substantial amount of woodland bordering the site and hedgerows limits close range views, whilst the intervening topography also helps to screen views from residential properties and nearby settlements.

In terms of the potential for glint and glare, particularly from private amenity spaces in properties in the wider surrounding area, a glint and glare assessment has been submitted. The reflectivity of solar panels has been compared to the reflectivity of other materials in a number of studies. The Federal Aviation Administration (United States) has produced technical guidance for evaluating solar technologies. On a scale of 0% (no reflectivity) to 100% (most light reflected) solar PV panels of the kind proposed in this development are near to 5% reflectively. Many of the surfaces found within 2km of the proposed development will reflect a greater percentage of sunlight than the panels.

Solar panels within the site will face south and that the site is located on land sloping gently in a south-westerly direction. All potential visual receptors are located to the north and north east of the site, as the site is enclosed by woodland and tree belts and the Penllergaer Forest ridgeline to the south. Any views of the site would therefore be at the back of the panels rather than the front, thus minimising the risk of glint and glare. The one area from which the surface of the panels is likely to be partially visible is from the elevated viewpoint on the PRow that runs past Gareg-Lwyd farm in a north-westerly direction up Mynydd Pysgodlyn. However, It is considered that due to the coating, angle of incidences and distances involved between the site and neighbouring areas that there would not be any adversely unacceptable glint or glare impacts that would justify a refusal in this instance.

With regards to potential noise and disturbance, again there are significant distances involved in terms of the application site and neighbouring residential properties. Whilst it is accepted that there would be a certain level of noise and disturbance during construction, particularly from deliveries and site works, given that the construction period is anticipated to be completed within two months and is not a continuous construction process, these impacts would be temporary. Construction working hours are expected to be limited to 8.00am to 18.00pm Monday to Friday, and 8.00am to 13.00pm on Saturdays. It is therefore considered that the proposed development would not create significant levels of noise and dust and any noise/dust created during operation would be short in duration.

### **Access and Highway Safety**

In terms of impact on access and highway safety, access to the site will be via the existing access track to Gelliwern Isaf Farm via the unclassified road which runs west from Felindre through Tyn-y-Cwm. No works are proposed to the existing access track. A Construction Traffic Management Plan has been submitted with the planning application and the Head of Highways and Transportation has raised no objection to the proposal subject to the provision of suitable provision of suitable facilities on site to ensure vehicles leaving the site do not deposit mud or debris on the adjacent highway. This can be controlled via condition. Additionally it is understood that dilapidation surveys will be undertaken before and after completion and the methodology will need to be agreed with CCS prior to commencement. Again this can be secured via condition.

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### Other Issues

It should be noted that the site is located near the gas pipe line that runs through Wales from Milford Haven. There are also Overhead power lines that cross the site. The Health and Safety Executive has raised no objection to the proposal. However, National Grid have raised a number of concerns including access crossings encroaching into pipeline easements which need to remain clear except for agreed perpendicular crossings; the track design should comply with National Grid specification; no fence post shall be installed within the pipeline easement; and the development shall enter into a Deed of consent for all pipeline crossings. The above issues can be addressed via conditions and informative advising the developer of the need to contact National Grid prior to commencing works,

In respect of NRW's response, it is noted that they have requested conditions requesting the submission of additional information. However, and to avoid the unnecessary duplication of conditions, it is not proposed to include all of the conditions NRW have requested.

With regards the management of Compartment 8 there will be no direct impacts on Compartment 8 and the accompanying Ecology Report (Chapter 7) identifies that the areas supporting the whorled caraway are to be demarcated by fencing or similar prior to construction and there will be no solar panels placed on it.

NRW have requested the submission of a Construction Management Statement (CMS) to ensure that the Nant Y Crimp SSSI will be protected from potential run-off and effects from construction and construction traffic. The planning application is accompanied by a number of supporting documents which identify different measures to ensure that the SSSI will be protected. Such measures include:

- A minimum 11.5m separation distance to the SSSI would be maintained thus ensuring that no construction activity or solar panels would be sited adjacent to the SSSI.
- Existing access routes will be used where possible to minimise disturbance and landtake and reduce the amount of additional hard-standing and ground works.
- The Construction Traffic Management Plan sets out the framework for managing the movement of traffic associated with the construction. It also identified that internal parking arrangements and manoeuvring facilities are sited to the north west of the site away from the SSSI.
- Contamination control to mitigate against the impacts of polluting water resources. This work can also be covered by the Pollution Prevention and Waste Management conditions which it is proposed to include on the grant of any planning permission.
- A Flood Risk Assessment and preliminary drainage strategy concludes that there are no nearby sites that would be directly at risk of flooding from development including the SSSI; this identifies a suitable course of mitigation (SUDS) the details, maintenance and management of which may be secured by condition.

It is therefore considered that a Construction Management Plan is not required to be submitted as such information is already covered elsewhere within the information accompanying the planning application. Notwithstanding this, it is proposed to include Pollution Prevention and Waste management conditions as per NRW's comments.

**Response to consultations**

Turning now to the letters of representations received a number of different concerns have been raised which are addressed in turn.

Concerns have been raised regarding the visual impacts from the proposed solar array as well as the cumulative visual impacts alongside other solar arrays that have been approved in this area. The accompanying LVIA concludes that the extent of visibility is highly limited by the local topography as well as dense screening from hedgerows, tree belts and woodlands. The site is well screened from surrounding villages and residential properties. One property, Gelliwern Isaf Farm would experience a moderate effect. The LVIA has considered the cumulative impacts with the two approved solar parks, and this concludes that due to the intervening woodland and landform this would have a limited effect.

Whilst this site is not a Brownfield site, the development is located on land of lower agricultural quality. Furthermore the location of a suitable grid connection is an important limiting factor which limits the flexibility in siting solar PV arrays.

It is noted the Gower Society have identified that they would like to see the Gower AONB extended in the future, the existing boundaries remain as the existing statutory designated landscape. The AONB is some 10km distant from the proposed site at Gelliwern Isaf and it is not considered the proposal would have any material impact on any future decision to extend the Gower AONB.

Concerns have been raised that the landscape of the area has already been negatively affected by existing gas pipelines and pylons in the area. Unlike such infrastructure, the solar PV array is low lying the landscape, and no major grounds works or excavations would be required with the construction of the development, and access to the site will use the existing access to Gelliwern Isaf.

Concerns have been raised regarding the lack of a robust landscape mitigation scheme. The LVIA identifies that the site is well enclosed and visual effects of the proposal would be minimal and consequently no additional mitigation is proposed.

Concerns have been raised regarding the visual impact of the security fencing and intrusion from the CCTV cameras. The fence would be 2m in height and would not be industrial in appearance. The fence would also be obscured by hedgerows and vegetation surrounding the site. The CCTV cameras, mounted on columns within the security fence, would not be permanently switched on as they will only work if there is movement detected by sensors. Furthermore the CCTV cameras will only look into the site and not out of it. With respect to concerns raised regarding property prices, the impacts on property prices is not a material planning consideration in the determination of planning applications. Visual impacts on individual properties have been fully considered in the LVIA which concluded there would be no significant impacts.

Concerns have been raised regarding the loss of good quality agricultural land and a focus around siting solar PV arrays in areas of lower quality agricultural land or brownfield land. Local residents identify that the land at Gelliwern Isaf Farm is currently used in the production of beef, sheep and hay crops for feeding stock in the winter.

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Other concerns have been raised that the current tenant will be removed from this land if the development is approved.

The development is located on land that is understood to be of agricultural land classifications 3 and 4. The landowner has cited various difficulties for not optimising agricultural production on this site including poor drainage, and stony soil. The land is currently used for grazing by cattle and is not currently used for growing crops. The nature of the development ensures that the land can continue to be grazed e.g. by sheep, following construction. Furthermore as the land comprises a mixture of grade 3 and 4 it is considered to be sited on lower quality agricultural land. With respect to the tenant farmer losing their land, the landowner (Penllergaer Estates) has confirmed that alternative land will be provided to the existing tenant farmer. There would also be the option for the tenant to continue to use the land for grazing sheep.

Concerns have been raised in regards to the impact on tourism from both the proposed solar array and other approved solar farm developments in the area around Felindre. The existing mature vegetation helps to screen views of the development from the PRowWs in the area. Swansea Ramblers have not raised any objections to the application and advise that 'it will not have an adverse effect on our enjoyment of the PRowW network'. It is not considered the proposed solar PV array would have any significant impacts on users of the PRowW in the area and there is no evidence to suggest the proposal would have a negative effect on tourism in the area.

Concerns have been raised in regards to the impact of the solar PV array on the ecology of the site and nearby in particular with regards to the SSSI (Nant Y Crimp) located to the south of the site. The accompanying Phase 1 habitat survey has identified that there will be no significant impacts on any species or any sites designated for nature conservation purposes. Additionally, with the absence of fertiliser, pesticides and herbicides the development could result in an improvement in the habitats, species richness and diversity within the site.

Concerns have been raised on the potential pollution impacts on nearby watercourses. The solar PV array is sited within Zone A which is defined as an area as having little or no risk of flooding from rivers. The footprint of the development is limited and would result in little surface run off. A FRA has been undertaken and this identifies mitigation measures to deal with any limited surface run-off. Additionally, it must be noted that there will be no pesticides, fertilisers or herbicides used on the land, therefore there will be no impact upon the ecology of nearby watercourses. Notwithstanding this it is recommended to include a condition requiring the submission of a Pollution Prevention Management Plan on the grant of any planning permission.

Concerns have been raised regarding health and ecological risks associated with leakage from the panels. There is no known evidence to show this is a risk to human health or the ecological environment. Following decommissioning of the site all panels will be removed from site.

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Concerns have been raised regarding the impact of traffic from the construction period on the local highway network, in particular the impact on the narrow lanes of Felindre. The Construction Traffic Management Plan has considered the local road network and potential routes from the M4 and has identified that the impacts during the construction period would be very short in duration, and visit to the site during the operational period would be reserved for limited maintenance visits only.

Concerns have been raised about works to the existing access track. The landowner, Penllergaer Estates, has rights of access to use the existing access track that serves Gelliwern Isaf Farm. The Construction Traffic Management Plan states that the access road can feasibly accommodate delivery of the solar farm development to the site without any other works required.

Concerns have been raised in regards to the decommissioning of the solar PV array and restoring the land back to its original use. The applicant, Solar Park Development (Ltd) will enter into a bond to ensure that there is sufficient finance set aside to enable full restoration of the site and to meet any obligations for decommissioning and reinstatement of the land when the operation of the proposed solar array ceases (approximately 35 years).

Concerns have been raised regarding the make up of the business and the number of companies registered in its name. This is not a material planning consideration.

With regards to what benefits would arise from the solar park, it is considered the benefits of the scheme in terms of its contributions to renewable energy targets, ecological benefits and enhancements on site through the installation of bat and bird boxes, and small local economic benefit during construction of the site, outweigh the impacts of the scheme.

### **Conclusion**

Solar Farms present opportunity for the provision of renewable energy in the UK and are encouraged by the Government's feed-in tariffs for schemes producing 5MW or more. There is wide scale commitment to expand the deployment of renewable energy to secure the future energy demand within the UK and protect the end users of the sector from the instability of fossil fuels. Such schemes also provide investment, jobs and contribute to the UK's drive towards carbon reduction. UK Government Policy on renewable energy is set out in the Energy White Paper 'Our Energy Future - Creating a low carbon economy (2003) and this document establishes a national target of achieving 20% of electricity needs from renewable energy by 2020. This target is broadly reflected in Welsh Assembly document TAN 8. This compulsion drives the financial mechanism for Government incentives for the development of large scale renewable energy generation. Certain Areas of the UK have been identified as being optimum areas for solar energy generation. The South West and South Wales are classed as optimum areas ([uksolarenergy.co.uk](http://uksolarenergy.co.uk)).

In essence, the scheme assessment and decision outcome is essentially a balance between the national and international will for a future with renewable energy, supported by regional and local policy in principle, against the impact of such schemes on the landscape and environment in which they are sited.



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This application is considered appropriate in terms of its scale and design and would not cause unacceptable loss of amenity to neighbouring properties or surrounding land. There would not be significantly adverse visual impact on landscapes, and the general locality from the site and there would be no significantly adverse or detrimental impact on the ecology, habitats, highway safety or land drainage in the area.

On balance the scheme is considered acceptable and is in accordance with the criteria laid out in Policies EV1, EV2, EV3, EV21, EV22 and R11 of the City and County of Swansea Unitary Development Plan 2008. Approval is recommended.

### RECOMMENDATION

#### **APPROVE, subject to the following conditions;**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

- 2 No later than 12 months from the first generation of electricity, the following schemes shall be submitted in writing for the written approval of the Local Planning Authority:

(i) A scheme detailing the removal of all surface elements of the photo voltaic solar farm and any foundations or anchor systems to a depth of 300mm below ground level;

(ii) A scheme detailing the restoration and aftercare, following consultation with such other parties as the Local Planning Authority considers appropriate.

These schemes shall be implemented in accordance with such details as may be approved by the Local Planning Authority within 12 months from the date of the last electricity generated should the site no longer be utilised for the permission hereby granted.

Reason: In the interest of visual amenity and to ensure the land is restored in an acceptable manner.

- 3 Prior to works commencing a method statement shall be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority detailing the provision of suitable facilities on site to ensure vehicles leaving the site do not deposit mud or debris on the adjacent highway.

Reason: In the interest of highway safety.

- 4 Prior to works commencing the methodology for the scope and nature of the dilapidation surveys to be undertaken on the adopted highway shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety.

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- 5 No development approved by this permission shall be commenced until a pollution prevention management plan detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The details of the plan shall be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.  
Reason: To prevent the pollution of controlled waters and the wider environment.
- 6 No development approved by this permission shall take place until details of the implementation, maintenance and management of a sustainable drainage system (SUDS) for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to this system, unless otherwise agreed in writing by the local planning authority. The details shall include calculations of the proposed swale to ensure that it is of adequate size.  
Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
- 7 No development approved by this permission shall be commenced until a Site Waste Management Plan has been and submitted in writing for approval by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.  
Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.
- 8 Prior to works commencing the area in Compartment 8 that supports whorled caraway shall be protected during construction and demarcated by fencing or similar in accordance with details to be submitted to and approved in writing by the local planning authority. The scheme as approved shall be implemented in accordance with the approved details and shall be retained at all times unless otherwise agreed in writing by the local planning authority.  
Reason: In the interests of biodiversity.
- 9 Should construction works be proposed to commence within the bird breeding season (March-August inclusive), a pre-construction survey for active bird nest shall be undertaken and the results submitted to the local planning authority. These surveys shall also include a survey for skylark in compartments 1 and 2.  
Reason: In the interests of biodiversity.
- 10 No development shall take place until details of bird and bat boxes to be placed around the site have been submitted to and approved in writing by the local planning authority. The scheme as approved shall be implemented in accordance with the approved details and shall be retained at all times unless otherwise agreed in writing by the local planning authority.  
Reason: In the interests of biodiversity.

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- 11 Notwithstanding the details submitted the design and siting of the access tracks including enlarged turn areas, shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The scheme shall be implemented in accordance with the approved details.  
Reason: To protect the integrity of the pipeline easement in the interest of public safety.
- 12 Notwithstanding the submitted details no fence post shall be installed within the easements of any infrastructure installations crossing the site.  
Reason: To protect the integrity of the infrastructure and their associated easements that cross the site.
- 13 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.  
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (EV1, EV2, EV3, EV21, EV22 and R11).
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 **Construction Noise**  
The following restrictions should be applied to all works of demolition/ construction carried out on the development site.  
All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.  
The Local Authority has the power to impose the specified hours by service of an enforcement notice.  
Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 4 **Smoke/ Burning of materials**  
No burning of any material to be undertaken on site.  
The Local Authority has the power to enforce this requirement by service of an abatement notice.  
Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

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- 5      Dust Control  
During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.  
The Local Authority has the power to enforce this requirement by service of an abatement notice.  
Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 6      Lighting  
During construction work the developer shall operate all best practice to minimise nuisance to locals residences from on site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk ] recommendations.
- 7      Due to the presence of National Grid apparatus and other infrastructure in proximity to the specified area, the contractor is advised to contact National Grid and other network operators before any works are carried out to ensure apparatus is not affected by any of the proposed works.
- 8      The applicant is advised that National Grid will require a letter of Intent from the developer, to confirm that they will enter into Deeds of Consent for all the pipeline crossings. Written permission from National Grid is required before any works commence within the National Grid easement strip.
- 9      Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 10     Birds may be present. Please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:  
- Kill, injure or take any wild bird  
- Take, damage or destroy the nest of any wild bird while that nest in use or being built  
- Take or destroy an egg of any wild bird  
Care should be taken when working on buildings particularly during the bird nesting season March-August.
- 11     The Pollution Prevention Management Plan identified in Condition 4 shall include as a minimum the following:  
- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.  
- How each of those watercourses and pathways will be protected from site run off during construction.

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- How the water quality of the watercourses will be monitored and recorded.
- How surface water runoff from the site during construction will be managed/discharged. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- storage facilities for all fuels, oils and chemicals.
- construction compounds, car parks, offices, etc.
- details of the nature, type and quantity of materials to be imported on to the site.
- measures for dealing with any contaminated material (demolition waste or excavated waste).
- identification of any buried services, such as foul sewers, so that they are protected.
- details of emergency contacts, for example Natural Resources Wales hotline 0800 807 060.

Pollution prevention guidance is available from the Environment Agency's website:  
<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

### PLANS

Site location plan, 01-general layout, 02-inverter cabin, 03-customer connection, 04-storage room, 04-control room, 05-fence and gate details, 06-roads, 08-camera detail, 09-structures, E610-1-substation plan & elevations, GSC0015-1-Switchgear building dated 20th May 2014

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