

Agenda



Planning Committee

Date: Monday, 8 February 2016 **PLEASE NOTE DATE AND DETAILS FOR MEETING**

Time: **9.15 am** **MEET AT MAIN ENTRANCE, CIVIC CENTRE FOR SITE VISIT**

Venue: Followed by a meeting in the Council Chamber, Civic Centre, Newport at **12 noon**

To: Councillors P Huntley (Chair), C Jenkins, M Al-Nuaimi, V Delahaye, D Fouweather, M Linton, J Mudd, R White, O Ali and K Critchley

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Copies of the Planning Code of Practice will be available at the meeting.

Part 1

Item	Wards Affected
1. <u>Apologies for Absence</u>	
2. <u>Declarations of Interest</u>	
3. <u>Development Management: Planning Application Schedule</u> (Pages 3 - 58)	Caerleon

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Report

Planning Committee

Part 1

08 February 2016

Item No 3

Subject **Planning Application – Site Visits**

Purpose To make decisions on items presented on the attached Schedule.

Author Development Services Manager

Ward As indicated on the schedule

Summary Attached is a Planning Application Schedule, detailing those applications requiring a site visit, as recommended by Planning Committee on 06 January 2016. The Planning Committee will visit the sites, listed in the attached schedule, on 08 February 2016 in order to gain a better understanding of the proposal/case so that a decision can be made.

- Proposal** 1. **To visit the application/enforcement case sites detailed in the attached Schedule.**
2. **To make decisions in respect of the Planning Applications Schedule attached.**

Action by Planning Committee

Timetable Immediate

The Officer recommendations detailed in this report are made following consultation with local residents, Members and statutory consultees as set out in the Council's approved policy on planning consultation and in accordance with legal requirements.

Protocol

1. A Planning Protocol for Planning Committee and Planning Site Sub Committee visits was approved by Council on 08 April 2008 and subsequently amended in February 2013.
2. A Sub-Committee of the Planning Committee will be constituted for the purposes of undertaking site visits on behalf of the Planning Committee. It will be known as the Planning Site Sub-Committee.
3. The Planning Site Sub-Committee shall comprise of six named Councillors of the Planning Committee. Rules of political balance as set down in the Local Government and Housing Act 1989 will apply.
4. A site visit by the full Planning Committee may be undertaken in lieu of the Planning Site Sub-Committee if the scale or sensitivity of the development merits such consideration. The decision to undertake a full Planning Committee visit lies with that Committee.

Purpose of Site Inspections

5. Site inspections by the Planning Site Sub-Committee or full Planning Committee will be undertaken for the following purposes:
 - fact find;
 - investigate specific issues raised in any request for a site inspection;
 - investigate issues arising from the Planning Committee presentation or discussion;
 - enable the Planning Site Sub-Committee or full Committee to make decisions.

Requests for Site Inspections

6. Any member of the Council may request that a planning application site be visited by the Planning Site Sub-Committee or Full Committee prior to the determination of that application. Such requests must be made in writing [e-mail is sufficient] to the named case officer dealing with the application or the Development Services Manager. Any such request must include specific reasons for the visit.
7. Applications subject to a request for a visit will be reported to the Planning Committee. The report will include details of the request and the reasons given. Planning Committee will decide, following a full presentation of the application, whether or not a site visit is necessary to inform the decision making process.
8. Where no request for a site visit has been made members of the Planning Committee may decide during consideration of an application that a site inspection would be beneficial. The reasons for the visit should be agreed and recorded as part of the minute of the meeting.
9. Occasionally there will be circumstances when timescales for determination will not allow site visits to be programmed in the normal way e.g. those related to telecommunications development. In such **exceptional circumstances**, at the discretion of the Chairman and Vice-Chairman of the Planning Committee, a site visit may be undertaken prior to the presentation of the matter to the Planning Committee. As Members of the Sub-Committee or Full Committee will not have received a formal presentation on the application a recommendation cannot be given. They will be able to report their findings of fact to the Planning Committee. Members should make their written request, with reasons, in the normal way. All other aspects of the protocol will apply.

Attendance at Planning Site Sub-Committee or Full Committee Visits

10. Attendance at Planning Site Sub-Committee or Full Committee visits is to be restricted as follows:

- Members of the Planning Site Sub-Committee or of the Full Committee;
- Relevant Officers;
- Ward Councillors;
- Single representative of the Community Council [if relevant];
- Applicant/Agent to allow access to the site;
- Neighbour/other Landowner [where access is required to make any assessment].

Representations at Planning Site Sub-Committee/ Full Committee Visits

11. A site visit is not an opportunity to lobby on an application. Accordingly, no representations may be made to the Planning Site Sub-Committee or the Full Committee by any party. Members of the Sub-Committee / Full Committee may ask questions of those present to establish matters of fact and inform their consideration of the application.

Background

The reports contained in this schedule assess the proposed development or the unauthorised development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an Officer Recommendation.

The purpose of the attached reports and associated Officer presentation to the Committee is to allow the Planning Site Sub Committee / Full Committee to make a decision on each application in the attached schedule having weighed up the various material planning considerations.

The decisions made are expected to benefit the City and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.

Applications can be granted subject to planning conditions. Conditions must meet all of the following criteria:

- Necessary;
- Relevant to planning legislation (i.e. a planning consideration);
- Relevant to the proposed development in question;
- Precise;
- Enforceable; and
- Reasonable in all other respects.

Applications can be granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). This secures planning obligations to offset the impacts of the proposed development. However, in order for these planning obligations to be lawful, they must meet all of the following criteria:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The applicant has a statutory right of appeal against the refusal of permission in most cases. There is no third party right of appeal against a decision.

Where formal enforcement action is taken, the recipient of the Notice has a statutory right of appeal in most cases. There is no third party right of appeal against a decision with the exception of High Hedge Remedial Notices. Appeals are normally lodged with the Planning Inspectorate at the Welsh Assembly Government, with the exception of Section 215 Unsightly Land Notices, for which appeals are heard by the Magistrates' Court. Non-compliance with a statutory Notice is a criminal offence against which prosecution proceedings may be sought. The maximum level of fine and/or sentence that can be imposed by the Courts depends upon the type of Notice issued.

Work is carried out by existing staff and there are no staffing issues. It is sometimes necessary to employ a Barrister to act on the Council's behalf in defending decisions at planning appeals. This cost is met by existing budgets. Where the Planning Committee or Planning Site Sub Committee refuses an application against Officer advice, Members will be required to assist in defending their decision at appeal.

Where applicable as planning considerations, specific issues relating to sustainability and environmental issues, equalities impact and crime prevention impact of each proposed development are addressed in the relevant report in the attached schedule.

Financial Summary:

The cost of determining planning applications, taking enforcement action, carrying out Committee site visits and defending decisions at any subsequent appeal is met by existing budgets and partially offset by statutory planning application fees. Costs can be awarded against the Council at an appeal if the Council has acted unreasonably and/or cannot defend its decisions. Similarly, costs can be awarded in the Council's favour if an appellant has acted unreasonably and/or cannot substantiate their grounds of appeal.

In the case of Section 215 Unsightly Land Notices, an appeal is lodged with the Magistrates' Court and the Council will seek to recover all its costs in relation to all such appeals.

In the case of Stop Notices, compensation can be awarded against the Council if it is demonstrated that the breach of planning control alleged has not occurred as a matter of fact, the breach is immune from enforcement action due to the passage of time, or the activities/development have already been granted planning permission.

Risks:

Four risks are identified in relating to the determination of planning applications by Planning Committee or Planning Site Sub Committee: decisions being overturned at appeal; appeals being lodged for failing to determine applications within the statutory time period; and judicial review.

An appeal can be lodged by the applicant if permission is refused or if conditions are imposed. Costs can be awarded against the Council if decisions cannot be defended as reasonable, or if it behaves unreasonably during the appeal process, for example by not submitting required documents within required timescales. Conversely, costs can be awarded in the Council's favour if the appellant cannot defend their argument or behaves unreasonably.

An appeal can also be lodged by the applicant if the application is not determined within the statutory time period. However, with the type of major development being presented to the Planning Committee, which often requires a Section 106 agreement, it is unlikely that the application will be determined within the statutory time period. Appeals against non-determination are rare due to the further delay in receiving an appeal decision: it is generally quicker for applicants to wait for the Planning Authority to determine the application. Costs could only be awarded against the Council if it is found to have acted unreasonably. Determination of an

application would only be delayed for good reason, such as resolving an objection or negotiating improvements or Section 106 contributions, and so the risk of a costs award is low.

An appeal can be lodged by any recipient of a formal Notice, with the exception of a Breach of Condition Notice. Costs can be awarded against the Council if decisions cannot be defended as reasonable, or if it behaves unreasonably during the appeal process, for example by not submitting required documents within required timescales. Conversely, costs can be awarded in the Council's favour if the appellant cannot defend their argument or behaves unreasonably.

If a Stop Notice is issued, compensation can be awarded against the Council if it is demonstrated that the breach of planning control alleged has not occurred as a matter of fact, the breach is immune from enforcement action due to the passage of time, or the activities/development has already been granted planning permission. Legal advice is sought before taking such action, and a cost-benefit analysis is undertaken to fully assess the proposed course of action.

A decision can be challenged in the Courts via a judicial review where an interested party is dissatisfied with the way the planning system has worked or how a Council has made a planning decision. A judicial review can be lodged if a decision has been made without taking into account a relevant planning consideration, if a decision is made taking into account an irrelevant consideration, or if the decision is irrational or perverse. If the Council loses the judicial review, it is at risk of having to pay the claimant's full costs in bringing the challenge, in addition to the Council's own costs in defending its decision. In the event of a successful challenge, the planning permission would normally be quashed and remitted back to the Council for reconsideration. If the Council wins, its costs would normally be met by the claimant who brought the unsuccessful challenge. Defending judicial reviews involves considerable officer time, legal advice, and instructing a barrister, and is a very expensive process. In addition to the financial implications, the Council's reputation may be harmed.

Mitigation measures to reduce risk are detailed in the table below. The probability of these risks occurring is considered to be low due to the mitigation measures, however the costs associated with a public inquiry and judicial review can be high.

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Decisions challenged at appeal and costs awarded against the Council.	M	L	<p>Ensure reasons for refusal or reasons for taking enforcement action can be defended at appeal.</p> <p>Ensure planning conditions imposed meet the tests set out in Circular 35/95.</p> <p>Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.</p>	<p>Planning Committee</p> <p>Planning Committee</p> <p>Development Services Manager and Senior Legal Officer</p>
Appeal lodged against non-determination, with costs awarded against the	M	L	Avoid delaying the determination of applications unreasonably.	Development Services Manager

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Council				
Judicial review successful with costs awarded against the Council	H	L	Ensure sound and rational decisions are made.	Planning Committee Development Services Manager
Compensation awarded in relation to a Stop Notice	M	L	Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.	Development Services Manager and Senior Legal Officer

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

The Council's Corporate Plan 2012-2017 identifies five corporate aims: being a Caring City; a Fairer City; A Learning and Working City; A Greener and Healthier City; and a Safer City. Key priority outcomes include ensuring people live in sustainable communities; enabling people to lead independent lives; ensuring decisions are fair; improving the life-chances of children and young people; creating a strong and confident local economy; improving the attractiveness of the City; promoting environmental sustainability; ensuring people live in safe and inclusive communities; and making Newport a vibrant and welcoming place to visit and enjoy.

Through development management decisions, good quality development is encouraged and the wrong development in the wrong places is resisted. Planning decisions can therefore contribute directly and indirectly to these priority outcomes by helping to deliver sustainable communities and affordable housing; allowing adaptations to allow people to remain in their homes; improving energy efficiency standards; securing appropriate Planning Contributions to offset the demands of new development to enable the expansion and improvement of our schools and leisure facilities; enabling economic recovery, tourism and job creation; tackling dangerous structures and unsightly land and buildings; bringing empty properties back into use; and ensuring high quality 'place-making'.

The Corporate Plan links to other strategies and plans, the main ones being:

- Single Integrated Plan;
- Local Development Plan 2011-2026 (Adopted January 2015);

The Newport Single Integrated Plan (SIP) is the defining statement of strategic planning intent for the next 3 years. It identifies key priorities for improving the City. Its vision is: "*Working together to create a proud and prosperous City with opportunities for all*"

The Single Integrated Plan has six priority themes, which are:

- Skills and Work
- Economic Opportunity
- Health and Wellbeing
- Safe and Cohesive Communities
- City Centre
- Alcohol and Substance Misuse

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 all planning applications must be determined in accordance with the Newport Unitary Development Plan (Adopted May 2006) unless material considerations indicate otherwise. Planning decisions are therefore based primarily on this core Council policy.

Options available

- 1) To determine applications in accordance with the Officer recommendation (with amendments to or additional conditions or reasons for refusal if appropriate);
- 2) To determine that applications be granted or refused against the Officer recommendation (in which case the Site Inspection Sub-Committee's recommendation and reasoning should be clearly minuted);

With regards to enforcement cases:

- 1) To determine that enforcement action is taken (or no further action is taken) in accordance with the Officer recommendation (with amendments to or additional requirements or reasons for taking formal action if appropriate);
- 2) To determine that a different course of action be taken to that recommended by Officers (in which case the Site Inspection Sub-Committee's recommendation and reasoning should be clearly minuted).

Comments of Chief Financial Officer

In the normal course of events, there should be no specific financial implications arising from the determination of planning applications.

There is always a risk of a planning decision being challenged at appeal. This is especially the case where the Committee makes a decision contrary to the advice of Planning Officers or where in making its decision, the Committee takes into account matters which are not relevant planning considerations. These costs can be very considerable, especially where the planning application concerned is large or complex or the appeal process is likely to be protracted.

Members of the Planning Committee should be mindful that the costs of defending appeals and any award of costs against the Council following a successful appeal must be met by the taxpayers of Newport.

There is no provision in the Council's budget for such costs and as such, compensating savings in services would be required to offset any such costs that were incurred as a result of a successful appeal.

Comments of Monitoring Officer

Planning Committee are required to have regard to the Officer advice and recommendations set out in the Application Schedule, the relevant planning policy context and all other material planning considerations. If Members are minded not to accept the Officer recommendation, then they must have sustainable planning reasons for their decisions.

Local issues

Ward Members were notified of planning applications in accordance with the Council's adopted policy on planning consultation. Any comments made regarding a specific planning application are recorded in the report in the attached schedule

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and

services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

An Equality Impact Assessment for delivery of the Development Management service has been completed and can be viewed on the Council's website.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

Objective 9 (Health and Well Being) of the adopted Newport Local Development Plan (2011-2026) links to this duty with its requirement to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

Planning (Wales) Act 2015 (Welsh Language)

Section 11 of the Act makes it mandatory for all Local Planning Authorities to consider the effect of their Local Development Plans on the Welsh language, by undertaking an appropriate assessment as part of the Sustainability Appraisal of the plan. It also requires Local Planning Authorities to keep evidence relating to the use of the Welsh language in the area up-to-date.

Section 31 clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. The provision does not apportion any additional weight to the Welsh language in comparison to other material considerations. Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the decision maker.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. Objectives 1 (Sustainable Use of Land) and 9 (Health and Well-being) of the adopted Newport Local Development Plan (2011-2026) link to this requirement to ensure that development makes a positive contribution to local communities and to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

Consultation

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

Background Papers

NATIONAL POLICY

Planning Policy Wales (PPW) Edition 7 (July 2014)

Minerals Planning Policy Wales (December 2000)

PPW Technical Advice Notes (TAN):

- TAN 1: Joint Housing Land Availability Studies (2006)
- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Town Centres (1996)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 6: Planning for Sustainable Rural Communities (2010)
- TAN 7: Outdoor Advertisement Control (1996)
- TAN 8: Renewable Energy (2005)
- TAN 9: Enforcement of Planning Control (1997)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2014)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: The Welsh Language: Unitary Development Plans and Planning Control (2013)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)

Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)

Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)

Welsh Government Circular 016/2014 on planning conditions

LOCAL POLICY

Newport Local Development Plan (LDP) 2011-2026 (Adopted January 2015)

Supplementary Planning Guidance (SPGs):

- Affordable Housing (adopted August 2015)
- Archaeology & Archaeologically Sensitive Areas (adopted August 2015)
- Flat Conversions (adopted August 2015)
- House Extensions and Domestic Outbuildings (adopted August 2015)
- Houses in Multiple Occupation (HMOs) (adopted August 2015)
- New dwellings (adopted August 2015)
- Parking Standards (adopted August 2015)
- Planning Obligations (adopted August 2015)
- Security Measures for Shop Fronts and Commercial Premises (adopted August 2015)
- Wildlife and Development (adopted August 2015)

OTHER

The Colliers International Retail Study (July 2010) is not adopted policy but is a material consideration in making planning decisions.

The Economic Development Strategy is a material planning consideration.

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended by the Town and Country Planning (Environmental Impact Assessment) (Amendment) (Wales) Regulations 2008 are relevant to the recommendations made.

Other documents and plans relevant to specific planning applications are detailed at the end of each application report in the attached schedule

Planning Application Schedule

APPLICATION DETAILS

No: 15/0902 **Ward:** CAERLEON

Type: FULL (MAJOR)

Expiry Date: 12-NOV-2015

Applicant: LIGHTSOURCE SPV 209 LIMITED

Site: LAND TO THE WEST OF PARK FARM, MALTHOUSE LANE, CAERLEON NP18 3PB

Proposal: **INSTALLATION AND OPERATION OF A 3.91MW SOLAR FARM AND ASSOCIATED INFRASTRUCTURE, INCLUDING PHOTOVOLTAIC PANELS, MOUNTING FRAMES, INVERTERS, TRANSFORMERS, SUBSTATIONS, COMMUNICATIONS BUILDING, ACCESS TRACKS, FENCING AND POLE-MOUNTED CCTV CAMERAS, AFFECTING BRIDLEWAY ST39SW-125 AND FOOTPATHS ST395W - 131 AND ST395W - 132.**

Recommendation: Granted with Conditions

1. INTRODUCTION

- 1.1 The application is for a solar farm on 9.34Ha of land to the west of Park Farm, Malthouse Lane, Caerleon. The site consists of two agricultural fields which slope from north to south and are orientated in a southerly direction. The site is bordered to the east by a stream with a significantly wooded area and the boundary between the two fields is also wooded. These areas of woodland are ancient woodland. Other boundaries consist of hedges with substantial trees being present. The site will be accessed by a gravelled track leading from Malthouse Lane to Park Farm. The proposed lifespan of the scheme is 30 years.
- 1.2 The proposed solar farm will generate up to 3.91MW of electricity which would typically power 1375 houses. The panels will be mounted on frames and will be 0.8m high at the front and up to 2.2m high at the back. The panels will be angled at 25 degrees to catch the sun. The frames will be driven into the ground to a depth of 1.5m and will be 'H' or 'Z' in profile. The direct current from the panels will be converted to alternating current in a series of inverters housed in three buildings that will be 2.9m high with a footprint of 4.4 x 1.5m. Two transformers will be needed to step up the current and they will have associated switchgear. The transformer is either sited in a building similar to that for the inverters or is kept as free-standing plant. Two electrical substations are required to connect the farm to the grid. One of the substations will require lighting in the event of a breakdown. No other lighting is proposed.
- 1.3 The site will be secured by a 2m deer fence (timber posts and mesh), 16 No. security cameras on 2.4 poles will be installed. Other buildings required are a Communications Building (2.5m high with a footprint of 3.6m x 3.0m) which facilitates the remote monitoring of the site, a composting toilet and storage shed. There will be 11 structures / items of plant in total on the site. Swales are proposed to provide drainage. Approximately 30% of the site will be covered in solar panels, tracks or other development. 650m of track will be built on the site with a width of 4m. The rest will be retained as grass which can allow for sheep grazing. A programme of bio-diversity enhancement is proposed to include hedgerow infill planting, tree planting, grassland creation (including a wildflower margin

around the perimeter of the site), bird and bat boxes and log/brush piles for reptiles and invertebrates.

2. RELEVANT SITE HISTORY

None.

3. POLICY CONTEXT

3.1 Planning Policy Wales (Edition 7) July 2014

Paragraph 4.8.10 **Local designations such as green wedges** may be justified where land is required to serve the same purpose to a Green Belt (see 4.8.3), but these designations do not convey the permanence of a Green Belt.

Paragraph 4.8.14 - When **considering applications for planning permission in Green Belts or green wedges**, a **presumption against inappropriate development** will apply. Local planning authorities should attach substantial weight to any harmful impact which a development would have on a Green Belt or green wedge.

Paragraph 4.8.15 - Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accord with the plan. These very exceptional cases would therefore be treated as departures from the plan.

Paragraph 4.8.16 - The construction of new buildings in a Green Belt or in a locally designated green wedge is inappropriate development (other than in particular identified circumstances).

Paragraph 4.8.18 - Other forms of development would be inappropriate development unless they maintain the openness of the Green Belt or green wedge and do not conflict with the purposes of including land within it.

Paragraph 4.10.1 - In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

Paragraph 12.8.1 - The UK is subject to the requirements of the EU Renewable Energy Directive. These include a UK target of 15% of energy from renewables by 2020. The UK Renewable Energy Roadmap sets the path for the delivery of these targets, promoting renewable energy to reduce global warming and to secure future energy supplies. The Welsh Government is committed to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of our approach to tackling climate change whilst enhancing the economic, social and environmental wellbeing of the people and communities of Wales in order to achieve a better quality of life for our own and future generations. This is outlined in the Welsh Government's Energy Policy Statement *Energy Wales: A Low Carbon Transition* (2012).

Paragraph 12.8.6 - The Welsh Government's aim is to secure an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts. This forms part of the Welsh Government's aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development.

Paragraph 12.8.8 - The Welsh Government is committed to using the planning system to:

- optimise renewable energy generation;
- optimise low carbon energy generation;
- facilitate combined heat and power systems (and combined cooling, heat and power) where feasible; and
- recognise that the benefits of renewable energy are part of the overall commitment to tackle climate change by reducing greenhouse gas emissions as well as increasing energy security.

Paragraph 12.8.9 - Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy to help to tackle the causes of climate change. Specifically, they should make positive provision by:

- considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;
- ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations.

Paragraph 12.8.10 - At the same time, local planning authorities should:

- ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed;
- ensure that mitigation measures are required for potential detrimental effects on local communities whilst ensuring that the potential impact on economic viability is given full consideration.

Paragraph 12.10.1 - In determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:

- the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- the impact on the natural heritage, the Coast and the Historic Environment;

- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- ways to avoid, mitigate or compensate identified adverse impacts;
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts;
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal.

Paragraph 12.10.3 - Developers for renewable and low carbon energy developments should seek to avoid or where possible minimise adverse impacts through careful consideration of location, scale, design and other measures.

3.2 Technical Advice Note 6

- 3.2.1 Paragraph 6.2.1 - When preparing development plans and considering planning applications, planning authorities should consider the quality of agricultural land and other agricultural factors and seek to minimise any adverse affects on the environment.
- 3.2.2 Paragraph 6.2.2 - Planning authorities should bear in mind that, once land is built on, the restoration of semi-natural and natural habitats and landscape features is rarely possible and usually expensive, and archaeological and historic features cannot be replaced. Also, once agricultural land is developed, even for 'soft' uses such as golf courses, its return to agriculture as best and most versatile agricultural land is seldom practicable.
- 3.2.3 Paragraph 6.2.3 - Agricultural land is classified by grades according to the extent to which its physical or chemical characteristics impose long term limitations on agricultural use for food production. There are 5 grades of land numbered 1 to 5, with grade 3 divided into two sub-grades. The best and most versatile land falls into grades 1, 2 and sub-grade 3a and is the most flexible, productive and efficient in response to inputs.
- 3.2.4 Paragraph 6.2.4 - The Agricultural Land Classification (ALC) map for Wales is published at a scale of 1:250,000. This map is produced for use in strategic planning and provides only a generalised indication of the distribution of land quality. The map is not suitable for use in evaluating individual sites. In such cases a resurvey at a larger scale is necessary to obtain a definitive grade.
- 3.2.5 Paragraph 6.2.5 - The nature of other development and its proximity to farms can influence the type of farming and the extent to which inherent land quality can be exploited. Certain locations may have agricultural advantages such as accessibility to markets, processing plant and certain industries associated with agriculture. Farms with development close to them tend to suffer from trespass and other forms of disturbance which may affect the efficiency and upkeep of holdings. It may be possible to reduce any detrimental effects of development by locating compatible uses adjacent to farm land, by landscaping or by detailed provision of amenity space and green corridors in the layout of residential development. Technical Advice Note 6: Planning for Sustainable Rural Communities.

3.2.6 Paragraph 6.2.6 - Farms vary considerably in size, type of farm business and layout. The loss of part of a holding can have important implications for the remainder. The effect of severance and fragmentation upon the farm and its structure may be relevant.

3.3 Technical Advice Note 8 – Planning for Renewable Energy (July 2005)

3.3.1 Paragraph 2.16 - Experience has shown that there are opportunities to achieve community benefits (through major wind farm development). Some benefits can be justified as mitigation of development impacts through the planning process. In addition, developers may offer benefits not directly related to the planning process. Annex B provides further information and examples about the types of community benefit which have been provided. Local planning authorities, where reasonably practical, should facilitate and encourage such proposals. The Welsh Development Agency, and others can support and advise on community involvement in developing renewable energy and benefiting from it. Local planning authorities should make clear in their development plans the scope of possible “planning contributions”. However, such contributions should not enable permission to be given to a proposal that otherwise would be unacceptable in planning terms.

3.3.2 Paragraph 3.15 - Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported.

3.3.4 Annex B of TAN 8

Paragraph 2.1 - It is perfectly acceptable for a business to enter into a legally binding agreement with third parties to deliver particular and agreed benefits to the community. Many local planning authorities would be more comfortable with this approach as it separates, more clearly, community benefits from the planning decision. It is important that the developer is able to identify suitable local representative people or organisations with whom it can negotiate. If there are funds to be administered then an appropriately constituted and regulated body must be identified or created.

3.4 Practice Guidance – Planning Implications of Renewable Energy and Low Carbon Energy (February 2011)

Paragraph 8.4.16 - In view of the national policy support for farm diversification and the relatively large area of land required for solar PV arrays it is likely that a significant proportion of proposals for solar PV arrays will be on agricultural land. Both the use of natural resources (such as high quality agricultural land) and the reversibility of a development are factors in determining if EIA is required.

Paragraph 8.4.17 - In addition to avoiding the best and most versatile agricultural land, other possible mitigation includes taking steps to enhance the reversibility of the development (e.g. by use of removable mats rather than permanent access tracks and use of ground screws rather than buried concrete foundations to anchor solar arrays) and avoiding soil compaction or contamination during construction and maintenance.

3.5 ADOPTED NEWPORT LOCAL DEVELOPMENT PLAN 2013-2028

Policy	Text
SP1 Sustainability	Proposals will be required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary. they will be assessed as to their potential contribution to: ii) the reuse of previously developed land and empty properties in preference to greenfield sites; iv) reducing energy consumption, increasing energy efficiency and the use of low and zero carbon energy sources;

SP5 Countryside	Development in the countryside (that is, that area of land lying beyond the settlement boundaries shown on the proposal and inset maps) will only be permitted where the use is appropriate in the countryside, respects the landscape character and biodiversity of the immediate and surrounding area and is appropriate in scale and design. Housing development, rural diversification and rural enterprise uses, beyond settlement boundaries, will only be appropriate where they comply with national planning policy.
SP7 Green Wedges	Green wedges have been identified in order to prevent coalescence between the following settlements: iv) Caerleon and Cwmbran. Within these areas development which prejudices the open nature of the land will not be permitted.
SP9 Conservation of the Natural, Historic and Built Environment	The conservation, enhancement and management of recognised sites within the natural, historic and built environment will be sought in all proposals.
GP1 General Development Principles – Climate Change	Development proposals should: ii) be designed to minimise energy requirements and incorporate appropriate renewable, low or zero carbon energy sources, including on-site energy provision where practicable;
GP2 General Development Principles – General Amenity	Development will be permitted where, as applicable: i) there will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality; ii) the proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;
GP3 General Development Principles – Service Infrastructure	Development will be permitted where, as applicable: i) necessary and appropriate service infrastructure either exists or can be provided;
GP5 General Development Principles – Natural Environment	Development will be permitted where, as applicable: ii) the proposals demonstrate how they avoid, or mitigate and compensate negative impacts to biodiversity, ensuring that there are no significant adverse effects on areas of nature conservation interest including international, European, national, Welsh Section 4233 and local protected habitats and species, and protecting features of importance for ecology; v) there would be no unacceptable impact on landscape quality; vii) the proposal includes appropriate tree planting or retention where appropriate and does not result in the unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value.
GP6 General Development Principles – Quality of Design	Good quality design will be sought in all forms of development. the aim is to create a safe, accessible, attractive and convenient environment. in considering development proposals the following fundamental design principles should be addressed: i) context of the site: all development should be sensitive to the unique qualities of the site and respond positively to the character of the area; iv) scale and form of development: new development should appropriately reflect the scale of adjacent townscape. care should be taken to avoid over-scaled development;
GP7 General	Development will not be permitted which would cause or result in

Development Principles – Environmental Protection and Public Health	unacceptable harm to health because of land contamination, dust, instability or subsidence, air, heat, noise or light pollution, flooding, water pollution, or any other identified risk to environment, local amenity or public health and safety.
CE6 Archaeology	Development proposals will normally be required to undertake an archaeological impact assessment before the proposal is determined: i) where groundworks and/or the installation of services are proposed within the archaeologically sensitive areas of Caerleon, the levels, lower Machen and the city centre , or; ii) within other areas of recognised archaeological interest.
CE10 Renewable Energy	Small scale micro-generation will be encouraged within the settlement boundary. Large scale proposals may be more appropriately located outside of the defined settlement boundary if no appropriate brownfield sites exist.
T7 Public rights of Way and New Development	Any public footpath, bridleway or cycleway affected by development proposals will require retention or the provision of a suitable alternative. Provision of additional routes, where appropriate, will be sought in new developments, with linkages to the existing network.

3.6 OTHER LOCAL DOCUMENTS

3.7 Renewable and Low Carbon Energy Assessment (May 2013)

This report has been produced by Verco as a joint study for Torfaen County Borough Council and Newport City Council on behalf of the Carbon Trust in Wales. The purpose of the study is to provide an evidence base for the potential development of renewable and low carbon energy within the two local authorities, to examine the low carbon potential for strategic development sites and explore strategic leadership opportunities. Chapter 12 - There is a significant resource potential for **land based solar PV** systems across the authority. The coastal areas have the best levels of irradiation, however all plots are 3km or more from the coast primarily due to ecological and agricultural constraints.

Areas of the City Council's Administrative Area are identified that have good potential for ground mounted solar PV arrays. Only land in agricultural grades 4 and 5 were included and then areas which suffered from other constraints such as sites designated for their landscape, ecological or heritage value were excluded as were areas of common land. Other considerations were made in regard to aspect, slope, competing landuses and the viability of grid connection to arrive at an area of viable solar development.

Figure 57 identifies areas with good potential for Ground Mounted Solar PV. It is not clear if the application site is within such an area due to quality.

4. CONSULTATIONS

4.1 YMDDIRIEDOLAETH NATUR GWENT / GWENT WILDLIFE TRUST: GWT doesn't have any objection to the planting plans or management proposals, and welcome the increased areas for wildflower planting and other biodiversity enhancement. We are, however concerned that 10 years of management will go completely to waste if the site is not managed or managed inappropriately for the following 20 years.

We would therefore encourage commitment from the developer to manage the site for the operational life of the developments if possible.

4.2 GLAMORGAN & GWENT ARCHAEOLOGICAL TRUST:

- The submitted Desk Based Assessments and Geophysical Survey report meet current professional standards

- All ground works should be completed under archaeological supervision.
- A 'watching brief' should be secured under condition using the standard wording in Welsh Office Circular 60/96 (Section 23).

4.3 WELSH GOVERNMENT (RURAL AFFAIRS): Does not comment on the merit of the proposals but notes that the submitted Agricultural Land Classification Surveys are a fair and accurate assessment of the land quality of the assessed sites.

4.4 CYFOETH NATURIOL CYMRU / NATURAL RESOURCES WALES (CNC/NRW): We have reviewed the application and offer no objection to proposed development. However, please note that we have not considered possible effects on all species and habitats (including nesting birds) listed in Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests.

To comply with your Authority's duty under Section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your Authority's internal ecological adviser and/or nature conservation organisations such as the local Wildlife Trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for Section 42 habitats and species (www.biodiversitywales.org.uk).

The applicant should also be advised that, in addition to planning permission, it is their responsibility to ensure that they acquire all other permits/consents relevant to their development.

4.5 NETWORK RAIL:
Whilst there is no objection in principle to this proposal, the Design & Access report refers to a Swale being constructed; all surface water drainage should be directed away from Network Rail's property to the public mains system. A suitably worded condition should be added to any consent granted.

Notwithstanding the above, I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Fencing

The applicant should refer to their conveyance for any particular fencing specifications however, due to the change of use the minimum specification should be 1.8 metre high steel palisade. No encroachment to take place on Network Rail's property without prior agreement from Network Rail.

Safety barrier

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

Solar panels

We would advise that the provision of any reflective material used in the solar collecting equipment should not interfere with the line of sight of train drivers and the potential for glare or reflection of light from the panels that may impact upon signalling **must** be eliminated.

Network Rail would expect the applicant to demonstrate that the panels are either not reflective or that appropriate fencing/mitigation or other screening is erected between the railway and the solar panels to avoid this happening.

Drainage

All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:

- Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

Access points

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

In order to mitigate the risks detailed above, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

4.6 WESTERN POWER DISTRIBUTION: Advise of equipment in the area and safe working practices.

4.7 CADW: The proposed development is located within the vicinity of the scheduled monuments known as MM023 Lodge Wood Camp and MM044 Twm-Barlwm Mound and Bailey Castle and within the 1km Zone of Theoretical Visibility of the registered historic park and garden known as Gt20 Newport: Bryn Glas. Therefore given that only the location of the hillfort is visible and the screening effect of the vegetation means that the impact of the solar farm on the setting of MM023 Lodge Wood Camp will be very slight. The solar farm is likely to be visible in the direct view of Lodge Wood Camp from the hillfort at Twmbarlwm. As noted above this is a significant but long view and given that the solar farm will be screened by existing vegetation it is our opinion that, at worst, the proposed solar farm will have a very slight impact on the setting of MM044 Twmbarlwm. The intervening residential development and the earthworks of the A4042 will also block views of the solar farm from the registered historic park and garden of Bryn Glas. CADW confirm there is no adverse impact on the Motte (MM087) on Malthouse Lane and the Registered Historic Park and Garden at Llantarnam Abbey (PGWGt25) since they lie outside the development's zone of theoretical visibility.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE & CITY SERVICES (ECOLOGY): Comments as follows:
I do not object to the management plan and welcome the inclusion of a 10 year monitoring programme. Details of monitoring will need to be submitted to myself after each session of monitoring. If the monitoring identified any failed mixes or unused bat/bird boxes it may be recommended that they be moved. I will require details of the ecological liaison person who will be overseeing the works and the monitoring of the enhancements.

5.2 HEAD OF STREETSCENE & CITY SERVICES (LANDSCAPING): Objects since the proposal will reduce the open character of the area which is allocated as green wedge under SP7iv of the Newport Local Development Plan 2011-2026.

5.3 HEAD OF STREETSCENE & CITY SERVICES (PUBLIC RIGHTS OF WAY): Comments as follows:

5.3.1 PROW 389/12 runs along part of the proposed access track. In addition to this, two additional PROW's also join the track near to its junction with Malthouse Road. PROW 389/17 joins from the southern side of the track and 389/18 joins from the northern side of the track.

Bridleway 389/9 runs along the northern boundary of the proposed solar farm and is crossed by the associated access track. For this reason, I have attached a British Horse Society (BHS) document containing advice on the provision of solar farms near bridleways.

Although there is no significant issue with the solar farm being situated adjacent to the bridleway, there are some concerns regarding the construction vehicles crossing it via the access track and some other aspects of the proposal. To summarise the BHS recommendations:

5.3.2 Construction Traffic

Bridleways, byways and unsurfaced roads should not be used for site access. However, to gain access to the proposed solar farm the track has to cross bridleway 389/9. If this is absolutely unavoidable, every effort should be made to ensure that the surface will be maintained and restored to a surface material suitable for horses following the construction of the solar farm.

In addition, if the volume of construction traffic is expected to be high a suitable and safe alternative route for equestrians should be provided during construction to minimise conflict.

This alternative route and the surface material (suitable for horses) should be agreed with the Council's Access Development Improvement Officer beforehand.

Closures without alternative routes should be avoided.

Trenches for cables should not cross or be laid along PROWs, unless unavoidable. If this is the case, authorisation will be required from the Council beforehand.

5.3.3 Drainage

Adequate drainage provision for the proposed solar farm must be taken into account to prevent potentially serious detrimental effects on the bridleway.

5.3.4 Fencing

Care must be taken not to create a narrow corridor through installation of new fencing. A minimum bridleway width of 4m is required (preferably 5m).

Due to safety implications for riders and in order to reduce intrusive appearance in a non built up location, the use of open mesh fencing is preferable to close boarding or metal palisade fencing with sharp points on top. Sharp points on fencing can be very dangerous should a rider be thrown onto or against the fence.

5.3.5 The following points should also be noted:

- The line of each PROW (as shown on the Definitive Map) has to remain completely unobstructed and must be clear and available for safe public use at all times (including during construction/maintenance/decommission works – unless a temporary closure/diversion order is applied for and granted beforehand);

- The PROW users must not be endangered or disadvantaged in any way by the proposals;
- The surface material of any PROW must not be adversely affected;
- PROW users must be protected from any vehicles/plant associated with the construction/maintenance/decommission of the solar farm. The potential conflict should be risk assessed and managed accordingly.

5.4 HEAD OF STREETSCENE & CITY SERVICES (TREES): No objection.

5.5 HEAD OF LAW & REGULATION (ENVIRONMENTAL HEALTH): No objection subject to conditions including an assessment of glare and glint, a construction environmental management plan and a condition restricting noise levels at residential properties.

5.6 HEAD OF REGENERATION, INVESTMENT & HOUSING (PLANNING POLICY): Comments as follows:

- The Planning Policy objection concerning the impact of the Green Wedge allocation remains. This policy seeks to ensure there is no coalescence between Caerleon and Cwmbran. Developments which prejudice the open nature of the land will not be permitted. The development will result in built structures that will have an adverse impact on the openness of the Green Wedge which can be viewed from a number of locations. The plans show a total of 9 structures on site as well as the panels and security features. This being the case an objection is raised and the proposal is not considered compliant with local or national policy.
- A previous appeal decision noted that such development in the Green Wedge would only be supported if very special circumstances were evidenced; that is that the potential harm can be outweighed by other considerations. It is considered that evidence has not been provided to support the special circumstances in this particular case.
- The construction and demolition plan is not considered to provide evidence as to how the quality of the agricultural land is to be maintained, particularly on the area graded as 3a.
- It is not clear as to why the swales have been included. The drainage report notes that there aren't any drainage issues with the site so it is not clear why the swales are needed. Their introduction is specifically questioned on this site because of their impact on land quality (BMV status) with the movement of so much soil for the swales.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties within 100m of the application site were consulted (05 properties) and a site notice was displayed at the end of Malthouse Lane. One representation objecting was received raising the following points:

- The site is in the green wedge,
- Harm to archaeological remains both directly and in terms of setting,

- Tidal lagoons proposed for the Severn could accommodate solar and wind power installations,
- Solar farms should be on brownfield land,
- Approval would set a precedent,
- Harm to visual amenity,
- The development will prevent the use of ground radar to look for archaeology,
- The applicant did not publicise his public meeting in relation to the development effectively,
- There is grid capacity elsewhere in Newport.

6.2 COUNCILLORS: Councillor Giles has objected to the application for the following reasons:

- Erosion of the green wedge,
- The proposal is overscaled,
- It involves the construction of 5 buildings,
- There is a pollution risk,
- It is unclear who will benefit from the proposed Community Benefit.

6.3 CAERLEON CIVIC SOCIETY: Objects for the following reasons:

- The proposal is harmful to the openness of the green wedge,
- The area has the scope to contain archaeological remains and there should be a full archaeological investigation,
- The land is of good quality in agricultural terms,
- The proposal is not sustainable,
- The proposal would urbanise the two sites and is not agricultural diversification,
- Brownfield sites should be developed in preference.

7. ASSESSMENT

7.1 The key issues relevant to the determination of this application are:

- Impact of the openness of the green wedge
- Impact on Character and Appearance of the Countryside
- Impact on agricultural land / availability of other sites
- Impact on Archaeology
- Impact on trees & hedgerows
- Benefits of the scheme
 - Renewable electricity generation
 - Bio-diversity enhancements
- Minor Issues
 - Traffic management and public rights of way
 - Community Benefit
 - Pollution
 - Drainage

7.2 Impact of the openness of the green wedge

7.2.1 Inappropriate development is precluded in the green wedge unless very exceptional circumstances apply. Appropriate development is described at paragraph 4.8.16 of Planning Policy Wales as follows:

- justified rural enterprise needs;

- essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;
- limited extension, alteration or replacement of existing dwellings;
- limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies; or
- small scale diversification within farm complexes where this is run as part of the farm business.

The proposal is none of the above and must therefore be inappropriate development in the green wedge. This stance is supported by the approach taken by various planning inspectors in recent appeals. As such permission may only be granted if very exceptional circumstances are shown to be extant.

7.2.2 PPW is clear that substantial weight should be given to any harmful impact upon a green wedge. In terms of local policy, Policy SP7 (green wedges) places a clear prohibition on development which prejudices the open nature of the land. The proposal consists of built development including a sequence of small scale structures in addition to the solar arrays. The proposal would clearly be prejudicial to openness thereby contravening local and national policy. This harm will accrue substantial weight in the balance of considerations.

7.3 Character and Appearance

7.3.1 The applicant has provided a Landscape Appraisal (Landscape and Visual Impact Assessment) which addresses the impact of the proposed solar farm on landscape character and visual amenity. The main emphasis is on an area within 2Km of the site since beyond that distance the proposal is not readily perceptible within the landscape. The site is pastoral in an area of rolling terrain. Views into the site are limited with Malpas the most affected and nearest settlement. A bridleway runs along the northern edge of the site and views are available from other public rights of way in the vicinity. Special Landscape Areas lie within the 2Km study area to the north and west, both are in Torfaen. Existing field boundaries consisting of hedges and trees provide a degree of visual containment. It is proposed to strengthen the southern boundary by planting a new hedge and to strengthen the western boundary with additional planting.

7.3.2 Anticipated impacts within the LVIA are:
 Topography: negligible during construction and operational phases.
 Trees & Hedgerows: hedges are judged to be of medium sensitivity and trees of high sensitivity reflecting the required time to replace them. Trees and hedging are a key characteristic of the site and planting is proposed. The effect of the proposal is considered to be low beneficial within the vicinity of the site for trees and hedges due to the proposed planting. Pasture Land; is considered to be of low sensitivity to change but some would be lost through track construction, the overall impact on pasture is considered negligible.

7.3.3 In terms of the nearby Special Landscape Areas, the LVIA concludes that the development would not '*redefine the character of these non-statutory Landscape designations with only minor effects*'. The LVIA concludes that no Special Landscape Area would be materially affected by the proposed development. There is no reason to disagree with this assessment.

7.3.4 In Landscape terms the LVIA notes that the site lies within the Caerleon Farmlands 'aspect area' identified in Landmap. Its overall evaluation in visual and sensory terms is moderate and it is summarised as 'Pleasant rural farmland in a good condition affected by the A4042'. The landscape assessment notes the predominant character of the site is rural. The author assesses that the landscape has capacity to absorb the development and that the scheme

has a limited visual envelope. Change to landscape character would be limited primarily to the application area and its immediate vicinity. The impact on the visual and sensory element of the Caerleon Farmlands aspect area is considered to be minor adverse for the lifetime of the development. In the event additional planting is retained following decommissioning there would be a minor to moderate beneficial effect after the development is removed. Cumulative Effects are considered with there being 1 park proposed within the 2Km study area (application 15/0903 – Park Farm Cottage) and two more outside of that (Henllys - proposed & Langstone Court – operational). The LVIA concludes that the cumulative impact would be negligible in overall landscape terms due to separation, screening effects of topography and vegetation and separation distances between the farms meaning that only long distance views would encompass more than one park.

7.3.5 In visual terms the LVIA considers the viewpoints of various groups and makes the following conclusions:

Dwellings: views from dwelling would be restricted and filtered through vegetation, changes to views would be modest and not harmful. The view from Claremont (Malpas) was considered representative and would experience a minor adverse visual effect.

Public Highways and SUSTRANS routes: views would be limited to glimpses with some views available from the A4042 Malpas by-pass. Views would tend to be fleeting and limited by landforms and vegetation. The amenity of these viewers would not be adversely affected.

Public Rights of Way: Views of the development would be available from certain viewpoints but they would be transitory and infrequent and the amenity of viewers would be preserved.

Bridleway (on northern edge of site): The LVIA notes the users have high sensitivity to visual changes with a high magnitude of change anticipated resulting in a major adverse visual effect for this user group.

Overall Conclusion: most visual impacts for most viewers will be minor or negligible with major impact on the users of the bridleway in the immediate vicinity of the site. More distant views are obscured by vegetation or landform.

7.3.6 In cumulative terms the LVIA concludes that the impact would be limited due to the lack of inter-visibility between the solar farms proposed or operational within the study area, that is in most views not more than one farm would be seen. Views from the footpaths on Lodge Hill might allow both this site and the one to the east at Park Farm Cottage to be seen both cumulatively and sequentially. Such viewers have a high sensitivity but the screening of the sites and the non-interruption of longer views would mean that the cumulative visual affect for these footpaths would be moderately adverse at worst.

7.3.7 Relevant local policy is SP5 (countryside) which requires that development in the countryside is appropriate, respects the landscape character and biodiversity of the site and wider area and is appropriate in scale and design. In those terms the LVIA identifies some harm to rural character and appearance but quantifies them as low in the main. The principal of the scheme is acceptable subject to compliance with NLDP Policy CE10 (renewable energy). National Policy notes at Paragraph 3.15 of TAN 6 '*other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported*'. This supports the view that the visual impacts of solar farms should be given relatively little weight in planning considerations. As noted in this case the impacts are assessed as being low in any case. The principle visual adverse impact is upon users of the bridleway where a major adverse and therefore significant impact is anticipated. However the affected stretch is relatively short being approximately 350m and in overall terms this is not considered to be significantly harmful to the utility of the bridleway. Overall it is considered that the harms to visual amenity are low and the contraventions of Policies SP5 (countryside) and GP2ii (visual amenity & character and appearance) are slight and should attract little weight in the overall consideration.

7.4 Impact on agricultural land / availability of other sites

- 7.4.1 The applicant has provided an Agricultural Land Classification survey which concludes the land is in a mixture of grades tending from Grade 3a (29%) in the west of the site into Grade 3b (47%) and then into Grade 4 (24%) on the east of the site near the stream. Only Grade 3a is classed as best and most versatile land and benefits from national and local policy protection. As such 71% of the site is outside of the protected grades. It should also be noted the Grade 3a land is formed of two discrete parcels located in the two separate fields that form the site. It seems unlikely this site could be farmed up to Grade 3a potential given the small amount of and separation of the Grade 3a land significantly limiting the loss of agricultural potential.
- 7.4.2 It should also be noted that appeal decisions at Llanvapley in Monmouthshire and Court Farm in Newport have confirmed in the event that the applicant demonstrates lower grade sites were not meaningfully available and the development can be reversed then Inspectors have judged this means national policy is complied with. In this case the applicant has prepared a 'Sequential Analysis Study' which considers the availability of sites for this development. The assessment only considers the administrative area of Newport given the proposal is of small scale and of local significance only. The study does not consider sites in grade 3 (since the national ALC maps do not distinguish between grades 3a & 3b meaning that these two grades cannot be distinguished other than by direct sampling which is accepted as unduly onerous). The study area is also limited by the availability of a 'point of connection' to the grid and the length of the connection cable (greater length reduces viability). Within the area of search there will only be a certain number of acceptable sites which must be large enough, south facing, accessible and not unduly limited by other development management constraints such as bio-diversity or landscape impacts. The Court Farm appeal confirmed that a 'broad brush' approach on this point is acceptable i.e. it was legitimate to discard a site in a SSSI without analysing in detail whether the proposal could have been accommodated within that constrained site. In short a site without that constraint is preferable. It should be noted there is no national or local guidance as to how these assessments are carried out and a proportionate and reasonable approach should be settled upon.
- 7.4.3 The applicant notes that a viable grid connection has been secured in area where network capacity is constrained and considers that a cable run of 1Km is acceptable with any further being unviable. However the whole area of Newport has been considered for alternative sites.
- 7.4.4 In terms of greenfield sites in ALC grades 4 & 5 the applicant identified 8 Assessment Areas where a solar farm might be accommodated, some of these comprised multiple sites (19 sites in total). They were discounted for varying reasons including inadequate site area, poor access, location within a SSSI, proximity to a Scheduled Ancient Monument, proximity to Listed Buildings, Historic Landscapes or Special Landscape Areas, high levels of visibility to dwellings or recreational routes or no viable grid connection within a suitable distance. Overall the study concludes no sites in lower agricultural grading were appropriate for the proposed development and available; this allows the default to the proposed site.
- 7.4.5 In terms of decommissioning the applicant has provided a 'Construction, Decommissioning and Traffic Management Statement'. This considers construction point to safeguard the agricultural potential of the site in the future and discusses the decommissioning. Specific points are:
- management of top soil during construction and careful backfilling of trenches;
 - careful removal of materials on site including buried cables and backfilling of trenches and footings.

- 7.4.6 The Llanvapley and Court Farm appeals confirm that Inspectors are satisfied that solar farms are fully reversible developments with no long term adverse impact on agricultural potential. Nor is the loss of agricultural land for a 'long' temporary period of 25-30 years considered to be an unacceptable harm to agricultural productivity. As such the proposal is considered to comply with national policy in relation to the best and most versatile agricultural land. NLDP Policy GP5iv (loss of high quality agricultural land) requires that the most versatile agricultural land should neither be lost or reduced in quality. It is clear that in this case the proposal will reduce the agricultural potential of the land for the lifetime of the development but not beyond that. However the harm is small given the small areas of BMV land that will be temporarily developed and given the concerns over its existing agricultural potential currently. Any harm to Policy GP5iv is slight and would not warrant significant weight in the opinion of officers.
- 7.4.7 NLDP Policy CE10 (renewable energy) favours renewable generation subject to a consideration of other relevant factors. The policy allows development outside of the urban area if there are no appropriate brownfield sites available. The applicant's 'Sequential Analysis Study' addresses this issue and considers what brownfield sites are available and the potential for rooftop installations. A series of sites are identified including former landfill sites. The technical difficulty of bringing capped landfill sites forward is noted (risk to breaking the cap and allowing and uncontrolled release of ground gas or other pollution). The identified sites are discounted for various reasons including site area, allocation for other higher value landuses in the NLDP, distance from point of connection, the site's aspect, or its existing landuse (e.g. recreational use). Rooftop space is discounted due to roof size (too small), level of separation in the case of multiple roofs or separation into multiple ownerships making site assembly difficult. The applicant concludes no site within the urban area can accommodate the proposal meaning that Policy CE10 is complied with.
- 7.5 Impact on Archaeology & the Historic Environment
- 7.5.1 The applicant has considered the impact on archaeology by producing an 'Archaeological Desk Based Assessment' and an 'Archaeological Geophysical Survey'. They have also submitted a 'Historic Environment Settings Impact Assessment' to consider the impact of the proposal on the setting of any archaeological remains / Scheduled Ancient Monument.
- 7.5.2 Recorded archaeology on or near the site relates to two tracks one at the northern end of the site and one along the western boundary which are thought likely to relate the medieval deer park that occupied the site. These features would not be affected by the development of the site. There is some potential for Roman or Medieval artefacts to be found on the site. The Geophysical survey found some anomalies but concluded that there was a low potential for unrecorded archaeology to be present on the site. GGAT has been consulted and the Trust does not object subject to the application of a planning condition requiring a watching brief to be carried out during works of ground disturbance. It is considered that NLDP Policy CE6 (archaeology) is complied with.
- 7.5.3 It is considered that the proposal can proceed and relevant archaeological impacts can be mitigated as required and that the proposal is compliant with local and national policy in regard to this issue.
- 7.5.4 In terms of the settings of any archaeological resource the key issue is the relationship between the Lodge Hill Fort (Scheduled Ancient Monument) and the site. Planning Policy Wales confirms the setting of a Scheduled Ancient Monument to be a material planning consideration. The applicant's assessment concludes there would be no material harm to the setting of the fort since the impact of the proposal would be negligible and mitigated by proposed planting.
- 7.6 Impact on trees & hedgerows

- 7.6.1 The applicant has submitted a tree survey in support of the application. The tree survey identifies the key tree and hedge features on the site and identifies the appropriate root protection zones for those features. Slight adjustments to the site layout were made to accommodate the necessary root protection zones. The Tree Officer has no objection to the proposal which is considered to be in accordance with LDP Policy GP5vii (tree retention).
- 7.6 Benefits of the scheme
- 7.7.1 Renewable electricity generation: Planning Policy Wales is clear at Paragraphs 12.8.8 & 12.8.9 that the Welsh Government is committed to using the planning system to tackle climate change by optimising the use of low carbon / renewable energy. Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy to help to tackle the causes of climate change. As such national policy sees significant benefits in renewable generation. The renewable electricity generation provided by the scheme is the key benefit and should be given significant weight. The provision of renewable energy is supported by NLDP Policy CE10 where schemes are required to be considered favourably subject to other development management considerations being acceptable.
- 7.7.2 Bio-diversity enhancements: The scheme will provide the following bio-diversity enhancements which can be secured under condition. These are outlined in the submitted Bio-diversity Management Plan as follows:
- Hedgerow planting and hedgerow strengthening (southern and western boundaries)
 - Tree planting
 - Meadow creation (two areas)
 - Bird and bat boxes (six of each)
 - Appropriate Management regime.
- 7.7.3 Technical Advice Note 5 (Nature Conservation) allows for ecological enhancement and mitigation in development management decisions at Paragraph 4.1.1. Paragraph 4.6.4 of the same TAN confirms that conditions can be used to secure enhancement of habitats. In short habitat enhancement and the securing of that enhancement through conditions is enshrined in national policy. As such the proposed enhancements are material to the consideration and can be secured. The proposed enhancements weigh in favour of the proposed scheme and bring it into compliance with NLDP Policy SP9 (conservation of the natural, historic and built environment).
- 7.6.1 Minor Issues
- 7.8.1 Traffic management and public rights of way: There has been no objection to the proposal on highway grounds. Delivery via the constrained road network in Caerleon is not desirable and a construction traffic routing can be conditioned as part of any approval. Part of the delivery route is along a Public Right of Way, again a traffic management plan can be conditioned to protect this route during construction. Similar safeguards can be put in place to protect the utility of the bridleway during construction. No significant harm to the public right of way network is anticipated during construction, operation or decommissioning of the solar farm.
- 7.8.2 Community Benefit: The applicant has offered a Community Benefit fund. This is not a material planning consideration and is of no relevance to this planning decision. The Council's stance on these matters is that they are arrangements between the applicant and a third party representative of the Community. The Council does not secure these benefits via section 106 of the Town & Country Planning Act (as amended) and currently considers such an arrangement to be contrary to the requirements of Section 122 of the Community Infrastructure Levy Regulations 2010.

- 7.8.3 Pollution: There is no reason to think the installation, operation and de-commissioning of the solar farm will provide any significant risk of pollution and this matter should be given little to no weight.
- 7.8.4 Drainage: The applicant has proposed a series of swales to deal with run-off on the site. There is no indication that the proposal will cause any appreciable increase in run-off and that any additional drainage measures are required. Additional ground works are not desirable in terms of the reversibility of the scheme; as such it is proposed to control the implementation of drainage via condition to allow the applicant the opportunity to propose alternative or no additional drainage provision on the site.
- 7.9 Planning Balance
- 7.9.1 This assessment identifies significant harm to the openness of the green wedge, minor harm to character and appearance (with significant harm to a short stretch of the bridleway being identified) and compliance with other relevant policies. Significant benefits arise from the renewable generation and some benefit from the bio-diversity enhancement (the hedge planting and tree planting is required to mitigate identified landscape harms in any event).
- 7.9.2 The applicant has provided two appeal decisions in support of his application. These appeals confirm that solar farms are capable of meeting the 'very exceptional' test outlined in Planning Policy Wales thereby allowing inappropriate development in the green wedge to come forward. In short harm to the green wedge is capable of being outweighed by other material considerations relevant to the decision being made.
- 7.9.3 The Rowles Farm decision related to green belt land in Oxfordshire, north of Oxford. In that case the Inspector concluded that the limited harm to the character and appearance of the area in combination with the benefits of renewable electricity generation and the improved viability and stability of a rural business would outweigh the harm to the green belt and would amount to very exceptional circumstances. A second appeal near Upminster in Essex concluded there was no or little harm to landscape character and that loss of agricultural land for 25 years should be given little weight. There was no harm to users of the nearby Motorway via glare and glint and that the bio-diversity merits of the scheme in an identified wildlife corridor in combination with the renewable electricity generated by the scheme would offset the harm to the openness of the green belt. These decisions confirm that solar farms in green belt / green wedge are inappropriate development but that this is not a moratorium upon their development subject to there being a clear planning balance in their favour, amounting to the very exceptional circumstances. Ultimately this is a matter of planning judgement.
- 7.9.4 In this case the Planning Policy Manager has objected to the proposal as inappropriate development in the green wedge. The identified harm is to the openness of the green wedge. Other harms have been quantified as minor. For example there is no significant harm to character and appearance beyond a short stretch of the bridleway. As such the key consideration is whether the harm to openness is outweighed by the benefits of renewable electricity generation and the bio-diversity enhancements of the scheme. As noted this is a matter for the decision maker and in this instance the harm to openness is mitigated by the visual enclosure of the site. It is concluded that the benefits of the renewable energy in combination with the ecological benefits of the scheme and its very limited harm to other interests do amount to very exceptional circumstances required for permission for inappropriate development to be granted in this instance. However this is a very finely balanced decision and the above conclusions would not automatically be replicated in the case of other similar applications in the green wedge / green belt where for example the extent of visual and landscape harm could be significantly greater.

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

8.2 ***Equality Act 2010***

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

8.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

8.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

8.6 ***Planning (Wales) Act 2015 (Welsh language)***

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

9. **CONCLUSION**

9.1 The proposal is acceptable subject to the following conditions.

10. **RECOMMENDATION**

Granted with Conditions

Plans Condition

01 The development shall be implemented in accordance with the following plans and documents:

- Drawing L0374-14 C – Site Layout and Planting Proposals
- Drawing - Road_Cross_Section
- Drawing CCTV_01 – CCTV Pole Details
- Drawing CSR_01 – Client Side Substation Details
- Drawing CB_01 – Communications Building Details
- Drawing – DEER FENCE- Inc MAMMAL GATE
- Drawing DNO_01 – DNO Building Details
- Drawing XXX_01_A – GRP Cabinet
- Drawing TD_01 – Transformer Details
- Drawing ID_01 – Inverter Details
- Drawing TC_01 – Toilet Cabinet

- Drawing TYP_P_E_3L – Typical Panels Elevation 3 Landscape
- Drawing SITE_AUX_TRANSFORMER_01 - SITE_AUX_TRANSFORMER_PLANS+ELEVATIONS
- Drawing SB_01 – Storage Building Details
- Drawing PFB_01_Rev5 – Park Farm Caerleon West_Proposed_Layout_Rev3
- Drawing – Park Farm Caerleon West – Site Access & Location Plan
- Drawing L0374_20 – Tree Protection Plan

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

Pre-commencement conditions

02 ROOT PROTECTION DETAILS: No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until Root Protection Barrier fencing to the standard described in British Standard (BS 5837:2012) has been installed around the root protection areas identified in Drawing L0374_20 (Tree Protection Plan). No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Areas defined by the fencing. The fencing shall be retained for the full duration of the construction phase of the development, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To protect important landscape features within the site.

03 CONSTRUCTION METHOD STATEMENT: Development shall not be begun until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The construction method statement shall set out details of all on-site construction works; post-construction reinstatement; drainage; mitigation; and other restoration, together with details of their timetabling. It shall include details of, and measures to secure:

- (a) the phasing of construction works;
- (b) the formation and position of the temporary construction compound;
- (c) dust management and suppression;
- (d) cleaning of site entrance, facilities for wheel washing and cleaning the adjacent public highway;
- (e) pollution control, including the protection of water courses and ground water; subsoil surface water drainage; bunding of fuel storage areas; sewage and foul water drainage and disposal; and emergency procedures and pollution response plans;
- (f) temporary site illumination during the construction period;
- (g) the methods to be adopted to reduce the effects of noise occurring during the construction period to the lowest practicable levels and in accordance with BS 5228: Noise control on construction and open sites;
- (h) storage of materials and disposal of surplus materials;
- (i) the construction of the access into the site, the erection of any entrance gates and the creation and maintenance of associated visibility splays;
- (j) access tracks and other areas of hardstanding, including areas of temporary road matting;
- (l) the carrying out of foundation works, including the foundation of the solar arrays and any other structures to be installed on the site;
- (m) method of working cable trenches, including soil storage and back-filling;
- (n) general soil storage and handling;
- (o) post-construction restoration/reinstatement of the working areas, including cable trenches and area covered by any matting;

(p) the sheeting of all heavy goods vehicles construction materials to, or spoil from, the site to prevent spillage or deposit of any materials on the highway;

(q) details of the vehicles to be used on the site during construction activities

(r) A qualified Arboriculturalist shall oversee the project (to perform a Watching Brief) for the duration of the development and shall be responsible for:

- Supervision and monitoring of the approved Root Protection Details;
- Supervision and monitoring of the approved tree felling and pruning works;
- Supervision of the alteration or temporary removal of any Barrier Fencing;
- Oversee working within any Root Protection Area;
- Reporting to the Local Planning Authority;
- The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at monthly intervals - commencement to be agreed by the Council's Tree Officer.

The works shall proceed in full accordance with the agreed construction method statement. Reason: to protect the interests of the rural character of the area including tree and hedge interests, the integrity and safety of the highway network and to protect the amenity of residents and to ensure the site can be restored to agricultural use.

04 ARCHAEOLOGY: No development, to include demolition, shall take place until the implementation of a programme of archaeological work has been secured 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 and features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

Other conditions requiring the submission of information

05 CONTROL OF RUN-OFF WITHIN THE SITE: Notwithstanding the submitted drainage details no means to intercept, store or otherwise dispose of surface water shall be implemented on the site until a scheme of surface water drainage has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented fully as agreed prior to the 'first export date' and shall be retained until the solar farm is decommissioned.

Reason: to ensure any ground disturbance is the minimum required to deal with surface water drainage in the interests of site restoration.

06 LANDSCAPING AND BIO-DIVERSITY: Prior to the first export date full details of landscaping and bio-diversity enhancements shall be submitted to the local planning authority. These shall include:

- Details of bat and bird boxes and their proposed locations;
- Details of seed mixes for wildflower meadows, planting density and locations;
- Details of species mix and planting density for proposed new hedges and hedge strengthening and their location;
- Details of species, location and size of trees to be planted and their location;
- A plan for the implementation of the landscaping & bio-diversity enhancements including timescales for actions; short, mid and long term management arrangements for landscaping and bio-diversity on the site, bio-diversity targets and monitoring schedules, the reporting of monitoring data to the Council and contingency plans for the agreement (with the Council) for the implementation of ameliorative action in the event stated bio-diversity targets are not met.

Reason: to ensure landscape harms are mitigated and stated bio-diversity benefits of the scheme accrue in the public interest.

07 DECOMMISSIONING – Decommissioning and restoration: Not later than 12 months before the expiry of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the solar panels and all other associated equipment & paraphernalia and the subsequent restoration of the site. The scheme shall include details of:

- the extent of equipment and foundation removal and the site restoration to be carried out;
- the management and timing of any works;
- a traffic management plan to address likely traffic impact issues during the decommissioning period;
- an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife, habitats and tree features on the site;
- identification of access routes;
- location of material laydown areas;
- full details of the removal of the solar arrays, associated buildings and plant, any trackways and sub-surface cabling and all associated works of ground restoration including trench backfilling;
- full details of all works to restore the land to allow for agricultural production following the removal of structures from the site;
- a programme of implementation.

The approved scheme shall be implemented within 12 months of the expiry of this permission and shall proceed fully in accordance with the agreed details of the decommissioning programme.

Reason: to ensure the site is fully restored to allow agricultural use and to maintain the rural appearance of the area.

08 REPAIR, REPLACEMENT AND REMOVAL OF SOLAR FARM: If the solar farm hereby permitted fails to produce electricity for supply to the grid for a continuous period of 6 months, a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 6 month period for the repair or removal of the solar farm. Where repairs or replacements are required the scheme shall include a proposed programme of remedial works. Where removal of the solar farm is required the scheme shall include the same details required under condition 07) of this permission. The relevant scheme shall thereafter be implemented in accordance with the approved details and timetable.

Reason: to ensure the solar farm beneficially generates electricity or is otherwise removed to the benefit of the openness of the green wedge, character and appearance of the area and the agricultural potential of the site.

09 LIFETIME OF THE PROPOSAL: the permission hereby granted shall expire 30 years from the date when electrical power is first exported ('first export date') from the solar farm to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event.

Reason: the proposed scheme has a 30 year lifespan.

10 TRAFFIC MANAGEMENT PLAN: No HGV shall access the site until details of a traffic management plan (TMP) have been submitted to and approved in writing by the Local Planning Authority. The TMP shall include details of:

- A delivery route to the site;
- Temporary signage;
- Details of temporary traffic management measures, such as traffic lights;

- Measures to preserve the integrity and amenity of the local public rights of way network;
- All other measures to be taken to ensure the site can be accessed safely and with minimum disruption to the public highway including any public rights of way.

Reason: to protect the integrity and safety of the highway and public rights of way network.

Directive conditions

11 LIGHTING: There shall be no permanent illumination other than the lighting identified in this submission which shall be operated as described unless otherwise agreed in writing by the local planning authority.

Reason: to protect the rural character of the site.

12 REPTILES & AMPHIBIANS: All works shall proceed in accordance with the details provided at Appendix 1 of the Park Farm West Solar Farm Bio-diversity Management Plan (November 2015).

Reason: to protect the interest of reptiles and amphibians during the construction phase of the scheme.

NOTE TO APPLICANT

01 Non-conditioned documents submitted with this application were: Planning, Design and Access Statement, Park Farm West Caerleon – Landscape Appraisal (and appendices), Archaeological Desk Based Assessment (August 2015), Historic Environment Settings Impact Assessment (September 2015), Sequential Analysis Study (September 2015), Transport Statement (September 2015), Construction Decommissioning and Traffic Management Method Statement (September 2015), Archaeological Geophysical Survey (2015), Appeal Decision B5480/A/14/2227508, Appeal Decision C3105/A/13/2207532, Agricultural Land Classification (August 2015), Bio-diversity Management Plan (November 2015), Drainage Strategy, Preliminary Ecological Appraisal & Statement of Community Involvement (August 2015) & Tree Survey Report (November 2015).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP5, SP7, SP9, GP1, GP2, GP3, GP5, GP6, GP7, CE6, CE10 & T7 were relevant to the determination of this application.

03 As of 1st October 2012 any connection to the public sewerage network (foul or surface water sewerage) for the first time will require an adoption agreement with Dwr Cymru Welsh Water. For further advice contact Dwr Cymru Welsh Water on 01443 331155.

04 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

11.0 REASON FOR SITE VISIT

11.1 This application was considered at the Planning Committee meeting of the 06 January 2016. At that meeting the Committee resolved to make a full Committee Site Visit to view the application site. The reason given for the site visit was:

'For Members to gain a better understanding on the impact of the proposed development being built of the designated green wedge on the surrounding area. Site inspection to be undertaken on a date following Member Training on 4 February, 2016'.

APPLICATION DETAILS

No: 15/0903 **Ward:** CAERLEON

Type: FULL (MAJOR)

Expiry Date: 12-NOV-2015

Applicant: LIGHTSOURCE SPV 212 LIMITED

Site: LAND TO THE WEST OF PARK FARM COTTAGE, MALTHOUSE LANE, CAERLEON NP18 3PB

Proposal: *INSTALLATION AND OPERATION OF A 5 MW SOLAR FARM AND ASSOCIATED INFRASTRUCTURE, INCLUDING PHOTOVOLTAIC PANELS, MOUNTING FRAMES, INVERTERS, TRANSFORMERS, SUBSTATION, COMMUNICATIONS BUILDING, ACCESS TRACKS, FENCING AND POLE MOUNTED CCTV CAMERAS (AFFECTING FOOTPATHS ST395W-131 AND ST395W-132)*

Recommendation: **Granted with Conditions**

1. INTRODUCTION

- 1.1 The application is for a solar farm on 11.19Ha of land to the west of Park Farm Cottage, Malthouse Lane, Caerleon. The site consists of three agricultural fields which slope gently from south to north and are orientated in a northerly direction. The site is bordered to the north by a small stream. Other boundaries consist of hedges with substantial trees being present. The site will be accessed by a gravelled track leading from Malthouse Lane to Park Farm. The proposed lifespan of the scheme is 30 years.
- 1.2 The proposed solar farm will generate up to 3.41MW of electricity which would typically power 1200 houses. The panels will be mounted on frames and will be 0.8m high at the front and up to 2.2m high at the back. The panels will be angled at 25 degrees to catch the sun. The frames will be driven into the ground to a depth of 1.5m and will be 'H' or 'Z' in profile. The direct current from the panels will be converted to alternating current in a series of inverters housed in three buildings that will be 2.9m high with a footprint of 4.4 x 1.5m. Three transformers will be needed to step up the current and they will have associated switchgear. The transformer is either sited in a building similar to that for the inverters or is kept as free-standing plant. Two electrical substations are required to connect the farm to the grid. One of the substations will require lighting in the event of a breakdown. No other lighting is proposed.
- 1.3 The site will be secured by a 2m deer fence (timber posts and mesh), 14 No. security cameras on 2.4 poles will be installed. Other buildings required are a Communications Building (2.5m high with a footprint of 3.6m x 3.0m) which facilitates the remote monitoring of the site, a composting toilet and storage shed. There will be 11 structures / items of plant in total on the site. Swales are proposed to provide drainage. Approximately 23% of the site will be covered in solar panels, tracks or other development. 150m of track will be built on the site with a width of 4m. The rest will be retained as grass which can allow for sheep grazing. A programme of bio-diversity enhancement is proposed to include hedgerow infill planting, tree planting, grassland creation (including a wildflower margin around the perimeter of the site), bird and bat boxes and log/brush piles for reptiles and invertebrates.

2. RELEVANT SITE HISTORY

None.

3. POLICY CONTEXT

3.1 Planning Policy Wales (Edition 7) July 2014

Paragraph 4.8.10 **Local designations such as green wedges** may be justified where land is required to serve the same purpose to a Green Belt (see 4.8.3), but these designations do not convey the permanence of a Green Belt.

Paragraph 4.8.14 - When **considering applications for planning permission in Green Belts or green wedges**, a **presumption against inappropriate development** will apply. Local planning authorities should attach substantial weight to any harmful impact which a development would have on a Green Belt or green wedge.

Paragraph 4.8.15 - Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accord with the plan. These very exceptional cases would therefore be treated as departures from the plan.

Paragraph 4.8.16 - The construction of new buildings in a Green Belt or in a locally designated green wedge is inappropriate development (other than in particular identified circumstances).

Paragraph 4.8.18 - Other forms of development would be inappropriate development unless they maintain the openness of the Green Belt or green wedge and do not conflict with the purposes of including land within it.

Paragraph 4.10.1 - In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

Paragraph 12.8.1 - The UK is subject to the requirements of the EU Renewable Energy Directive. These include a UK target of 15% of energy from renewables by 2020. The UK Renewable Energy Roadmap sets the path for the delivery of these targets, promoting renewable energy to reduce global warming and to secure future energy supplies. The Welsh Government is committed to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of our approach to tackling climate change whilst enhancing the economic, social and environmental wellbeing of the people and communities of Wales in order to achieve a better quality of life for our own and future generations. This is outlined in the Welsh Government's Energy Policy Statement *Energy Wales: A Low Carbon Transition* (2012).

Paragraph 12.8.6 - The Welsh Government's aim is to secure an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts. This forms part of the Welsh Government's aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient

use of natural resources, both as an economic driver and a commitment to sustainable development.

Paragraph 12.8.8 - The Welsh Government is committed to using the planning system to:

- optimise renewable energy generation;
- optimise low carbon energy generation;
- facilitate combined heat and power systems (and combined cooling, heat and power) where feasible; and
- recognise that the benefits of renewable energy are part of the overall commitment to tackle climate change by reducing greenhouse gas emissions as well as increasing energy security.

Paragraph 12.8.9 - Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy to help to tackle the causes of climate change. Specifically, they should make positive provision by:

- considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;
- ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations.

Paragraph 12.8.10 - At the same time, local planning authorities should:

- ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed;
- ensure that mitigation measures are required for potential detrimental effects on local communities whilst ensuring that the potential impact on economic viability is given full consideration.

Paragraph 12.10.1 - In determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:

- the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- the impact on the natural heritage, the Coast and the Historic Environment;
- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- ways to avoid, mitigate or compensate identified adverse impacts;

- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts;
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal.

Paragraph 12.10.3 - Developers for renewable and low carbon energy developments should seek to avoid or where possible minimise adverse impacts through careful consideration of location, scale, design and other measures.

3.2 Technical Advice Note 6

3.2.1 Paragraph 6.2.1 - When preparing development plans and considering planning applications, planning authorities should consider the quality of agricultural land and other agricultural factors and seek to minimise any adverse effects on the environment.

3.2.2 Paragraph 6.2.2 - Planning authorities should bear in mind that, once land is built on, the restoration of semi-natural and natural habitats and landscape features is rarely possible and usually expensive, and archaeological and historic features cannot be replaced. Also, once agricultural land is developed, even for 'soft' uses such as golf courses, its return to agriculture as best and most versatile agricultural land is seldom practicable.

3.2.3 Paragraph 6.2.3 - Agricultural land is classified by grades according to the extent to which its physical or chemical characteristics impose long term limitations on agricultural use for food production. There are 5 grades of land numbered 1 to 5, with grade 3 divided into two sub-grades. The best and most versatile land falls into grades 1, 2 and sub-grade 3a and is the most flexible, productive and efficient in response to inputs.

3.2.4 Paragraph 6.2.4 - The Agricultural Land Classification (ALC) map for Wales is published at a scale of 1:250,000. This map is produced for use in strategic planning and provides only a generalised indication of the distribution of land quality. The map is not suitable for use in evaluating individual sites. In such cases a resurvey at a larger scale is necessary to obtain a definitive grade.

3.2.5 Paragraph 6.2.5 - The nature of other development and its proximity to farms can influence the type of farming and the extent to which inherent land quality can be exploited. Certain locations may have agricultural advantages such as accessibility to markets, processing plant and certain industries associated with agriculture. Farms with development close to them tend to suffer from trespass and other forms of disturbance which may affect the efficiency and upkeep of holdings. It may be possible to reduce any detrimental effects of development by locating compatible uses adjacent to farm land, by landscaping or by detailed provision of amenity space and green corridors in the layout of residential development. Technical Advice Note 6: Planning for Sustainable Rural Communities.

3.2.6 Paragraph 6.2.6 - Farms vary considerably in size, type of farm business and layout. The loss of part of a holding can have important implications for the remainder. The effect of severance and fragmentation upon the farm and its structure may be relevant.

3.3 Technical Advice Note 8 – Planning for Renewable Energy (July 2005)

3.3.1 Paragraph 2.16 - Experience has shown that there are opportunities to achieve community

benefits through major wind farm development. Some benefits can be justified as mitigation of development impacts through the planning process. In addition, developers may offer benefits not directly related to the planning process. Annex B provides further information and examples about the types of community benefit which have been provided. Local planning authorities, where reasonably practical, should facilitate and encourage such proposals. The Welsh Development Agency, and others can support and advise on community involvement in developing renewable energy and benefiting from it. Local planning authorities should make clear in their development plans the scope of possible “planning contributions”. However, such contributions should not enable permission to be given to a proposal that otherwise would be unacceptable in planning terms.

3.3.2 Paragraph 3.15 - Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported.

3.3.4 Annex B of TAN 8

Paragraph 2.1 - It is perfectly acceptable for a business to enter into a legally binding agreement with third parties to deliver particular and agreed benefits to the community. Many local planning authorities would be more comfortable with this approach as it separates, more clearly, community benefits from the planning decision. It is important that the developer is able to identify suitable local representative people or organisations with whom it can negotiate. If there are funds to be administered then an appropriately constituted and regulated body must be identified or created.

3.4 Practice Guidance – Planning Implications of Renewable Energy and Low Carbon Energy (February 2011)

Paragraph 8.4.16 - In view of the national policy support for farm diversification and the relatively large area of land required for solar PV arrays it is likely that a significant proportion of proposals for solar PV arrays will be on agricultural land. Both the use of natural resources (such as high quality agricultural land) and the reversibility of a development are factors in determining if EIA is required.

Paragraph 8.4.17 - In addition to avoiding the best and most versatile agricultural land, other possible mitigation includes taking steps to enhance the reversibility of the development (e.g. by use of removable mats rather than permanent access tracks and use of ground screws rather than buried concrete foundations to anchor solar arrays) and avoiding soil compaction or contamination during construction and maintenance.

3.5 ADOPTED NEWPORT LOCAL DEVELOPMENT PLAN 2013-2028

Policy	Text
SP1 Sustainability	Proposals will be required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary. they will be assessed as to their potential contribution to: ii) the reuse of previously developed land and empty properties in preference to greenfield sites; iv) reducing energy consumption, increasing energy efficiency and the use of low and zero carbon energy sources;
SP5 Countryside	Development in the countryside (that is, that area of land lying beyond the settlement boundaries shown on the proposal and inset maps) will only be permitted where the use is appropriate in the countryside, respects the landscape character and biodiversity of the immediate and surrounding area and is appropriate in scale and design. Housing development, rural diversification and rural enterprise uses, beyond settlement boundaries, will only be appropriate where they comply with national planning policy.

SP7 Green Wedges	Green wedges have been identified in order to prevent coalescence between the following settlements: iv) Caerleon and Cwmbran. Within these areas development which prejudices the open nature of the land will not be permitted.
SP9 Conservation of the Natural, Historic and Built Environment	The conservation, enhancement and management of recognised sites within the natural, historic and built environment will be sought in all proposals.
GP1 General Development Principles – Climate Change	Development proposals should: ii) be designed to minimise energy requirements and incorporate appropriate renewable, low or zero carbon energy sources, including on-site energy provision where practicable;
GP2 General Development Principles – General Amenity	Development will be permitted where, as applicable: i) there will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality; ii) the proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;
GP3 General Development Principles – Service Infrastructure	Development will be permitted where, as applicable: i) necessary and appropriate service infrastructure either exists or can be provided;
GP5 General Development Principles – Natural Environment	Development will be permitted where, as applicable: ii) the proposals demonstrate how they avoid, or mitigate and compensate negative impacts to biodiversity, ensuring that there are no significant adverse effects on areas of nature conservation interest including international, European, national, Welsh Section 4233 and local protected habitats and species, and protecting features of importance for ecology; v) there would be no unacceptable impact on landscape quality; vii) the proposal includes appropriate tree planting or retention where appropriate and does not result in the unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value.
GP6 General Development Principles – Quality of Design	Good quality design will be sought in all forms of development. the aim is to create a safe, accessible, attractive and convenient environment. in considering development proposals the following fundamental design principles should be addressed: i) context of the site: all development should be sensitive to the unique qualities of the site and respond positively to the character of the area; iv) scale and form of development: new development should appropriately reflect the scale of adjacent townscape. care should be taken to avoid over-scaled development;
GP7 General Development Principles – Environmental Protection and Public Health	Development will not be permitted which would cause or result in unacceptable harm to health because of land contamination, dust, instability or subsidence, air, heat, noise or light pollution, flooding, water pollution, or any other identified risk to environment, local amenity or public health and safety.
CE6 Archaeology	Development proposals will normally be required to undertake an archaeological impact assessment before the proposal is determined:

	<p>i) where groundworks and/or the installation of services are proposed within the archaeologically sensitive areas of Caerleon, the levels, lower Machen and the city centre , or;</p> <p>ii) within other areas of recognised archaeological interest.</p>
CE10 Renewable Energy	Small scale micro-generation will be encouraged within the settlement boundary. Large scale proposals may be more appropriately located outside of the defined settlement boundary if no appropriate brownfield sites exist.
T7 Public rights of Way and New Development	Any public footpath, bridleway or cycleway affected by development proposals will require retention or the provision of a suitable alternative. Provision of additional routes, where appropriate, will be sought in new developments, with linkages to the existing network.

3.6 OTHER LOCAL DOCUMENTS

3.7 Renewable and Low Carbon Energy Assessment (May 2013)

This report has been produced by Verco as a joint study for Torfaen County Borough Council and Newport City Council on behalf of the Carbon Trust in Wales. The purpose of the study is to provide an evidence base for the potential development of renewable and low carbon energy within the two local authorities, to examine the low carbon potential for strategic development sites and explore strategic leadership opportunities. Chapter 12 - There is a significant resource potential for **land based solar PV** systems across the authority. The coastal areas have the best levels of irradiation, however all plots are 3km or more from the coast primarily due to ecological and agricultural constraints.

Areas of the City Council's Administrative Area are identified that have good potential for ground mounted solar PV arrays. Only land in agricultural grades 4 and 5 were included and then areas which suffered from other constraints such as sites designated for their landscape, ecological or heritage value were excluded as were areas of common land. Other considerations were made in regard to aspect, slope, competing landuses and the viability of grid connection to arrive at an area of viable solar development.

Figure 57 identifies areas with good potential for Ground Mounted Solar PV. It is not clear if the application site is within such an area due to quality.

4. CONSULTATIONS

4.1 YMDDIRIEDOLAETH NATUR GWENT / GWENT WILDLIFE TRUST: GWT doesn't have any objection to the planting plans or management proposals, and welcome the increased areas for wildflower planting and other biodiversity enhancement. We are, however concerned that 10 years of management will go completely to waste if the site is not managed or managed inappropriately for the following 20 years.

We would therefore encourage commitment from the developer to manage the site for the operational life of the developments if possible.

4.2 GLAMORGAN & GWENT ARCHAEOLOGICAL TRUST:

- The submitted Desk Based Assessments and Geophysical Survey report meet current professional standards
- All ground works should be completed under archaeological supervision.
- A 'watching brief' should be secured under condition using the standard wording in Welsh Office Circular 60/96 (Section 23).

- 4.3 WELSH GOVERNMENT (RURAL AFFAIRS): Does not comment on the merit of the proposals but notes that the submitted Agricultural Land Classification Surveys are a fair and accurate assessment of the land quality of the assessed sites.
- 4.4 CYFOETH NATURIOL CYMRU / NATURAL RESOURCES WALES (CNC/NRW): We have reviewed the application and offer no objection to proposed development. However, please note that we have not considered possible effects on all species and habitats (including nesting birds) listed in Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests.

To comply with your Authority's duty under Section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your Authority's internal ecological adviser and/or nature conservation organisations such as the local Wildlife Trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for Section 42 habitats and species (www.biodiversitywales.org.uk).

The applicant should also be advised that, in addition to planning permission, it is their responsibility to ensure that they acquire all other permits/consents relevant to their development.

4.5 NETWORK RAIL:

Whilst there is no objection in principle to this proposal, the Design & Access report refers to a Swale being constructed; all surface water drainage should be directed away from Network Rail's property to the public mains system. A suitably worded condition should be added to any consent granted.

Notwithstanding the above, I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Fencing

The applicant should refer to their conveyance for any particular fencing specifications however, due to the change of use the minimum specification should be 1.8 metre high steel palisade. No encroachment to take place on Network Rail's property without prior agreement from Network Rail.

Safety barrier

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

Solar panels

We would advise that the provision of any reflective material used in the solar collecting equipment should not interfere with the line of sight of train drivers and the potential for glare or reflection of light from the panels that may impact upon signalling **must** be eliminated.

Network Rail would expect the applicant to demonstrate that the panels are either not reflective or that appropriate fencing/mitigation or other screening is erected between the railway and the solar panels to avoid this happening.

Drainage

All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:

- Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

Access points

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

In order to mitigate the risks detailed above, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

- 4.6 WESTERN POWER DISTRIBUTION: Advise of equipment in the area including high voltage overhead lines and safe working practices.
- 4.7 CADW: The proposed development is located within the vicinity of the scheduled monuments known as MM023 Lodge Wood Camp and MM044 Twm-Barlwm Mound and Bailey Castle and within the 1km Zone of Theoretical Visibility of the registered historic park and garden known as Gt20 Newport: Bryn Glas. Therefore given that only the location of the hillfort is visible and the screening effect of the vegetation means that the impact of the solar farm on the setting of MM023 Lodge Wood Camp will be very slight. The solar farm is likely to be visible in the direct view of Lodge Wood Camp from the hillfort at Twmbarlwm. As noted above this is a significant but long view and given that the solar farm will be screened by existing vegetation it is our opinion that, at worst, the proposed solar farm will have a very slight impact on the setting of MM044 Twmbarlwm. The intervening residential development and the earthworks of the A4042 will also block views of the solar farm from the registered historic park and garden of Bryn Glas.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE & CITY SERVICES (ECOLOGY): Comments as follows:
I do not object to the management plan and welcome the inclusion of a 10 year monitoring programme. Details of monitoring will need to be submitted to myself after each session of monitoring. If the monitoring identified any failed mixes or unused bat/bird boxes it may be recommended that they be moved. I will require details of the ecological liaison person who will be overseeing the works and the monitoring of the enhancements.
- 5.2 HEAD OF STREETSCENE & CITY SERVICES (LANDSCAPING): Objects since the proposal will reduce the open character of the area which is allocated as green wedge under SP7iv of the Newport Local Development Plan 2011-2026.
- 5.3 HEAD OF STREETSCENE & CITY SERVICES (PUBLIC RIGHTS OF WAY): Comments as follows:
- 5.3.1 A PROW (389/12) runs along part of the proposed access track. In addition to this, 2 additional PROW's also join the track towards the Malthouse Road end. PROW 389/17 joins from the southern side of the track and 389/18A from the northern side of the track.

- The line of each PROW (as shown on the Definitive Map) has to remain completely unobstructed and must be clear and available for safe public use at all times (including during construction/maintenance/decommissioning works – unless a temporary closure/diversion order is applied for and granted beforehand);
- The PROW users must not be endangered or disadvantaged in any way by the proposals – during construction/maintenance/decommissioning works and during the lifespan of the solar farm;
- The surface material of the PROW's must not be adversely affected;
- PROW users must be protected from any vehicles/plant associated with the construction/maintenance/decommissioning of the solar farm. The potential conflict should be risk assessed and managed accordingly.

5.4 HEAD OF STREETSCENE & CITY SERVICES (TREES): No objection.

5.5 HEAD OF LAW & REGULATION (ENVIRONMENTAL HEALTH): No objection subject to conditions including an assessment of glare and glint, a construction environmental management plan and a condition restricting noise levels at residential properties.

5.6 HEAD OF REGENERATION, INVESTMENT & HOUSING (PLANNING POLICY): Comments as follows:

- The Planning Policy objection concerning the impact of the Green Wedge allocation remains. This policy seeks to ensure there is no coalescence between Caerleon and Cwmbran. Developments which prejudice the open nature of the land will not be permitted. The development will result in built structures that will have an adverse impact on the openness of the Green Wedge which can be viewed from a number of locations. The plans show a total of 9 structures on site as well as the panels and security features. This being the case an objection is raised and the proposal is not considered compliant with local or national policy.
- A previous appeal decision noted that such development in the Green Wedge would only be supported if very special circumstances were evidenced; that is that the potential harm can be outweighed by other considerations. It is considered that evidence has not been provided to support the special circumstances in this particular case.
- The construction and demolition plan is not considered to provide evidence as to how the quality of the agricultural land is to be maintained, particularly on the area graded as 3a.
- It is not clear as to why the swales have been included. The drainage report notes that there aren't any drainage issues with the site so it is not clear why the swales are needed. Their introduction is specifically questioned on this site because of their impact on land quality (BMV status) with the movement of so much soil for the swales.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties within 100m of the application site were consulted (05 properties) and a site notice was displayed at the end of Malthouse Lane. One representation objecting was received raising the following points:

- The site is in the green wedge,
- Harm to archaeological remains both directly and in terms of setting,
- Tidal lagoons proposed for the Severn could accommodate solar and wind power installations,
- Solar farms should be on brownfield land,
- Approval would set a precedent,
- Harm to visual amenity,
- The development will prevent the use of ground radar to look for archaeology,
- The applicant did not publicise his public meeting in relation to the development effectively,
- There is grid capacity elsewhere in Newport.

6.2 COUNCILLORS: Councillor Giles has objected to the application for the following reasons:

- Erosion of the green wedge,
- The proposal is overscaled,
- It involves the construction of 5 buildings,
- There is a pollution risk,
- It is unclear who will benefit from the proposed Community Benefit.

6.3 CAERLEON CIVIC SOCIETY: Objects for the following reasons:

- The proposal is harmful to the openness of the green wedge,
- The area has the scope to contain archaeological remains and there should be a full archaeological investigation,
- The land is of good quality in agricultural terms,
- The proposal is not sustainable,
- The proposal would urbanise the two sites and is not agricultural diversification,
- Brownfield sites should be developed in preference.

7. ASSESSMENT

7.1 The key issues relevant to the determination of this application are:

- Impact of the openness of the green wedge
- Impact on Character and Appearance of the Countryside
- Impact on agricultural land / availability of other sites
- Impact on Archaeology
- Impact on trees & hedgerows
- Benefits of the scheme
 - Renewable electricity generation
 - Bio-diversity enhancements
- Minor Issues
 - Traffic management and public rights of way

- Community Benefit

7.2 Impact of the openness of the green wedge

7.2.1 Inappropriate development is precluded in the green wedge unless very exceptional circumstances apply. Appropriate development is described at paragraph 4.8.16 of Planning Policy Wales as follows:

- justified rural enterprise needs;
- essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;
- limited extension, alteration or replacement of existing dwellings;
- limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies; or
- small scale diversification within farm complexes where this is run as part of the farm business.

The proposal is none of the above and must therefore be inappropriate development in the green wedge. This stance is supported by the approach taken by various planning inspectors in recent appeals. As such permission may only be granted if very exceptional circumstances are shown to be extant.

7.2.2 PPW is clear that substantial weight should be given to any harmful impact upon a green wedge. In terms of local policy, Policy SP7 (green wedges) places a clear prohibition on development which prejudices the open nature of the land. The proposal consists of built development including a sequence of small scale structures in addition to the solar arrays. The proposal would clearly be prejudicial to openness thereby contravening local and national policy. This harm will accrue substantial weight in the balance of considerations.

7.3 Character and Appearance

7.3.1 The applicant has provided a Landscape Appraisal (Landscape and Visual Impact Assessment) which addresses the impact of the proposed solar farm on landscape character and visual amenity. The main emphasis is on an area within 2Km of the site since beyond that distance the proposal is not readily perceptible within the landscape. The site is pastoral in an area of rolling terrain. Views into the site are limited with Caerleon the most affected and nearest settlement. Views into the site are available from public rights of way in the vicinity. Special Landscape Areas lie within the 2Km study area to the north and west, both are in Torfaen. Existing field boundaries consisting of hedges and trees provide a degree of visual containment and additional strengthening planting is proposed.

7.3.2 Anticipated impacts within the LVIA are:

Topography: negligible during construction and operational phases.

Trees & Hedgerows: hedges are judged to be of medium sensitivity and trees of high sensitivity reflecting the required time to replace them. Trees and hedging are a key characteristic of the site and planting is proposed. The effect of the proposal is considered to be negligible beneficial within the vicinity of the site for trees and hedges due to the proposed planting. Pasture Land; is considered to be of low sensitivity to change but some would be lost through track construction, the overall impact on pasture is considered negligible.

7.3.3 In terms of the nearby Special Landscape Areas, the LVIA concludes that the development would not '*redefine the character of these non-statutory Landscape designations with only minor effects*'. The LVIA concludes that no Special Landscape Area would be materially

affected by the proposed development. There is no reason to disagree with this assessment.

- 7.3.4 In landscape terms the LVIA notes that the site lies within the 'Caerleon Farmlands' visual & sensory aspect area as identified in Landmap. Its overall evaluation in visual and sensory terms is moderate and it is summarised as 'Pleasant rural farmland in a good condition affected by the A4042'. The landscape assessment notes the predominant character of the site is rural. The author of the LVIA has carried out an assessment of the area and concludes it is of medium sensitivity to change and that the magnitude of the impact of the development on the landscape will be low in visual and sensory terms. This amounts to an overall impact of low adverse in significance with potential minor to moderate benefits in the future when the development is removed if additional planting is retained.
- 7.3.5 In visual terms the LVIA considers the viewpoints of various groups and makes the following conclusions:
Dwellings: views from Park Farm Cottage would be significantly altered and there would be major adverse impact on this house in visual terms. Views from other houses would be distant and restricted with no significant changes to views.
Public Highways: views would be limited to glimpses with some views available from the Malthouse Land and the Ponthir Road. Views would tend to be fleeting and limited by landforms and vegetation. The amenity of these viewers would not be adversely affected.
Public Rights of Way: Views of the development would be available from certain viewpoints but they would be transitory and infrequent and the amenity of viewers would be preserved.
Overall Conclusion: most visual impacts for most viewers will be moderate or minor when viewed from a selection of representative viewpoints. More distant views are obscured by vegetation or landform. None of the visual impacts of the proposal are significantly adverse.
- 7.3.6 In cumulative terms the LVIA concludes that the impact would be limited due to the lack of inter-visibility between the solar farms proposed or operational within the study area, that is in most views not more than one farm would be seen. Views from the footpaths on Lodge Hill might allow both this site and the one to the east at Park Farm Cottage to be seen both cumulatively and sequentially. Such viewers have a high sensitivity but the screening of the sites and the non-interruption of longer views would mean that the cumulative visual affect for these footpaths would be moderately adverse at worst in visual terms.
- 7.3.7 Relevant local policy is SP5 (countryside) which requires that development in the countryside is appropriate, respects the landscape character and biodiversity of the site and wider area and is appropriate in scale and design. In those terms the LVIA identifies some harm to rural character and appearance but quantifies them as low in the main. The principal of the scheme is acceptable subject to compliance with NLDP Policy CE10 (renewable energy). National Policy notes at Paragraph 3.15 of TAN 6 '*other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported*'. This supports the view that the visual impacts of solar farms should be given relatively little weight in planning considerations.
- 7.3.8 In this instance the impact on landscape character is assessed as low and officers consider that Policy SP5 (countryside) is complied with since landscape character is respected and the scale and design of the solar farm are acceptable within the rural context. The implicit support for solar developments in the countryside contained in NLDP Policy CE10 should be noted.
- 7.3.9 In visual terms a Major Adverse Impact on Park Farm Cottage has been identified. Policy GP2ii requires that developments are not detrimental to the visual amenities of nearby occupiers. In this case Policy GP2ii is contravened in relation to Park Farm Cottage. However views from the house towards the solar farm will be screened through existing

trees which will be retained so there will be some mitigating effect. Ultimately the harm to the visual amenities of the occupiers of this single dwelling must be weighed in the balance against the benefits of the scheme.

7.4 Impact on agricultural land / availability of other sites

- 7.4.1 The applicant has provided an Agricultural Land Classification survey which concludes the land is entirely in Grade 3a. Grade 3a is classed as best and most versatile land and benefits from national and local policy protection. As such the entire site is within the protected grades.
- 7.4.2 Appeal decisions at Llanvapley in Monmouthshire and Court Farm in Newport have confirmed in the event that the applicant demonstrates lower grade sites were not meaningfully available and the development can be reversed then Inspectors have judged this means national policy is complied with. In this case the applicant has prepared a 'Sequential Analysis Study' which considers the availability of sites for this development. The assessment only considers the administrative area of Newport given the proposal is of small scale and of local significance only. The study does not consider sites in grade 3 (since the national ALC maps do not distinguish between grades 3a & 3b meaning that these two grades cannot be distinguished other than by direct sampling which is accepted as unduly onerous). The study area is also limited by the availability of a 'point of connection' to the grid and the length of the connection cable (greater length reduces viability). Within the area of search there will only be a certain number of acceptable sites which must be large enough, have a south facing aspect (reverse slopes can be used in some cases), accessible and not unduly limited by other development management constraints such as bio-diversity or landscape impacts. The Court Farm appeal confirmed that a 'broad brush' approach on this point is acceptable i.e. it was legitimate to discard a site in a SSSI without analysing in detail whether the proposal could have been accommodated within that constrained site. In short a site without that constraint is preferable. It should be noted there is no national or local guidance as to how these assessments are carried out and a proportionate and reasonable approach should be settled upon.
- 7.4.3 The applicant notes that a viable grid connection has been secured in area where network capacity is constrained and considers that a cable run of 1Km is acceptable with any further being unviable. However the whole area of Newport has been considered for alternative sites.
- 7.4.4 In terms of greenfield sites in ALC grades 4 & 5 the applicant identified 8 Assessment Areas where a solar farm might be accommodated, some of these comprised multiple sites (19 sites in total). They were discounted for varying reasons including inadequate site area, poor access, location within a SSSI, proximity to a Scheduled Ancient Monument, proximity to Listed Buildings, Historic Landscapes or Special Landscape Areas, high levels of visibility to dwellings or recreational routes or no viable grid connection within a suitable distance. Overall the study concludes no sites in lower agricultural grading were appropriate for the proposed development and available; this allows the default to the proposed site.
- 7.4.5 In terms of decommissioning the applicant has provided a 'Construction, Decommissioning and Traffic Management Statement'. This considers construction point to safeguard the agricultural potential of the site in the future and discusses the decommissioning. Specific points are:
- management of top soil during construction and careful backfilling of trenches;
 - careful removal of materials on site including buried cables and backfilling of trenches and footings.

- 7.4.6 The Llanvapley and Court Farm appeals confirm that Inspectors are satisfied that solar farms are fully reversible developments with no long term adverse impact on agricultural potential. Nor is the loss of agricultural land for a 'long' temporary period of 25-30 years considered to be an unacceptable harm to agricultural productivity. As such the proposal is considered to comply with national policy in relation to the best and most versatile agricultural land. NLDP Policy GP5iv (loss of high quality agricultural land) requires that the most versatile agricultural land should neither be lost or reduced in quality. It is clear that in this case the proposal will reduce the agricultural potential of the land for the lifetime of the development but not beyond that. However the harm is small given the small areas of BMV land that will be temporarily developed and given the concerns over its existing agricultural potential currently. Any harm to Policy GP5iv is slight and would not warrant significant weight in the opinion of officers.
- 7.4.7 NLDP Policy CE10 (renewable energy) favours renewable generation subject to a consideration of other relevant factors. The policy allows development outside of the urban area if there are no appropriate brownfield sites available. The applicant's 'Sequential Analysis Study' addresses this issue and considers what brownfield sites are available and the potential for rooftop installations. A series of sites are identified including former landfill sites. The technical difficulty of bringing capped landfill sites forward is noted (risk to breaking the cap and allowing and uncontrolled release of ground gas or other pollution). The identified sites are discounted for various reasons including site area, allocation for other higher value landuses in the NLDP, distance from point of connection, the site's aspect, or its existing landuse (e.g. recreational use). Rooftop space is discounted due to roof size (too small), level of separation in the case of multiple roofs or separation into multiple ownerships making site assembly difficult. The applicant concludes no site within the urban area can accommodate the proposal meaning that Policy CE10 is complied with.
- 7.5 Impact on Archaeology & the Historic Environment
- 7.5.1 The applicant has considered the impact on archaeology by producing an 'Archaeological Desk Based Assessment' and an 'Archaeological Geophysical Survey'. They have also submitted a 'Historic Environment Settings Impact Assessment' to consider the impact of the proposal on the setting of any archaeological remains / Scheduled Ancient Monument.
- 7.5.2 There are no archaeological assets recorded within the site and the desk top study concludes there is a moderate potential to find Roman or Medieval remains in the site. Any remains that are found are likely to have a local or regional level of importance. There is no indication that a Roman aqueduct ran across the site. The level of ground disturbance caused by the proposal is low (approximately 1% of the site area). The Geophysical survey concluded that some magnetic anomalies in the south west of the site could indicate archaeological remains being present (infilled post holes). GGAT has been consulted and the Trust does not object subject to the application of a planning condition requiring an agreed programme of archaeological work to be carried out during works of ground disturbance. It is considered that NLDP Policy CE6 (archaeology) is complied with.
- 7.5.3 It is considered that the proposal can proceed and relevant archaeological impacts can be mitigated as required and that the proposal is compliant with local and national policy in regard to this issue.
- 7.5.4 In terms of the settings of any archaeological resource the key issue is the relationship between the Lodge Hill Fort (Scheduled Ancient Monument) and the site. Planning Policy Wales confirms the setting of a Scheduled Ancient Monument to be a material planning consideration. The applicant's assessment concludes there would be no material harm to the setting of the fort since the impact of the proposal would be negligible and mitigated by proposed planting. Other assets are too far from the site and are screened to experience any material harm.

7.6 Impact on trees & hedgerows

7.6.1 The applicant has submitted a tree survey in support of the application. The tree survey identifies the key tree and hedge features on the site and identifies the appropriate root protection zones for those features. Slight adjustments to the site layout were made to accommodate the necessary root protection zones. The Tree Officer has no objection to the proposal which is considered to be in accordance with LDP Policy GP5vii (tree retention).

7.7 Benefits of the scheme

7.7.1 Renewable electricity generation: Planning Policy Wales is clear at Paragraphs 12.8.8 & 12.8.9 that the Welsh Government is committed to using the planning system to tackle climate change by optimising the use of low carbon / renewable energy. Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy to help to tackle the causes of climate change. As such national policy sees significant benefits in renewable generation. The renewable electricity generation provided by the scheme is the key benefit and should be given significant weight. The provision of renewable energy is supported by NLDP Policy CE10 where schemes are required to be considered favourably subject to other development management considerations being acceptable.

7.7.2 Bio-diversity enhancements: The scheme will provide the following bio-diversity enhancements which can be secured under condition. These are outlined in the submitted Bio-diversity Management Plan as follows:

Hedgerow planting and hedgerow strengthening (southern and western boundaries)

Tree planting

Meadow creation (two areas)

Bird and bat boxes (six of each)

Appropriate Management regime.

7.7.3 Technical Advice Note 5 (Nature Conservation) allows for ecological enhancement and mitigation in development management decisions at Paragraph 4.1.1. Paragraph 4.6.4 of the same TAN confirms that conditions can be used to secure enhancement of habitats. In short habitat enhancement and the securing of that enhancement through conditions is enshrined in national policy. As such the proposed enhancements are material to the consideration and can be secured. The proposed enhancements weigh in favour of the proposed scheme and bring it into compliance with NLDP Policy SP9 (conservation of the natural, historic and built environment).

7.7.1 Minor Issues

7.8.1 Traffic management and public rights of way: There has been no objection to the proposal on highway grounds. Delivery via the constrained road network in Caerleon is not desirable and a construction traffic routing can be conditioned as part of any approval. Part of the delivery route is along a Public Right of Way, again a traffic management plan can be conditioned to protect this route during construction. No significant harm to the public right of way network is anticipated during construction, operation or decommissioning of the solar farm.

7.8.5 Community Benefit: The applicant has offered a Community Benefit fund. This is not a material planning consideration and is of no relevance to this planning decision. The Council's stance on these matters is that they are arrangements between the applicant and a third party representative of the Community. The Council does not secure these benefits via section 106 of the Town & Country Planning Act (as amended) and currently considers such an arrangement to be contrary to the requirements of Section 122 of the Community Infrastructure Levy Regulations 2010.

7.9 Planning Balance

- 7.9.1 This assessment identifies significant harm to the openness of the green wedge, minor harm to landscape character and major harm to the visual amenities of the occupiers of Park Farm Cottage, but no other visual harm. Other policies are complied with. Significant benefits arise from the renewable generation and some benefit from the bio-diversity enhancement (the hedge planting and tree planting is required to mitigate identified landscape harms in any event).
- 7.9.2 The applicant has provided two appeal decisions in support of his application. These appeals confirm that solar farms are capable of meeting the 'very exceptional' test outlined in Planning Policy Wales thereby allowing inappropriate development in the green wedge to come forward. In short harm to the green wedge is capable of being outweighed by other material considerations relevant to the decision being made.
- 7.9.3 The Rowles Farm decision related to green belt land in Oxfordshire, north of Oxford. In that case the Inspector concluded that the limited harm to the character and appearance of the area in combination with the benefits of renewable electricity generation and the improved viability and stability of a rural business would outweigh the harm to the green belt and would amount to very exceptional circumstances. A second appeal near Upminster in Essex concluded there was no or little harm to landscape character, loss of potential agricultural land for 25 years should be given little weight, there was no harm to users of the nearby Motorway via glare and glint and that the bio-diversity merits of the scheme in an identified wildlife corridor in combination with the renewable electricity generated by the scheme would offset the harm to the openness of the green belt. These decisions confirm that solar farms in green belt / green wedge are inappropriate development but that this is not a moratorium upon their development subject to there being a clear planning balance in their favour amounting to the very exceptional circumstances required to justify the grant of permission. Ultimately this is a matter of planning judgement.
- 7.9.4 In this case the Planning Policy Manager has objected to the proposal as inappropriate development in the green wedge. However the identified significant harm is to the openness of the green wedge and to the visual amenities of the occupiers of Park Farm Cottage. Other harms have been quantified as minor. For example there is no significant harm to character and appearance. As such the key consideration is whether the harm to openness and the visual amenity of one dwelling is outweighed by the benefits of renewable electricity generation and the bio-diversity enhancements of the scheme. As noted this is a matter for the decision maker and in this instance the harm to openness is mitigated by the visual enclosure of the site. The impact on the visual amenity of the occupiers of Park Farm Cottage is partially mitigated by the retention of intervening vegetation and officers do not consider that this harm unto itself would be sufficiently weighty to justify a refusal of planning permission. Ultimately it is concluded that the benefits of the renewable energy in combination with the ecological benefits of the scheme and the limited harm to other interests do amount to very exceptional circumstances required for permission for inappropriate development to be granted in this instance. However this is a very finely balanced decision and the above conclusions would not automatically be replicated in the case of other similar applications in the green wedge / green belt where for example the extent of visual and landscape harm could be significantly greater.

8. OTHER CONSIDERATIONS

8.1 ***Crime and Disorder Act 1998***

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

8.2 **Equality Act 2010**

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

8.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

8.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

8.6 **Planning (Wales) Act 2015 (Welsh language)**

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

9. **CONCLUSION**

9.1 The proposal is acceptable subject to the following conditions.

10. **RECOMMENDATION**

Granted with Conditions

01 PLANS CONDITION: The development shall be implemented in accordance with the following plans and documents:

- Drawing L03575_12A – Site Layout and Planting Proposals
- Drawing PFA_Rev3 – Park Farm Caerleon A_Proposed _Layout
- Drawing (un-numbered) – DEER FENCE – Inc. MAMMAL GATE
- Drawing CB_01 – COMMUNICATION BUILDING DETAILS
- Drawing CSR_01 – CLIENT SIDE SUBSTATION DETAILS
- Drawing CCTV_01 – CCTV POLE DETAILS
- Drawing (un-numbered) – ROAD_CROSS_SECTION
- Drawing SB_01 – STORAGE BUILDING DETAILS
- Drawing SITE_AUX_TRANSFORMER_01 – SITE_AUX_TRANSFORMER_PLANS+ELEVATIONS
- Drawing TYP_P_E_3L – TYPICAL PANELS ELEVATION 3 LANDSCAPE
- Drawing TC_01 – Toilet Cabinet
- Drawing ID_01 – Inverter Details
- Drawing TD_01 – Transformer Details
- Drawing XXX_01_A – GRP Cabinet
- Drawing DNO_01 – DNO Building Details
- Drawing (un-numbered) – Park Farm Caerleon East – Site Access & Location Plan
- Drawing L0375_20 – Tree Protection Plan

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based

Pre-commencement conditions

02 ROOT PROTECTION DETAILS: No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until Root Protection Barrier fencing to the standard described in British Standard (BS 5837:2012) has been installed around the root protection areas identified in Drawing L0375_20 (Tree Protection Plan). No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Areas defined by the fencing. The fencing shall be retained for the full duration of the construction phase of the development, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To protect important landscape features within the site.

03 CONSTRUCTION METHOD STATEMENT: Development shall not be begun until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The construction method statement shall set out details of all on-site construction works; post-construction reinstatement; drainage; mitigation; and other restoration, together with details of their timetabling. It shall include details of, and measures to secure:

- (a) the phasing of construction works;
- (b) the formation and position of the temporary construction compound;
- (c) dust management and suppression;
- (d) cleaning of site entrance, facilities for wheel washing and cleaning the adjacent public highway;
- (e) pollution control, including the protection of water courses and ground water; subsoil surface water drainage; bunding of fuel storage areas; sewage and foul water drainage and disposal; and emergency procedures and pollution response plans;
- (f) temporary site illumination during the construction period;
- (g) the methods to be adopted to reduce the effects of noise occurring during the construction period to the lowest practicable levels and in accordance with BS 5228: Noise control on construction and open sites;
- (h) storage of materials and disposal of surplus materials;
- (i) the construction of the access into the site, the erection of any entrance gates and the creation and maintenance of associated visibility splays;
- (j) access tracks and other areas of hardstanding, including areas of temporary road matting;
- (l) the carrying out of foundation works, including the foundation of the solar arrays and any other structures to be installed on the site;
- (m) method of working cable trenches, including soil storage and back-filling;
- (n) general soil storage and handling;
- (o) post-construction restoration/reinstatement of the working areas, including cable trenches and area covered by any matting;
- (p) the sheeting of all heavy goods vehicles construction materials to, or spoil from, the site to prevent spillage or deposit of any materials on the highway;
- (q) details of the vehicles to be used on the site during construction activities
- (r) A qualified Arboriculturalist shall oversee the project (to perform a Watching Brief) for the duration of the development and shall be responsible for:
 - Supervision and monitoring of the approved Root Protection Details;
 - Supervision and monitoring of the approved tree felling and pruning works;
 - Supervision of the alteration or temporary removal of any Barrier Fencing;

- Oversee working within any Root Protection Area;
- Reporting to the Local Planning Authority;
- The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at monthly intervals - commencement to be agreed by the Council's Tree Officer.

The works shall proceed in full accordance with the agreed construction method statement. Reason: to protect the interests of the rural character of the area, the integrity and safety of the highway network and to protect the amenity of residents and to ensure the site can be restored to agricultural use.

04 CONTROL OF RUN-OFF WITHIN THE SITE: Notwithstanding the submitted drainage details no means to intercept, store or otherwise dispose of surface water shall be implemented on the site until a scheme of surface water drainage has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented fully as agreed prior to the 'first export date' and shall be retained until the solar farm is decommissioned.

Reason: to ensure any ground disturbance is the minimum required to deal with surface water drainage in the interests of site restoration.

05 ARCHAEOLOGY: No development, to include demolition, shall take place until the implementation of a programme of archaeological work has been secured 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 and features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

06 LANDSCAPING AND BIO-DIVERSITY: Prior to the first export date full details of landscaping and bio-diversity enhancements shall be submitted to the local planning authority. These shall include:

- Details of bat and bird boxes and their proposed locations;
- Details of seed mixes for wildflower meadows, planting density and locations;
- Details of species mix and planting density for proposed new hedges and hedge strengthening and their location;
- Details of species, location and size of trees to be planted and their location;
- A plan for the implementation of the landscaping & bio-diversity enhancements including timescales for actions; short, mid and long term management arrangements for landscaping and bio-diversity on the site, bio-diversity targets and monitoring schedules, the reporting of monitoring data to the Council and contingency plans for the agreement (with the Council) for the implementation of ameliorative action in the event stated bio-diversity targets are not met.

Reason: to ensure landscape harms are mitigated and stated bio-diversity benefits of the scheme accrue in the public interest.

Other conditions requiring the submission of information

07 DECOMMISSIONING – Decommissioning and restoration: Not later than 12 months before the expiry of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the solar panels and all other associated equipment &

paraphernalia and the subsequent restoration of the site. The scheme shall include details of:

- the extent of equipment and foundation removal and the site restoration to be carried out;
- the management and timing of any works;
- a traffic management plan to address likely traffic impact issues during the decommissioning period;
- an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife, habitats and tree features on the site;
- identification of access routes;
- location of material laydown areas;
- full details of the removal of the solar arrays, associated buildings and plant, any trackways and sub-surface cabling and all associated works of ground restoration including trench backfilling;
- full details of all works to restore the land to allow for agricultural production following the removal of structures from the site;
- a programme of implementation.

The approved scheme shall be implemented within 12 months of the expiry of this permission and shall proceed fully in accordance with the agreed details of the decommissioning programme.

Reason: to ensure the site is fully restored to allow agricultural use and to maintain the rural appearance of the area.

08 REPAIR, REPLACEMENT AND REMOVAL OF SOLAR FARM: If the solar farm hereby permitted fails to produce electricity for supply to the grid for a continuous period of 6 months, a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 6 month period for the repair or removal of the solar farm. Where repairs or replacements are required the scheme shall include a proposed programme of remedial works. Where removal of the solar farm is required the scheme shall include the same details required under condition 07) of this permission. The relevant scheme shall thereafter be implemented in accordance with the approved details and timetable.

Reason: to ensure the solar farm beneficially generates electricity or is otherwise removed to the benefit of the character and appearance and the agricultural potential of the area.

09 LIFETIME OF THE PROPOSAL: the permission hereby granted shall expire 30 years from the date when electrical power is first exported ('first export date') from the solar farm to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event.

Reason: the proposed scheme has a 30 year lifespan.

10 TRAFFIC MANAGEMENT PLAN: No HGV shall access the site until details of a traffic management plan (TMP) have been submitted to and approved in writing by the Local Planning Authority. The TMP shall include details of:

- A delivery route to the site;
- Temporary signage;
- Details of temporary traffic management measures, such as traffic lights;
- Measures to preserve the integrity and amenity of the local public rights of way network;
- All other measures to be taken to ensure the site can be accessed safely and with minimum disruption to the public highway including any public rights of way.

Reason: to protect the integrity and safety of the highway and public rights of way network.

Directive conditions

11 LIGHTING: There shall be no permanent illumination other than the lighting identified in this submission which shall be operated as described unless otherwise agreed in writing by the local planning authority.

Reason: to protect the rural character of the site.

12 REPTILES & AMPHIBIANS: All works shall proceed in accordance with the details provided at Appendix 1 of the Park Farm West Solar Farm Bio-diversity Management Plan (November 2015).

Reason: to protect the interest of reptiles and amphibians during the construction phase of the scheme.

NOTE TO APPLICANT

01 Non-conditioned documents submitted with this application were: Planning, Design and Access Statement, Park Farm East Caerleon – Landscape Appraisal August 2015 (and appendices), Archaeological Desk Based Assessment (August 2015), Historic Environment Settings Impact Assessment (September 2015), Sequential Analysis Study (September 2015), Transport Statement (September 2015), Construction Decommissioning and Traffic Management Method Statement (December 2015), Archaeological Geophysical Survey (2015), Appeal Decision B5480/A/14/2227508, Appeal Decision C3105/A/13/2207532, Agricultural Land Classification (August 2015), Bio-diversity Management Plan (November 2015), Drainage Strategy, Preliminary Ecological Appraisal and Statement of Community Involvement (August 2015).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP5, SP7, SP9, GP1, GP2, GP3, GP5, GP6, GP7, CE6, CE10 & T7 were relevant to the determination of this application.

03 As of 1st October 2012 any connection to the public sewerage network (foul or surface water sewerage) for the first time will require an adoption agreement with Dwr Cymru Welsh Water. For further advice contact Dwr Cymru Welsh Water on 01443 331155.

04 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

11. REASON FOR SITE VISIT

- 11.1 This application was tabled for consideration at the Planning Committee meeting of the 06 January 2016. At that meeting the Committee resolved to make a full Committee Site Visit to view the application site for application 15/0902 which is for a similar development. Since the site of this application is very close to that site and similar key issues are in play the Committee resolved to undertake a site visit for this application as well without hearing the presentation or discussing the application. As such the reason for the site visit is the same as for application 15/0902. That is:

'For Members to gain a better understanding on the impact of the proposed development being built of the designated green wedge on the surrounding area. Site inspection to be undertaken on a date following Member Training on 4 February, 2016'.

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