

PLANNING COMMITTEE	DATE: 16/01/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

**Number: 2**

**Application Number: C21/0493/09/AC**

**Date Registered: 17/05/2021**

**Application Type: Amending and removing conditions**

**Community: Tywyn**

**Ward: Tywyn**

**Proposal: Amending and removing conditions on planning permission C15/0662/09/LL**

**Location: PV Solar Park, Morfa Camp Sandilands, Tywyn, LL36 9BH**

**Summary of the Recommendation: TO APPROVE SUBJECT TO CONDITIONS**

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## 1. Description:

- 1.1 This is an application to amend and remove conditions on planning permission C15/0662/09/LL. The proposal mainly involves modifying the skylark mitigation strategy agreed under condition 14 of permission C15/0662/09/LL. What was agreed as a part of condition 14 earmarked a field to the north of the solar site for skylarks; however, as a part of the application in question the developer wishes to improve conditions within the solar site for the benefit of the skylark, instead of using the northern field. To support this proposal, a Skylark Monitoring Report and a Landscape and Ecology Management Plan were submitted as a part of the application. The developer therefore wishes to amend condition 14 to replace the previously agreed Landscape and Ecology Management Plan with an amended Landscape and Ecology Management Plan and to implement the mitigation strategy included in the Skylark Monitoring Report. To reflect this, a request is made to amend condition 2 on the site layout plan. It is also intended as a part of the application to amend other conditions on permission C15/0662/09/LL to reflect the most recent planning applications on the site and to update or remove conditions which requested information to be submitted before commencing the work and which are not now relevant.
- 1.2 The site lies in the countryside and it is located within the Dyffryn Dysynni Landscape of Outstanding Historic Interest. The site forms part of the former Morfa Camp air force camp and a cluster of buildings associated with this camp are located to the west of the site. Fields are located to the north, south and east. Access is gained to the site off Sandilands Road, which is a class 3 road. The site lies within flood zone C1 on the development advice maps associated with Technical Advice Note 15: Development and Flood Risk. It is located within zone 3 on the flood maps for planning.
- 1.3 The application is submitted to the Committee as it involves a site that is 0.5 hectares or more.

## 2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017**
- TRA 4 – Managing transport impacts
- PS 5 – Sustainable developments
- PS 6 - Mitigating the effects of climate change and adapting to them

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PCYFF 1 – Development Boundaries

PCYFF 2 – Development criteria

PCYFF 3 – Design and place shaping

PCYFF 4 - Design and landscaping

PS 7 - Renewable technology

ADN 2 - PV Solar Energy

PS 19 - Conserving and where appropriate enhancing the natural environment

AMG 5 - Local biodiversity conservation

PS 20 - Conserving and where appropriate enhancing heritage assets

AT 1 – Conservation areas, world heritage sites and landscapes, parks and registered historic gardens

#### 2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales, Edition 11, February 2021

Technical Advice Note 12: Design

Technical Advice Note 15: Development and Flood Risk

#### 3. **Relevant Planning History:**

- 3.1 C15/0662/09/LL - Installation of PV solar panels (3.6 MW) to include ancillary buildings, landscaping and access to the site - Approved with conditions - 28 October 2015
- 3.2 C15/1368/09/AC - Discharge of the following conditions for a solar panel development approved on 28 October 2015 under reference C15/0662/09/LL: 5. Exterior finish, 6 Solar panel finish, 7 Finish of fences and camera poles, 8 Environmental Building Control Plan, 9 Biodiversity Management Plan and Biosecurity Risk Assessment, 10 Traffic Flow Management Plan, 11 Archaeological Work Programme, 12 Cables, 13 Lighting, 14 Landscaping and planting details, 16 Amending location of panels to avoid water pipes, 17 Method statement to protect water pipes - Approved 12 February 2016
- 3.3 C16/0198/09/LL - Application to amend condition 4 on planning permission reference C15/0662/09/LL in order to extend the operational period from 25 years to 35 years - Approved 15 April 2016
- 3.4 C16/0853/09/DA - Application for insignificant amendments to planning permission C15/0662/09/LL to include alterations to the location and finish of ancillary buildings and equipment, change the location of a boundary fence, new gate and siting of a storage container - Elements permitted and elements refused on 30 September 2016. The section that was refused was the permanent siting of a storage container on the site.

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3.5 C16/1608/09/LL - Retrospective planning application to retain storage container for equipment associated with the solar development - Approved 8 February 2017.

#### 4. Consultations:

Community/Town Council: Not received.

Transportation Unit: I refer to the above application and wish to state that I do not intend to submit a recommendation as it is assumed that the proposed development will not have a detrimental impact on any road, or proposed road.

Welsh Water: We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Dŵr Cymru Welsh Water (DCWW) were consulted on the original planning application and by response (Ref: PLA0014674) offered no objection subject to recommended conditions in reference to the two strategic rising mains crossing the site. Subsequently, following grant of planning permission C15/0662/09/LL, we acknowledged receipt of consultation on an application for discharge of conditions 16 and 17 in reference to the rising mains (Ref: C15/1368/09/AC) and, by response dated 25th January 2016, offered no objection to details as shown on the 'Foul sewerage pipe location with offsets' (Drawing No. 1137/18).

Accordingly, as part of this latest consultation (Ref: C21/0493/09/AC) for variation of condition 14 and other conditions including 16 & 17 to reflect approved details to date, we acknowledge receipt of a 'Landscape Plan' (Drawing No. 1137/29) which corroborates the offsets to the pipe location and in principle we offer no objection subject to compliance with these approved plans.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Public Protection: Not received.

Water and Environment Unit YGC: The unit has no observations to offer on this application in terms of land drainage or local flooding risk.

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Natural Resources Wales: We have no objection to the application, but have the following comments:

#### Landscape

From our desktop analysis we cannot rule out the open northern edge of the solar farm being visible within elevated distant views from Snowdonia National Park in the north and nearer views from the edge of the designated landscape to the south east of Broad Water. If your Authority, and the Snowdonia National Park Authority, with local knowledge of the site, consider the enclosure of the northern boundary of the site with gorse planting would be beneficial, then landscape plan 1337/29 should to be amended accordingly.

#### Ecology

We recommend, if you have not already done so, that you seek your Authority's ecologist's advice concerning the proposed Skylark mitigation, and any Invasive Non-native Species considerations.

Biodiversity Unit:

#### **Observations 22 September 2021**

The proposal is an application to vary or remove conditions 1- 17 of application C15/0662/09/LL.

The conditions relevant to biodiversity:

Planning condition 9 of granted planning permission C15/0662/09/LL decided on 19th October 2015

Planning condition 14 of granted planning permission C15/0662/09/LL decided on 19th October 2015

To satisfy the conditions of C15/0662/09/LL, the applicant provided a Landscape and Ecological Management Plan produced by Corylus dated December 2015. In this plan a field outside of the solar arrays will be provided for breeding skylark and managed as a hay meadow. See image below. This plan was agreed as part of the development. In this plan it states that while the solar farm is operational the field to the north will be managed as a hay meadow for skylark.

For the current application C21/0493/09/AC to discharge the conditions the applicant has provided a skylark plan: Morfa Solar Farm, Skylark Monitoring, Produced by Corylus Ltd. dated 9th of March 2021.

This report has been undertaken to a good standard. It contains survey work undertaken in May and June 2020, which was able to identify 6 skylark breeding territories, two within the skylark

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meadow, three within the solar array and one just outside the site. The report states that the skylark meadow was cut between the 3rd and 17th of June 2020, this is not a suitable time to cut the meadow because it is in the middle of skylark nesting season (April to August inclusive). The report concludes that management within the solar array to enhance the site for breeding skylark such as adding wild meadow flowers e.g. Yellow-rattle (*Rhinanthus minor*), and cutting at the end of August.

This report recommends the following which I agree with: “To prevent any breach of the Wildlife and Countryside Act. (1981), disturbance and/or injury/ destruction of nesting birds and their nest and to maintain a sward suitable for skylark breeding habitat, it is proposed that a cut is undertaken in mid to late March, in late August-ideally early September”

Planning permission was granted by Gwynedd Council on 28.10.2015 under reference C15/0662/09/LL. A Management Plan (LEMP) that was to be implemented in full throughout the life of the development was granted under condition 14 of that application. Within the LEMP it stated the following grassland management would occur during the operational period:

- Sheep grazing regime;
- Field to the north to be managed as a Hay Meadow for skylarks with annual hay crop;
- A 3-yearly review of boundary vegetation throughout the lifecycle of the PV array.

Landscape Plan – received 17th May 2021. I object to this landscape plan. I recommend that the applicant amends the plan to include the skylark meadow.

I visited the site on the 4th July 2017, it was a beautiful sunny day, but I was disappointed to see that there was not a hay meadow to the north of the solar panels as shown on the plans (LEMP) for planning permission C15/0662/09/LL. The field had recently been cut, contrary to the agreed management for the site. There were no grazing livestock in the area when I visited. Attached two photographs of the area which is supposed to be hay meadow for skylark. Photographs taken on 4th July 2017 – showing the meadow has been cut

This is a breach of planning condition for the biodiversity management of the development. The area for the hay meadow for skylarks should be managed as a traditional meadow and livestock should be excluded from April until September and the field should not be cut until the end of August. This will allow the flowers to grow

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and set seed and provide a food source for pollinators and birds.

The current application C21/0493/09/AC for discharge of conditions includes an updated LEMP (March 2021): Landscape & Ecological Management Plan (v5) dated 10th March 2021 produced by Corylus Ltd. Which seeks to amend the skylark strategy. I object to this proposal and the updated skylark strategy.

#### Biodiversity Duty

Under the Environment Act (Wales) 2016 all public bodies have a duty to maintain and enhance biodiversity through their functions.

#### Summary

I am disappointed that the applicant has proposed to remove measures for biodiversity management and enhancement. This proposal to vary or remove conditions will result in the removal of the agreed biodiversity mitigation and will lead to a loss of biodiversity at the site. The proposal could also lead to a breach in the Wildlife and Countryside act 1981 for the protection of nesting birds. I object to the following:

- Landscape and Ecological Management Plan v5
- Morfa Skylark Monitoring Report ref S\_MSF\_V4 dated 09.03.2021
- Landscape Plan 1137/29

I recommend that all plans include the field to the north as a skylark meadow that was agreed in the original permission and includes measures to manage them for skylark and biodiversity.

#### **Observations 4 November 2021**

Under the Environment Act 2016, Cyngor Gwynedd has a duty to protect and enhance biodiversity.

This is an application to remove the mitigation from the original permission. The solar farm company rents the land (solar farm and skylark meadow) from a farmer in the area. The farmer is not adhering to the mitigation to create a skylark meadow, therefore the applicant is seeking to remove the skylark meadow (the mitigation).

There is no data to show how many skylarks prior to the development of the solar farm. Therefore, we cannot say whether the number of skylarks at the solar farm is less or the same.

Planting gorse and willow is not good for skylarks as they nest in open spaces.

It is very disappointing that the landowner and farmer have not

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followed the scheme to protect skylarks and have intentionally destroyed a habitat where skylarks nest, which is illegal.

Public Consultation: A notice was posted on the site and neighbouring residents were informed. The advertisement period has ended and no response was received.

## 5. Assessment of the material planning considerations:

### The principle of the development

5.1 As this application relates to the removal of conditions imposed for valid planning reasons, it must be considered whether the conditions in question are still relevant under the national guidance in relation to planning conditions that have been included in the Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management. The circular notes six tests for the validity of planning conditions namely:

- They are 'necessary'.
- They are 'relevant to planning'.
- They are 'relevant to the development which is to be permitted'.
- They are enforceable.
- They are 'precise'.
- That they are reasonable in all other aspects.

It will therefore be necessary to consider whether the conditions are in line with the tests stated above.

5.2 *Condition 1 - Commence the work within five years.* The development has commenced and has been implemented. Therefore this condition is no longer necessary and it can be removed.

5.3 *Condition 2 - That the work needs to comply with the plans.* The developer wishes to amend this condition so that the condition refers to those plans that reflect the development as it was built as a result of amendments made to application C15/0662/09/LL. These changes have arisen as a result of approving details that were needed under conditions and in earlier applications namely applications C15/1368/09/AC, C16/0853/09/DA and C16/1608/09/LL and the details that have been submitted as a part of the current application. It is considered that it would be reasonable to amend the conditions to refer to the relevant plans and to reflect the development as built.

5.4 *Condition 3 - The solar panels must be located in the locations shown on the amended plans..* The solar panels have now been located on the land in accordance with the plans and therefore this condition is not necessary and we can agree for it to be removed.

5.5 *Condition 4 - Finish using the land for electricity generation purposes 25 years from the initial implementation date of the solar panels or 6 months after the use of any solar panels for the purposes of generating electricity is ceased, in accordance with the agreed work plan.* Planning permission C16/0198/09/LL permits the extension of the electricity generating period to 35 years and therefore the developer wishes to amend condition 4 on permission C15/0662/09/AC which referred to an implementation period of 25 years and replace it with a condition on permission

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C16/0198/09/LL which allows the site to be operational for the generation of electricity for 35 years. This would reflect the latest situation for the site and what is proposed appears to be reasonable. It is considered appropriate to amend the condition to refer to a period of 35 years as permitted in application C16/0198/09/LL.

- 5.6 *Condition 5 - Agree on the exterior finish and colour of all buildings and structures with the Local Planning Authority before commencing any work in connection with the permission.* Agreement was reached on green and brick for the buildings and structures in application C15/1368/09/AC. Later in application C16/0853/09/DA, it was agreed to change the colour of the transformer building from green to grey as well as reach an agreement on the finishes of ancillary buildings and structures. Furthermore, agreement was reached on the storage container in application C16/1608/09/LL. The details of the finishes and colours of the buildings and structures have been agreed and all buildings and structures have been built and completed. It is therefore considered that this condition is not necessary and that it is reasonable to remove condition 5.
- 5.7 *Condition 6 - Agree on the finish of the solar frames and panels as well as an anti-glare cover with the Local Planning Authority before commencing any work in connection with the permission.* These details were agreed upon as a part of application C15/1368/09/AC. The details of the solar panels have been agreed and they have been installed on the site and the permission has been implemented. Therefore, it is considered that the condition is no longer necessary and that it is reasonable to remove condition 6.
- 5.8 *Condition 7 - Agree on the location and colour of camera poles and the details of any fences with the Local Planning Authority before commencing any work in relation to the permission.* These details were agreed upon as a part of application C15/1368/09/AC. The details of the camera poles and fences have been agreed and implemented. Therefore it is considered that this condition is no longer necessary and that it is reasonable to remove condition 7.
- 5.9 *Condition 8 - Agree on a plan to prepare and implement a surface water management system and environmental building control plan with the Local Planning Authority before commencing any work in relation to the permission.* These details were agreed upon as a part of application C15/1368/09/AC. The details related to the construction period and not to the implementation period and therefore as the solar farm is now operational, this condition is no longer necessary and it is reasonable to remove condition 8.
- 5.10 *Condition 9 - Agree on and implement a Biodiversity Management Plan and a Biosecurity Risk Assessment with the Local Planning Authority and act in accordance with what is agreed.* As a part of application C15/1368/09/AC, agreement was reached on the Biosecurity Risk Assessment under condition 9. However, the Landscape and Ecology Management Plan was agreed under condition 14. Therefore, the application asks to remove the reference to the Landscape and Ecology Management Plan from condition 9 and for it to be included as a part of condition 14. Such matters relating to the Landscape and Ecology Management Plan will be considered under condition 14. Although the Biosecurity Risk Assessment has been agreed as a part of application C15/1368/09/AC, it includes matters that require to be implemented during the lifespan of the solar farm; therefore the Biosecurity Risk Assessment continues to be a material matter. However, it is considered that it is reasonable to amend the condition to refer to the implementation of the Biosecurity Risk Assessment dated 9 December 2015 throughout the lifespan of the development, unless otherwise agreed with the Local Planning Authority.

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- 5.11 *Condition 10 - Agree on a work traffic management plan with the Local Planning Authority before commencing any work in connection with the permission.* These details were agreed upon as a part of application C15/1368/09/AC. The details related to the construction period and not to the implementation period and therefore as the solar farm is now operational, this condition is no longer necessary and it is reasonable to remove condition 10.
- 5.12 *Condition 11 - Agree on the details of archaeological work with the Local Planning Authority before commencing any work in connection with the permission and then implement the proposal in accordance with the agreed archaeological programme.* This programme of archaeological work was agreed as a part of application C15/1368/09/AC. The details related to the initial ground works associated with the construction of the solar farm. As the solar farm has now been implemented, the requirements in terms of the programme of archaeological work has been implemented and therefore, this condition is no longer necessary and it is reasonable to remove condition 11.
- 5.13 *Condition 12 - Any electricity cables from the development need to be installed and connected to the underground electricity connection.* All cables have been installed underground and have therefore complied with the condition. As the work of installing the cables has been completed, the condition is no longer necessary and it is considered that condition 12 can be removed.
- 5.14 *Condition 13 - Introduction and agreement on the site lighting system with the Local Planning Authority.* As a part of application C15/1368/09/AC, it was noted that there was no intention to install any lights as a part of the development. The work of developing the solar farm has been completed and no lights have been installed on the site. However, if lights would be installed on the site in the future, then not all types of lighting requires planning permission. As the installation of lights can have a potential impact on amenities, a visual impact and affect local residents, as well as impact biodiversity, then it is considered that it would be appropriate to amend the condition instead of removing it. A condition can be imposed, which notes that if it is intended to install a lighting system on the site of the solar farm, then those details must be submitted to and agreed upon with the Local Planning Authority. This would retain control over any potential lights that could be placed on the site and it is considered that such a condition would be reasonable. Therefore, it is considered that condition 13 can be amended.
- 5.15 *Condition 14 - Before work is commenced, there is a need to submit and reach agreement on a landscaping and planting scheme with the Local Planning Authority.* As a part of application C15/1368/09/AC, a Landscape and Ecology Management Plan was submitted and agreed upon, as well as a landscaping plan. The main matters deriving from the Landscape and Ecology Management Plan and the landscaping plan was a proposal to earmark a field to the north of the solar farm as a meadow for skylarks, to plant gorse and willow and to manage the land within the solar farm for sheep grazing. The main intention of the current application is to amend this condition and introduce a Landscape and Ecology Management Plan and a landscaping plan which removes the northern field from being a meadow for skylark. As part of the current application, a Landscape and Ecology Management Plan, a landscaping plan as well as a Skylark Monitoring Report were submitted.
- 5.16 In paragraph 5.2.3 of the Ecology Report submitted regarding application C15/0662/09/LL when the solar farm was approved, it is noted that the eastern peripheries of the agricultural field includes a good habitat for skylarks. It is noted that the song of skylarks has been heard above the site but that no nests had been found on the site, with the possibility therefore that the birds heard were nesting in a nearby habitat off the site but that their territory extended to the

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application site. This is attached in part 6.1 of the report. When dealing with the potential impact of the development on the skylark, the report notes that skylarks could be nesting on the eastern boundary of the improved agricultural field. After construction, the management of the sward would be less intensive and it is likely that all of the field's habitat would be enhanced for the skylark which would potentially lead to a larger area for the skylark to occupy. Also, due to more flowers and wildflower seeds as well as a better variety in the structure of the sward, it would be beneficial to invertebrates. These flowers and invertebrates would be a significant food source for the skylark.

- 5.17 As there was no assurance as to whether the proposal would affect the habitat of the skylark, condition 9 was imposed to agree upon the Biodiversity Management Plan. However, as the plan submitted also include the landscaping details, the Biodiversity Management Plan was released in application C15/1368/09/AC under condition 14 which related to landscaping. As a part of the Landscape and Ecology Management Plan received on application C15/1368/09/AC, a field to the north of the solar farm was to be safeguarded as a meadow for skylarks. This field has never been provided for skylarks as per the requirement in the Landscape and Ecology Management Plan.
- 5.18 As a part of the current application, a Skylark Monitoring Report was submitted. For this report, four surveys for skylarks were undertaken during May and June 2020. For the purposes of these surveys, six territories for skylarks were identified (3 within the solar farm, 2 within the northern field and 1 just outside the solar farm to the east). These surveys found that skylarks used the habitat within the solar farm during the 2020 nesting season and of the six territories surveyed, the only one with confirmed evidence of breeding was area T4 which was located within the solar farm itself, with the rest likely to be breeding territories. As a result of the outcomes of the survey and that a distribution of skylarks are within the site of the solar farm itself, including the only confirmed breeding territory, the developer wishes to enhance the area of the solar farm itself for the benefit of skylarks. The Skylark Monitoring Report states that the evidence submitted in the report shows that solar farms are not as unfavourable for breeding skylarks as was initially believed during the initial planning process. The report also notes that a high density of skylark has been identified during the surveys and that the solar farm has not displaced the skylark as originally thought and that the numbers are much higher than the national average. As a result, it is recommended in the Skylark Monitoring Report that the site of the solar farm itself is specifically managed to support breeding skylarks in the future, instead of providing the northern field for this purpose.
- 5.19 Therefore, the Skylark Monitoring Report proposes to improve conditions within the solar farm to promote breeding by skylarks within the solar farm itself. One of the recommendations is to control when it would be possible to cut the grassland within the solar farm. The RSPB recommend avoiding making cuts between early April and the end of May although the skylark breeding season runs from April to August with the skylark making many attempts to nest during this period. They also need vegetation at a height of between 20 - 50cm and avoid grass in excess of 60cm. Therefore, it is recommended in the Skylark Monitoring Report that the grassland is cut mid-end of March, late August to the beginning of September and one or two more, dependent on the year and amount of grass, to be done during the autumn term (no later than November). If it is intended to manage the sward by turning to grazing, this should be done with a low level of stock so that a tussocky is created and sheep should be moved from the sward in early April to the end of May as this is the main nesting season. It is also recommended to enhance the site of the solar farm for the skylark by increasing the variety of sward and encouraging nectar-containing plants. This would increase the number of invertebrates and offer an additional foraging resource for the skylark and its young. Open sections within the solar farm could be separated off and

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- within these areas, grassland could be sown with a mix of wildflowers in order to increase variety within the grassland. The report recommends including the Yellow-rattle as this species parasites working species that would allow weakening the grass, thus enabling flowering plants to thrive. The report states that these changes would improve the solar farm habitat for the skylark.
- 5.20 A Landscape and Ecology Management Plan (v5) dated 10 March 2021 was also submitted as a part of the application. This Plan refers to the need to improve the habitat within the solar farm for the skylark in accordance with the recommendations in the Skylark Monitoring Report and what is shown on the Landscaping Plan 1137/29. It also notes that gorse and willow have been planted and as these mature, they will mainly look after themselves, however, it is intended to look at this growth every three years or so throughout the lifespan of the solar farm, to ensure that the best possible habitat is created. This survey would look at things such as pollarding the willow trees, de-silting the ditches on the boundary and replanting as required.
- 5.21 It can be seen from the observations that the Biodiversity Unit objects to the proposal and wishes to see the northern field continuing as a mitigation measure for the skylark. When the original application for the solar farm was approved (C15/0662/09/LL), there was uncertainty about the impact of creating the solar farm on the skylark. As a result, it was proposed as a part of the Landscape and Ecology Management Plan on the application to discharge the conditions of C15/1368/09/AC and to earmark a field to the north of the solar farm for the creation of a skylark meadow. However, it is now obvious from the Skylark Monitoring Report submitted as a part of the existing application (C15/1368/09/AC), that the solar farm itself offers a habitat for the skylark and that the only confirmed skylark breeding area through the Skylark Monitoring Report was within the solar farm itself. Currently, no plan has been agreed in terms of safeguarding the grassland within the solar farm for the benefit of the skylark. Therefore, it is considered reasonable to put measures in place to manage the grassland within the area of the solar farm and that it would be a sufficient mitigation measure since the construction of the solar farm did not have a negative impact on the skylark as was initially thought possible when the original application for establishing the solar farm was under consideration. Therefore, it is considered that by imposing a condition to comply with the Landscape and Ecology Management Plan (v5), the Skylark Monitoring Report and the Landscaping Plan through the lifespan of the development, that the proposal will not have a detrimental impact on the skylark's habitat and that the proposal is acceptable in terms of Policy AMG 5 of the LDP.
- 5.22 *Condition 15 - The need to undertake the planting in the landscaping and tree planting details and to replant within a period of 5 years if plants / trees die.* Except for the planting relating to the mitigation measures for the skylark, the other planting agreed upon, namely the gorse and willow, has already been done and 5 years have passed since then. The Landscape and Ecology Management Plan notes that there is a proposal to assess the landscaping, including the gorse and willow every three years, with the associated work including matters such as pollarding and replanting. Therefore, this condition is no longer necessary for the development and by imposing the condition to comply with the Landscape and Ecology Management Plan, this would also include the details in terms of conducting a survey of the landscaping every 3 years. It is therefore considered reasonable by now for this condition to be removed.
- 5.23 *Condition 16 - The site is crossed by two public water mains pipes and before the work is commenced, there is a need to accurately mark out their location on the site and operations are not permitted within 3 metres on either side to the centre line of the supply pipe during the work.* As a part of application C15/1368/09/AC, two mains pipes were identified on the site and the layout of the solar panels was somewhat altered to comply with the requirements of this

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condition. The location of the mains pipes are shown as a part of the existing application on plan 1137/29 and Welsh Water are satisfied with the modification of the condition provided that it complies with this plan. As noted when dealing with condition 2 above, plan 1137/29 is one of the plans that will be listed as plans to conform with. In addition to asking for the modification of condition 16, the developer seems to be removing the section that needed to be complied with before work was commenced, and adding a condition that reflects the operational period of the solar farm. This condition could be modified so that no development associated with the development is permitted within 3 metres on either side of the centre line of the mains pipes that run through the site. It is considered reasonable to amend condition 16 as outlined.

- 5.24 *Condition 17 - Before work is commenced, there is a need to submit and reach agreement with the Local Planning Authority on a building design method statement and risk assessment in order to safeguard the structural condition of the two strategic mains water pipes crossing the site. No development to take place until the approved safeguarding measures have been implemented and completed. The safeguarding measures agreed to be kept permanently throughout the lifespan of the plan. As a part of application C15/1368/09/AC, a dated method statement and risk assessment was submitted and agreed. The developer wishes to modify this condition to remove the section that relates to the period before work is commenced and impose a condition that refers to implementing the development in accordance with the method statement and risk assessment dated December 2015 in order to ensure that the two mains pipes crossing the site are safeguarded. It is considered that modifying this condition in this way would be acceptable and reasonable and it can be seen that Welsh Water does not have any objection in this respect.*

## 6. Conclusions

- 6.1 In accordance with the above assessment, it is therefore considered that it is acceptable for conditions 2, 4, 9, 13, 14, 16 and 17 in permission C15/0662/09/LL to be modified and that there is no longer a need for conditions 1, 3, 5, 6, 7, 8, 10, 11, 12, 15 and that those conditions imposed on permission C15/0662/09/LL are removed.

## 7. Recommendation:

### 7.1 To approve subject to conditions -

1. The development hereby permitted shall be carried out in strict conformity with the details shown on the plan(s) numbered 1137/28, 1137/30-03, 1137/24, 1137/30-1, 1137/02B, 1137/05, 1137/07 V2, 1137/23/1137/25-2, 1137/29 submitted to the Local Planning Authority, and contained in the application form and in any other documents accompanying such application unless condition(s) to amend them is/are included on this planning decision notice.
2. The land should cease to be used for the purposes of generating electricity as hereby approved within 35 years or earlier from the date of energy production from the solar panels, or within 6 months of ceasing the use of any solar panels for electricity generating purposes (unless they are replaced within that period), whichever is the earliest, and this should be done in accordance with a work plan already submitted and agreed in writing by the Local Planning Authority and this will include an implementation programme. The work plan is undertaken in accordance with the details agreed and these will include -
  1. Method statement for decommissioning and dismantling all equipment on the site;
  2. The details of any items that will be left on the site;
  3. A method statement in order to restore the land to agricultural land;
  4. Timetables for the decommissioning, disposal and restoration of the land;

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5. A method statement for the disposal / appropriate recycling of equipment / idle structures;
  6. Provision to review the plan as needed.
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3. The Biosecurity Risk Assessment dated 9 December 2015 must be implemented throughout the lifespan of the development, unless otherwise agreed in writing with the Local Planning Authority.
  4. If it is intended to install a lighting system on the site at any time, there will be a need to submit and agree in writing with the Local Planning Authority details of the said lighting system, showing the type, exact location, lighting level and method of safeguarding from pollution or light overspill. The lighting system must be installed in accordance with the details agreed.
  5. The development must be implemented in full accordance with the Landscape and Ecological Management Plan (v5) dated 10 March 2021, Skylark Monitoring Report ref S\_MSF\_V4 dated 9 March 2021, and the Landscaping Plan number 1137/29 throughout the lifespan of the development, unless otherwise agreed in writing with the Local Planning Authority.
  6. No operational development will be permitted to take place during any work associated with this permission within 3 metres on either side to the centre line of the supply pipes that cross the site.
  7. The development must be implemented in full compliance with the Construction Plan Method Statement and Risk Assessment by Corylus dated December 2015 in order to protect the structural condition of the two supply pipes crossing the site. It is not permitted to carry out any further development associated with this permission until the safeguarding measures are implemented and completed.