

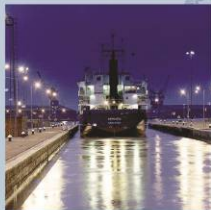
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ABP Port of Barry Solar Farm: Planning Statement

Report R.2309

September 2014

Creating sustainable solutions for the marine environment



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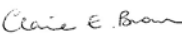
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| Project Manager: | Hannah Bodley |  | 12.09.2014 |
| Quality Manager: | Stephen Hull |  | 12.09.2014 |
| Project Director: | Claire Brown |  | 12.09.2014 |

ABP Marine Environmental Research Ltd
Quayside Suite, Medina Chambers, Town Quay, Southampton, Hampshire SO14 2AQ

Tel: +44 (0) 23 8071 1840 Fax: +44 (0) 23 8071 1841
Web: www.abpmer.co.uk Email: enquiries@abpmer.co.uk



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ABP Port of Barry Solar Farm: Planning Statement

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1. Introduction

1.1 Overview

This Planning Statement has been prepared by ABP Marine Environmental Research Limited (ABPmer) on behalf of Associated British Ports (ABP), hereafter referred to as the 'Applicant'. It is intended to assist the Vale of Glamorgan Council in its determination of a full planning application for a photovoltaic (PV) solar farm within the Port of Barry. The solar farm will cover approximately 16.5 hectares of underutilised brownfield land and provide an electrical generating capacity of up to 10MW.

1.2 Scope of the Planning Statement

The role of the Planning Statement is to identify the context of the application site and surrounding area, discuss the need for the proposed development and provide an assessment of how the proposal accords with relevant planning policies and other planning material considerations.

A Screening Opinion request was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations (2011) to the Vale of Glamorgan Council on 22 May 2014 (Reference: 2014/00574/SC1). On 11 June 2014, the Local Planning Authority advised that the proposed works did not require an Environmental Impact Assessment (EIA), citing that *"the characteristics, location and any potential impact of the development as outlined in the supporting documentation is not likely to be significant upon the environment"*. A copy of the Screening Opinion is provided in Appendix A.

It should be noted that this screening opinion was based on two sites encompassing a wider area; however, this planning application is for a reduced area of up to 16.5 hectares.

In the absence of a full EIA, it remains necessary to assess the potential effects of the development, presented through a number of technical studies. Therefore, the submitted planning application comprises the following:

- Planning Statement (this document);
- 1APP Application Form;
- Design and Access Statement;
- Landscape and Visual Impact Assessment;
- Flood Consequence Assessment;
- Phase 1 and 2 Ecological Assessments;
- Transport Assessment;
- Construction and Operational Management Statement;
- Geo-environmental Report;
- Heritage and Archaeology Desk Study; and
- Detailed drawings/plans of the proposed development.

In order to gain a complete understanding of the proposed development, the Planning Statement should be considered in conjunction with the above supporting material.

The Planning Statement is structured as follows:

- **Section 2** describes the application site and surrounding area, including current land use and relevant planning history;
- **Section 3** explains the proposed development, the factors influencing the site selection process and the need for such developments;
- **Section 4** highlights the relevant European, national and local planning policies to the proposed development, including objectives and key issues;
- **Section 5** provides an assessment of the proposed development through consideration of planning policy objectives and other material considerations; and
- **Section 6** draws overall conclusions on the proposed development.

2. Application Site and Surrounding Area

2.1 Application Site

The application site for the proposed development is located within the Port of Barry. The Port of Barry comprises three docks, with the proposed location of the development to the south of Dock N^o 2 and to the east of Dock N^o 3. The southwest boundary backs onto the entrance channel and east breakwater of the outer harbour. The location is a brownfield site on the port estate (i.e. the application site is wholly within land owned by the applicant) which has lain underutilised for a number of years. The application site comprises an area of approximately 16.5 hectares and currently contains an inert waste recycling operation, an unoccupied coal yard and some area of predominantly scrub vegetation. Figure 1 provides details of the existing site layout and shows the area of the dock estate in which works are proposed.

2.1.1 Nature Conservation

There are no statutory environmental designations that directly overlap with the application site. However, there is one Site of Special Scientific Interest (SSSI) adjacent to the application site (see Section 2.2.1).

2.1.2 Current Land Use

The application site is not designated with a current land use; however, the area adjacent to the north east of the application site is designated as 'Employment Allocation' under Section 4.2 of the Unitary Development Plan (see Section 2.2.2).

The application site is located within the area designated 'Developed Coast'. As stated in Planning Policy Wales (also see Section 4.4.2), "*...the undeveloped coast will rarely be the most appropriate location for development. Where new development requires a coastal location the developed coast will normally provide the best option, provided that due regard is paid to the risks of erosion, flooding or land instability*" (Paragraph 5.7.2).

2.1.3 Planning History

A pre-application response provided by the Vale of Glamorgan Council (dated 19 August 2014) advised that, according to their records, the application site does not have any relevant planning history with regards to the proposed development.

2.2 Surrounding Area

The Port of Barry is located to the south east of the town of Barry in South Wales and has direct access to the Bristol Channel. The docks are a key facility for the region's chemical industry, handling liquid bulks for major companies including Dow Corning. As well as chemicals, Barry also has considerable expertise in the handling of steel, scrap metal, containers, dry bulks, coal and aggregates. The port has direct rail connections and a link road connects the port to Junction 33 of the M4.

2.2.1 Nature Conservation

The south east boundary of the application site is adjacent to the Hayes Point to Bendrick Rock SSSI. Notified in 1986, the site is designated as a SSSI due to rock exposures formed in the Triassic period, approximately 225 million years ago, found along this stretch of coastline (29.5 hectares). The distinctive red colour of the rocks suggests a semi-desert-like environment at that time, and the mixture of lake deposits and stream sediments places the area on the edge of a shallow water body. Furthermore, "dinosaur" footprints and track-ways are preserved in some of the siltstones and fine sandstones that were once lake-shore deposits. Numerous track-ways can be traced across the foreshore, providing valuable information on the type of animal and its behaviour. These footprints are strictly protected by law, and should be left untouched and in place for future visitors to admire.

2.2.2 Current Land Use

The application site lies within the Vale's developed coastal zone which covers all of the Port of Barry and much of the surrounding area. To the northwest of the application site is an area of land allocated for employment under Section 5.4.2 of the Unitary Development Plan. The Atlantic Trading Estate (12.0 hectares) is designated for use classes B1 (Light Industry/Offices (Business Use)), B2 (General Industry) and B8 (Warehousing and Distribution). It should be noted that not all of the land designated for employment under the UDP is owned by ABP and that the part that is owned by ABP is allocated for "suitable non conforming uses" under policy EMP 10.

2.2.3 Planning History

The surrounding area does not have any relevant planning history with regards to the proposed development.

3. Proposed Development

The proposed development is for a ground mounted solar Photovoltaic (PV) system with an output of up to 10 MW, located on a brownfield site within the port estate over an area of up to 16.5 hectares. The site is an industrial area and not directly within any statutory or local areas designated for landscape quality and nature conservation. The life of the proposed PV system will be at least 25 years.

4. Planning Policy Context

This section of the Planning Statement identifies the planning policy and guidance pertinent to the application site and proposed development. As described in the Planning and Compulsory Purchase Act 2004 (Section 38), development proposals are required to accord with the adopted Development Plan, unless material considerations indicate otherwise. It also states *"for the purposes of any area in Wales, the development plan is the local development plan adopted or approved in relation to that area"*. Therefore, the Development Plan pertinent to the application site constitutes the following:

- Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

On a broader scale, there is a wide range of relevant national policy and guidance that has been considered, including the following:

- People, Places, Futures: The Wales Spatial Plan;
- Planning Policy Wales (Edition 7, July 2014);
- Technical Advice Note 8: Renewable Energy;
- Technical Advice Note 12: Design;
- Technical Advice Note 15: Development and Flood Risk; and
- Practice Guidance: Planning Implications of Renewable and Low Carbon Energy Development.

Finally, other material considerations of relevance to the proposed development include the following:

- Vale of Glamorgan Local Development Plan 2011 - 2026;
- Energy Wales: A Low Carbon Transition;
- One Wales: One Planet;
- National Renewable Energy Action Plan for United Kingdom;
- UK Renewable Energy Roadmap; and
- General Climate Change Policy.

The aforementioned plans, policies, guidance and other material considerations are discussed in the following sections.

4.1 Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011

The Vale of Glamorgan Unitary Development Plan (UDP) was formally adopted on 18 April 2005, providing a sustainable, strategic land use framework to guide development within its administrative area in the future. It was originally anticipated to run until 2011; however, the UDP continues to function as the primary Development Plan for the Vale of Glamorgan today. As outlined in Section 4.3.1, progression of a new Local Development Plan (LDP) to replace the UDP is ongoing.

Part I of the UDP consists of the Council's strategic policies for the development and other use of land in its area. It is divided into nine main topic areas, covering the environment, housing, economic development and tourism, transportation, retailing, sport and recreation, minerals, waste management and community and utility services. Part I provides a context and framework for more detailed policies and proposals discussed in Part II. Part II consists of justifications of these strategic policies and contains more detailed policies, proposals and guidance. An online interactive map illustrates the UDP's policies and proposals.

As part of the environmental appraisal, the UDP highlights the Government's emphasis on addressing environmental concerns and the need to take a range of issues into account in development plan preparation. Among the key issues are the conservation of energy and the attention given to the interests of future generations in relation to global warming and the reduction of carbon dioxide emissions and other pollutants. Therefore, the guiding UDP principles include, amongst others, supporting sustainability by devising an energy efficient land use/transportation strategy and promoting urban regeneration and the re-use of brownfield land (thereby minimising the use of greenfield sites).

One of the overarching strategic policies for the environment (Policy 2) describes how proposals which encourage sustainable practices will be favoured. This includes those developments which contribute to energy conservation or efficiency and provide reclamation of derelict or degraded land for appropriate beneficial use.

The following detailed UDP policies are considered pertinent to the proposed development (outlined in the following Sections):

- Policy COMM 8 - Other Renewable Energy Schemes;
- Policy ENV 6 - East Vale Coast;
- Policy ENV 16 - Protected Species;
- Policy ENV 17 - Protection of the Built and Historic Environment;
- Policy ENV 26 - Contaminated Land and Unstable Land;
- Policy ENV 27 - Design of New Developments;
- Policy ENV 29 - Protection of Environmental Quality;
- Policy EMP 1 - Land for Employment Uses;
- Policy EMP 2 - New Business and Industrial Development; and
- Policy EMP 4 - Protection of Land for Employment Uses.

4.1.1 Policy COMM 8 - Other Renewable Energy Schemes

The policy sets out a permissive stance for renewable energy schemes, with the exception of wind energy generation (set out in a separate policy). Proposals for other renewable energy schemes, such as solar farms, will be permitted if all of the following criteria are met:

- (i) The proposal has no unacceptable effect on the immediate and surrounding countryside;
- (ii) The proposal has no unacceptable effect upon the sites of conservation, archaeological, historical, ecological and wildlife importance;
- (iii) Adequate measures are taken, both during and after construction, to minimise the impact of the development on local land use and residential amenity.

The UDP suggests that the potential for developing renewable energy resources within the Vale of Glamorgan must be looked at in conjunction with policies to protect the natural and urban environment.

4.1.2 Policy ENV 6 - East Vale Coast

Much of the eastern part of the Vale of Glamorgan coastline is developed, with the UDP providing particular reference to the ABP Port of Barry: "*...the port estate is clearly a developed area and its continued use and development as a commercial/industrial estate and for the expansion of operational port facilities by Associated British Ports, is endorsed*". The UDP seeks to ensure that development which requires a coastal location is located in areas that are presently developed, in order to ensure that the natural character and landscape of the undeveloped coastline of the Vale is protected.

The policy specifically sets out a permissive stance for development in areas of existing or allocated development within the coastal zone and suggests that any new proposals should be of a type and character compatible with its location and sensitive to its coastal setting, particularly where its visual or environmental impact would be significant.

4.1.3 Policy ENV 16 - Protected Species

The presence of a species protected by international or national legislation is a material consideration in the determination of planning applications. When evaluating any development proposal which, if carried out, would be likely to result in harm to a protected species or its habitat, the UDP suggests that the Vale of Glamorgan Council will be guided by advice received from the Countryside Council for Wales, whose functions have since been taken over by Natural Resources Wales (April 2013).

Thomson Ecology undertook a desk-based study, an extended Phase 1 Habitat Survey and a Reptile Survey of the application site between April and June 2014. The Reptile Survey determined that low populations of slow-worm (*Anguis fragilis*) are present on the application site. This policy specifically suggests that planning permission will only be afforded to proposed developments that would cause harm to or threaten the continued viability of a protected species, such as the slow-worm as designated under the Wildlife and Countryside

Act 1981 (as amended), if it can be clearly demonstrated that there are exceptional circumstances that justify the proposal, there is no satisfactory alternative and that the developer provides effective mitigation measures.

The slow-worm is listed under Schedule 5 (Animals which are protected) of the Wildlife and Countryside Act 1981, citing the following:

- Section 9(1): "...if any person intentionally kills, injures or takes any wild animal included in Schedule 5, he shall be guilty of an offence"; and
- Section 9(5): "...if any person – (a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead wild animal included in Schedule 5, or any part of, or anything derived from, such an animal; or (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things, he shall be guilty of an offence".

The implications of this planning policy in relation to the presence of low populations of slow-worm on the application site, including plans to implement appropriate mitigation measures to ensure their protection, are discussed in Section 5.

4.1.4 Policy ENV 17 - Protection of the Built and Historic Environment

The environmental qualities of the built and historic environment are protected by this policy. Development which has a detrimental effect on the special character appearance or setting of a building or group of buildings, structure or site of architectural or historic interest, including listed buildings and conservation areas, scheduled ancient monuments and sites of archaeological and/or historic interest, and designed landscapes, parks or gardens of historic, cultural or aesthetic importance, will not be permitted.

The Vale of Glamorgan has a wealth of significant architectural and townscape features, well demonstrated by the many designations. Policy ENV 17 seeks to ensure that this unique built and historic environment of the Vale of Glamorgan is protected and enhanced. Development which is unsympathetic or out of character with the locality or features of acknowledged importance will not be permitted. Facilities to enhance and increase the public enjoyment of these historic environments will be encouraged provided that the facilities do not conflict with their conservation.

4.1.5 Policy ENV 26 - Contaminated Land and Unstable Land

The re-use and reclamation of derelict and waste land often requires developers to address the problems of contamination and instability. Proposals for the redevelopment of contaminated land and unstable land will be permitted where the contamination and/or instability will be removed or reduced to a level where there is no unacceptable risk to the health and safety of those living or working on the site or nearby, to flora and fauna on the site or nearby, and to the quality of air and water on these sites or nearby.

4.1.6 Policy ENV 27 - Design of New Developments

Proposals for new development must have full regard to the context of the local natural and built environment and its special features. New development will be permitted where, amongst other factors, it complements or enhances the local character of buildings and open spaces, meets the Council's approved standards of amenity and open space, ensures adequacy or availability of utility services and adequate provision for waste management, minimised any detrimental impact on adjacent areas, ensures clear distinction between public and private spaces and has regard to energy efficiency in design, layout, materials, technology and measures to reduce the risk and fear of crime.

4.1.7 Policy ENV 29 - Protection of Environmental Quality

The aim of this policy is to prevent adverse effects of pollution both in terms of the impact on local environmental quality and their contribution to global damage. Development will not be permitted if it would be liable to have an unacceptable effect on either people's health and safety or the environment by releasing pollutants into water, soil or air, either on or off site, or from smoke, fumes, gases, dust, smell, noise, vibration, light or other polluting emissions.

4.1.8 Policy EMP 1 - Land for Employment Uses

This policy allocates land for employment on both new and established sites, based on sites already with planning permission together with an assessment of employment opportunities available both in the Vale of Glamorgan and in neighbouring areas, an analysis of the workforce in the Vale of Glamorgan and its patterns of movement, and forecasts of the economic prospects for the area. Sufficient land has been earmarked to allow existing companies to grow and to allow the Council to compete for inward investment. The amount of land identified also reflects a desire to provide local employment opportunities for a higher proportion of Vale residents and thus reduce outward commuting. It provides the scope, too, for reducing the unacceptably high levels of unemployment that prevail in parts of the Vale of Glamorgan.

The Atlantic Trading Estate (approximately 12 hectares) employment allocation is adjacent to the application site, designated for B1 (Light Industry/Offices (Business Use)), B2 (General Industry) and B8 (Warehousing and Distribution) use classes. As previously referenced it should be noted that not all of the land designated for employment under the UDP is owned by ABP and that the part that is owned by ABP is allocated for "suitable non conforming uses" under policy EMP 10. As discussed in the reptile report, part of the Atlantic Trading Estate boundary is proposed to function in mitigation measures to protect the low population of slow-worm present on the application site.

4.1.9 Policy EMP 2 - New Business and Industrial Development

Whilst it is recognised that there is a need to encourage investment in industrial and commercial development in appropriate locations, the UDP highlights the important of ensuring that industrial and commercial development is of a high standard of design and that proposals pay proper regard to the character and appearance of their surroundings. Amongst other

factors, the policy suggests proposals for new business and industrial developments will be permitted if the size and relationship of any new building and/or alteration or extension is not disproportionate to its size and setting, if it does not have an unacceptable effect on residential amenity by virtue of traffic congestion, noise, smell, safety, health impacts and emissions, if it does not present additional risk to the health or safety of users of the site and if it does not unacceptably pollute air, water or land.

4.1.10 Policy EMP 4 - Protection of Land for Employment Uses

This policy is aimed at preventing the establishment of other uses, particularly retailing, on land available for employment uses. Proposals for non-business use on sites identified in Policy EMP 1 will not be permitted. In view of the vulnerability of employment sites to change to other uses, applicants will be requested to enter into appropriate legal agreements to safeguard such sites from uses other than those originally specified. The policy specifically states: "*On existing employment sites and sites identified in Policy EMP 1, development of uses that are not contained in Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) will not be permitted*". As outlined in Section 4.1.8, this includes the Atlantic Trading Estate (12 hectares), adjacent to the application site, which is allocated for B1, B2 and B8 uses classes.

4.2 National Plans

This section summarises the national level policies of relevance to the proposed development.

4.2.1 People, Places, Futures: The Wales Spatial Plan

The Wales Spatial Plan was originally adopted by the National Assembly for Wales in November 2004 and updated in July 2008. It provides a framework to guide spatial policy development throughout Wales, with particular focus on sustainability. The application site is located within the 'South East Wales - Capital Region' catchment area, one of six regions reviewed (boundaries are not explicitly defined). Improving access to sustainable energy sources is a key strategic objective for this area and "*potentially significant sources of renewable energy will be explored*".

4.2.2 Planning Policy Wales (Edition 7, July 2014)

Planning Policy Wales (PPW) sets out the Welsh Government's land use planning policies, providing a strategic framework for the provision of sustainable development plans. It is supplemented by a series of 21 Technical Advice Notes (TANs), policy clarification letters and other circular documents. The TANs of relevance to the proposed development is discussed in the subsequent sections. The key principles listed in the PPW (Paragraph 4.3.1) which support the Welsh Government's approach to planning policy which facilitate sustainable development include:

- Putting people, and their quality of life now and in the future, at the centre of decision-making;

- Engagement and involvement, ensuring that everyone has the chance to obtain information, see how decisions are made and take part in decision making;
- Taking a long term perspective to safeguard the interests of future generations, whilst at the same time meeting needs of people today;
- Respect for environmental limits, so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change, protecting and enhancing biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;
- Tackling climate change by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to the consequences of climate change;
- Applying the precautionary principle. Cost-effective measures to prevent possibly serious environmental damage should not be postponed just because of scientific uncertainty about how serious the risk is;
- Using scientific knowledge to aid decision-making, and trying to work out in advance what knowledge will be needed so that appropriate research can be undertaken;
- While preventing pollution as far as possible, ensuring that the polluter pays for damage resulting from pollution. In general the Welsh Government will seek to ensure that costs are met by those whose actions incur them;
- Applying the proximity principle, especially in managing waste and pollution. This means solving problems locally rather than passing them on to other places or to future generations;
- Taking account of the full range of costs and benefits over the lifetime of a development, including those which cannot be easily valued in money terms when making plans and decisions and taking account of timing, risks and uncertainties. This also includes recognition of the climate a development is likely to experience over its intended lifetime; and
- Working in collaboration with others to ensure that information and knowledge is shared to deliver outcomes with wider benefits.

The policy objectives of the PPW, which are set out in Paragraph 4.4.3, include the following:

- Support the need to tackle the causes of climate change by moving towards a low carbon economy. This includes facilitating development that reduces emissions of greenhouse gases in a sustainable manner, provides for renewable and low carbon energy sources at all scales and facilitates low and zero carbon developments;
- Minimise the risks posed by, or to, development on or adjacent to unstable or contaminated land and land liable to flooding. This includes managing and seeking to mitigate the consequences of climate change by building resilience into the natural and built environment;
- Play an appropriate role to facilitate sustainable building standards (including zero carbon) that seek to minimise the sustainability and environmental impacts of buildings;
- Play an appropriate role in securing the provision of infrastructure to form the physical basis for sustainable communities (including water supplies, sewerage and associated waste water treatment facilities, waste management facilities, energy supplies and distribution networks and telecommunications), while ensuring proper assessment of their sustainability impacts;

- Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems. In particular, planning should seek to ensure that development does not produce irreversible harmful effects on the natural environment and support measures that allow the natural heritage to adapt to the effects of climate change. The conservation and enhancement of statutorily designated areas and of the countryside and undeveloped coast; the conservation of biodiversity, habitats, and landscapes; the conservation of the best and most versatile agricultural land; and enhancement of the urban environment all need to be promoted;
- Maximise the use of renewable resources, including sustainable materials (recycled and renewable materials and those with a lower embodied energy). Where it is judged necessary to use non-renewable resources they should be used as efficiently as possible. The use of renewable resources and of sustainably produced materials from local sources should be encouraged and recycling and re-use levels arising from demolition and construction maximised and waste minimised;
- Respect and encourage diversity in the local economy;
- Promote a low carbon economy and social enterprises; and
- Contribute to the protection and, where possible, the improvement of people's health and well-being as a core component of sustainable development and responding to climate change. Consideration of the possible impacts of developments – positive and/or negative – on people's health at an early stage will help to clarify the relevance of health and the extent to which it needs to be taken into account.

Based on the above policy objectives, it is evident that renewable energy generation is identified as a key overarching element of the PPW. Section 12.8 of the PPW specifically considers renewable and low carbon energy, stating: *"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"* (Paragraph 12.8.1).

Furthermore, the Welsh Government's stance on renewable and low carbon energy generation is summarised in Paragraph 12.8.8 of the PPW, highlighting their commitment to:

- Optimising renewable energy generation;
- Optimising low carbon energy generation;
- Facilitating combined heat and power systems (and combined cooling, heat and power) where feasible; and
- Recognising 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 of the PPW sets out how 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, it requires local planning authorities to make appropriate 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;
- Recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability; and
- Ensuring that all new publicly financed or supported buildings set exemplary standards for energy conservation and renewable energy production.

In determining applications for renewable and low carbon energy development and associated infrastructure, local planning authorities should take into account the following (Paragraph 12.10.1 of the PPW):

- 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.

Developers for renewable and low carbon energy proposals should seek to avoid or, where possible, minimise adverse impacts through careful consideration of location, scale, design and other measures (Paragraph 12.10.3). The consenting process for renewable energy projects in Wales depends on the size and location of the proposed renewable development. At 10MW, the proposed development falls under the 'local authority-wide' scale of development (Figure 12.2 of the PPW).

4.2.3 Technical Advice Note 8: Renewable Energy

The TAN series should be taken into account by local planning authorities in Wales in the consideration of UDPs that have not yet progressed to inquiry, and preparation of LDPs. TAN 8 relates to the land use planning considerations of renewable energy in the context of UK and national energy policy (Paragraph 1.1). It also recognises that the planning system has an important role to play in achieving the Assembly Government's commitment to enable the deployment of all forms of renewable energy technologies in Wales (Paragraph 2.1).

However, as TAN 8 was published in July 2005, it does not provide a significant consideration of large scale solar developments as this form of renewable energy generation was an emerging technology within Wales at that time. In terms of planning policy, the relevance of the document to the proposed development is limited to the following statement: *"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"* (Paragraph 3.15).

4.2.4 Technical Advice Note 12: Design

The purpose of this TAN is to equip all those involved in the design of development with advice on how promoting sustainability through good design and planning for sustainable buildings may be facilitated through the planning system and advice on the preparation and validation of mandatory design and access statements. The TAN discusses the importance of renewable and low carbon energy solutions to address the issue of climate change (sustainability), albeit through adaptation to building designs as opposed to purpose built energy generation sites.

4.2.5 Technical Advice Note 15: Development and Flood Risk

This TAN provides technical guidance which supplements the policy set out in the PPW in relation to development and flooding. It advises on development and flood risk as this relates to sustainability principles, and provides a framework within which risks arising from both river and coastal flooding, and from additional run-off from development in any location, can be assessed. The general approach of the PPW, supported by TAN 15, is to advise caution in respect of new development in areas at high risk of flooding by setting out a precautionary framework to guide planning decisions. An interactive 'Development Advice Map' is available online to assess potential flooding risk at proposed development locations in Wales (<http://data.wales.gov.uk/apps/floodmapping>; Accessed August 2014).

4.2.6 Practice Guidance: Planning Implications of Renewable and Low Carbon Energy Development

This Practice Guidance is a tool to support local planning authorities in dealing with applications for renewable and low carbon energy development. This is achieved by setting out an evidence base of the land use planning impacts and benefits of different forms of renewable and low carbon energy, and provides guidance on how local planning officers can engage in a meaningful and proactive manner with developers when dealing with planning applications for renewable and low carbon energy developments (Paragraph 1.2.1).

In considering solar (PV) systems, the guidance indicates that the main technical constraints are the availability of sufficient land on which to build them, the solar radiation received by the site and its proximity to a grid connection. The guidance summarises the potential impacts and design of solar installations, as well as mitigation and enhancement measures, that are to be considered by the local planning authority when determining such proposals, including:

- Landscape and visual;

- Glint and glare;
- Ecology;
- Historic environment;
- Agriculture;
- Hydrology and flood risk; and
- Cumulative impacts.

4.3 Other Material Considerations

This section summarises the other material considerations of relevance to the proposed development.

4.3.1 Vale of Glamorgan Local Development Plan 2011 - 2026

The Vale of Glamorgan Deposit LDP (February 2012) was published for public consultation in early 2012 and further reviewed by the Council that year; however, on 23 January 2013, the Council resolved not to progress any further with this Deposit LDP and committed to a replacement version. The Deposit Plan Written Statement (November 2013) is based on the Strategy approved in 2010, but addresses the main concerns raised during the previous Deposit LDP consultation in 2012, in particular the associated infrastructure required. It underwent a formal 6 week public consultation in late 2013.

A number of key strategic objectives have been developed that set the context of the most recent LDP strategy. Of particular significance to the proposed development, Objective 2 is to ensure that development within the Vale of Glamorgan makes a positive contribution towards reducing the impact of and mitigating the adverse effects of climate change. Specifically, the LDP seeks to ensure that new development makes a positive contribution towards reducing the impact of and mitigate the adverse effects of climate change. New development will incorporate sustainable design and building solutions, promote energy conservation and local renewable energy generation and avoid areas susceptible to flooding.

The following draft policies are also pertinent to the proposed development:

- MD 2 - Place Making: The policy suggests that development will be favoured where it contributes to sustainability, including making a positive contribution towards tackling the causes of and adapting to the impacts of climate change by promoting renewable and low carbon energy use;
- MD 3 - Design of New Development: Developments proposals will be permitted where they minimise the causes of climate change and incorporate renewable and low carbon energy use features; and
- MD19 - Low Carbon and Renewable Energy Generation: Developments will be permitted, particularly for those that provide opportunities for renewable and low carbon energy to be utilised by the local community, should it be demonstrated that there is no unacceptable impact on the interests of agriculture, electrical, radio or other communication systems, landscape importance, natural and cultural heritage, nature conservation, residential amenity, soil conservation and wildlife. The policy suggests

consideration for the cumulative impacts of renewable energy schemes should be made.

4.3.2 Energy Wales: A Low Carbon Transition

Published in March 2012, Energy Wales sets out how the Welsh Government intends to steer the change towards a sustainable low carbon economy for Wales, with particular regard to renewable energy sources. Through the use of commercially proven renewable energy sources (including solar), the document states the Welsh Government want *"to facilitate appropriate deployment to deliver against our low carbon objectives, contribute to wider UK and EU aims and realise the significant wealth-generating opportunities Wales has"*.

Furthermore, the document suggests the need to support low carbon opportunities in Wales, stating: *"Redesigned energy markets are needed to ensure that the most efficient technology choices and optimum investments are made in transitioning to a low carbon economy"*. Of particular relevance to the proposed development, Energy Wales identifies that Wales has significant asset in virtually every energy source and specifically states that Wales has *"one of the best solar resources in the UK"*. Reflecting on its significant assets, the Welsh Government seeks to prioritise and maximise renewable energy opportunities.

4.3.3 One Wales: One Planet

The Government of Wales Act 2006 places the promotion of sustainable development at the heart of the Welsh Assembly Government's work (Section 79). This duty requires Welsh Ministers to make a scheme setting out how they propose, in the exercise of their function, to promote sustainable development. The scheme is presented through 'One Wales: One Planet'. On the issue of renewable energy, the document specifically identifies that the assembly government aims to produce more electricity from renewables than Wales consumes as a nation by 2019. It also states that *"within the lifetime of a generation we want to see Wales using only its fair share of the earth's resources... use less energy and are more energy efficient. More of our energy is produced at a community level, close to where it is used, and we are self-sustaining in renewable energy"*.

4.3.4 National Renewable Energy Action Plan for United Kingdom

The UK Government believes that climate change is one of the gravest threats we face, and that urgent action at home and abroad is required. This Plan provides details on a set of measures that would enable the UK to meet its 2020 energy target. It sets out how the UK Government seeks to *"secure our energy supplies through 2020 and beyond and provide a sound framework for business to develop in the new industries, providing jobs and cutting harmful greenhouse gases"*. The development of renewable energy sources, alongside nuclear power and the development of carbon capture and storage, will enable the UK to play its full part in international efforts to reduce the production of greenhouse gases (GHGs).

4.3.5 UK Renewable Energy Roadmap

The 2011 Renewable Energy Roadmap, with subsequent updates in 2012 and 2013, presents a framework and set of actions for the delivery of renewable energy deployment, specifically considering how the UK will reach the goal of generating 15% of UK energy use from renewables by 2020. It also provides an overview of the Solar PV Strategy Roadmap, including the following principle: *"Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them"*.

4.3.6 General Climate Change Policy

There are several key international and national legislative objectives and targets relating to issues of climate change that are relevant to the proposed development. Of particular prominence, the Kyoto Protocol is an internationally significant agreement related to the United Nations Framework Convention on Climate Change, committing its Parties (including the UK) by setting binding emission reduction targets. The Kyoto Protocol was adopted on 11 December 1997 and entered into force on 16 February 2005. On 8 December 2012, the "Doha Amendment to the Kyoto Protocol" was adopted, updating the original framework for the second commitment phase (2013-2020) and revising the list of GHGs for which monitoring and reductions are required.

A framework was established under the UK Climate Change Act 2008 to develop an economically credible emissions reduction path for the UK in response to the Kyoto Protocol. The Act commits the UK to reducing emissions by at least 26% in 2020 and at least 80% in 2050, both from 1990 baseline levels. It also requires the UK Government to set legally binding 'carbon budgets' to cap the amount of GHGs released in the UK over a five-year period.

5. Planning Assessment

This section provides an appraisal of the proposed development against the policies described in the previous section. It is considered that the key issues against which the proposed development should be assessed are:

- Principle of the development;
- Current land use;
- Site selection;
- Ecology;
- Visual impact;
- Glint and glare;
- Access and traffic;
- Acoustic considerations;
- Flooding risk and drainage;
- Archaeology and heritage;
- Security fencing, monitoring and lighting;

- Restoration (decommissioning); and
- Cumulative impacts.

5.1 Principle of the Development

There is clear support from international, national, regional and local administration levels for the improved inventory of renewable energy generation in the UK. The Vale of Glamorgan UDP, specifically Policy COMM 8 (Other Renewable Energy Schemes), sets a permissive stance to renewable energy developments. Similarly, PPW and TAN 8 explicitly support the principle of renewable and low-carbon energy generation in Wales, aiming to proportionately address the issues associated with climate change. They also reiterate Welsh Government's commitment to produce more electricity from renewable sources than Wales consumes as a nation by 2019, as outlined within One Wales: One Planet.

The proposed development will consist of up to 10MW of installed capacity, generating electricity from a wholly renewable source (PV solar system). Converting solar energy to electricity is a clean and sustainable process in environmental terms. During operation, it emits no pollution, produces no greenhouse gases and does not exploit finite fossil-fuel resources.

Of particular relevance to the proposal is the UK's legal requirement to meet its own targets for renewable energy (UK Renewable Energy Roadmap). It is considered that this proposal would make a modest but valuable contribution to meeting the challenging target for the production of energy from renewable sources (15% of total supply by 2020). Furthermore, support for such renewable energy developments will help reduce the nation's dependence on fossil fuels, add diversity and security to the UK's energy supply and increase the energy supply from decentralised sources.

Policy COMM 8 of the UDP presents a set of criteria for the deliberation of appropriate renewable energy developments. In consideration of these criteria, the proposed development will not contribute to unacceptable effects on the immediate and surrounding countryside as the application site lies wholly within the industrial setting of the Port of Barry, designated under the UDP as part of the Vale's 'Developed Coastline' (also see Section 5.4 for visual impact considerations). Similarly, the application site does not overlap any sites of conservation, archaeological or historical importance (also see heritage reports as part of this application) and it is not thought the proposed development would lead to any indirect effects on such receptors in the vicinity. In terms of ecological and wildlife importance, no significant concerns are raised other than the mitigation measures proposed to protect the low population of slow-worm observed on the application site (discussed further in Section 5.5). Finally, the application site does not overlap a specified land use and the construction/operation of the development would not be considered to impact on residential amenity given the industrial context of the site; landscape, traffic and noise effects are discussed in Sections 5.4, 5.7 and 5.8, respectively.

5.2 Current Land Use

The application site is to the south/south-east of Dock N^o 2 and north-east of Dock N^o 3 within the Port of Barry. It comprises an area of 16.5 hectares and currently contains an inert waste

recycling operation, an unoccupied coal yard and areas of predominantly scrub vegetation. Despite initial considerations, the application site does not incorporate the area designated for 'Employment Allocation' (Atlantic Trading Estate) under Policy EMP 1 (Land for Employment Uses) of the UDP and, therefore, the proposed development is not in conflict with Policy EMP 4 (Protection of Land for Employment Uses). In addition, not all of the land designated for employment under the UDP is owned by the applicant and that the part that is owned by the applicant is allocated for "suitable non conforming uses" under policy EMP 10.

Furthermore, the Screening Opinion (11/06/14) provided by the Vale of Glamorgan states the proposed development could actually *"improve the character of the underutilised, derelict land"*. Nevertheless, the proposed development is to be a temporary structure to be removed, or reconsidered, after a period of 25 years.

5.3 Site Selection

The Vale of Glamorgan UDP does not specifically identify suitable areas within the region for solar farm developments; thus, the site selection for the proposed development has been guided by the appropriate design considerations laid out through the UDP (also refer to the Design and Access Statement), together with the operational needs and requirements of the proposal.

Site selection was guided by the necessity for relatively flat and exposed (not overshadowed) land, access to the electricity grid which has appropriate transmission capacity, minimal environmental constraints and appropriate highway infrastructure for construction, maintenance and decommissioning. All of these factors have been deemed favourable for solar energy generation at the application site.

5.4 Visual Impact

The application site is located within the Port of Barry, a heavily industrialised commercial port estate. Policy ENV 6 (East Vale Coast) highlights the industrial context of the port, endorsing the continued development of this commercial/industrial estate and favouring proposals within such developed surrounds as opposed to other undeveloped coastal areas of the Vale. The proposed development is not located within any landscape designations and there are no formal public rights of way crossing the port.

The Screening Opinion (11/06/14) provided by the Vale of Glamorgan states the following: *"Considering the low level nature of the proposed development, and the locational context, the proposed development is considered to have the potential to improve the character of the underutilised, derelict land and it is considered unlikely to result in any significant adverse impacts on the surrounding landscape character"*.

Similarly, the pre-application response (19/08/14) provided by the Vale of Glamorgan suggests that *"the development would be located within a predominantly industrial context, as opposed to a green field rural location which has been more typical of such applications in the Vale. While an application should provide a form of landscape assessment of the visual impact on the proposal, at this pre-application stage I would not raise any fundamental concerns in*

respect of visual impact, given the relatively low lying form of the development and the heavily industrial surrounding context".

As requested, a landscape and visual impact assessment prepared by ACLA Ltd accompanies this application and should be considered in conjunction with this Planning Statement. In summary, the report concludes that the proposed development is not considered to cause unacceptable landscape or visual impacts, particularly given the site is brownfield and set within an industrial context (good potential to accommodate change).

The landscape and visual impact assessment report demonstrates that the proposed development can be successfully accommodated and assimilated into the surrounding landscape without causing significant harm to the landscape character, visual amenity or landscape setting of the area. Therefore, the proposed development is considered to be compliant with Policy ENV 6 of the UDP, the principles of the PPW and the criteria set out in the UK Renewable Energy Roadmap.

5.5 Ecology

The closest designated site to the proposed works is Hayes Point to Bendrick Point SSSI. The two key features of the SSSI are of geological significance, specifically rock exposures and "dinosaur" footprints/tracks. Considering the nature of the significant features of this site and the distance from the proposed developments, no effects on this or any other designated site are anticipated. Therefore, the proposed development is not in conflict with Policy COMM 8 of the UDP and the principles of PPW in terms of potential impacts on sites of nature conservation.

A Phase 1 Ecology Survey was undertaken and the results accompany this planning application. Results suggest that there are breeding birds in all areas of dense scrub and scattered trees or woodland. The detailed mitigation will be discussed with the Vale of Glamorgan County Ecologist, although at this stage it is not considered to present any issues in terms of planning policy. The extended Phase 1 habitat survey also identified the need for further surveys that are currently ongoing or have already been completed, specifically for bats, reptiles, invertebrates and scarce plants.

A bat potential survey was undertaken by Thomson Ecology in May 2014 for the original wider area (site 1 and 2) and included the two buildings proposed for demolition as part of the works. No bat potential has been identified for the building proposed for demolition as part of this application. Separate bat activity surveys for buildings identified as having bat potential, but outside this planning application, have been commissioned by the applicant and will be completed by the end of September 2014. Any associated mitigation will be discussed with the Vale of Glamorgan County Ecologist.

Reptile surveys were undertaken by Thomson Ecology in August 2014. Following the identification of a low population of slow worm within the redline boundary, reptile mitigation is currently underway through liaison with the Vale of Glamorgan County Ecologist.

The extended Phase 1 Habitat Survey identified the potential for the site to support assemblages of terrestrial invertebrate species. Invertebrate surveys are currently ongoing and anticipated to be completed by the end of September 2014. To date, no scarce invertebrates have been recorded on site and, following liaison with the Vale of Glamorgan County Ecologist, the report will be submitted separately as part of this planning application upon completion.

As outlined in the extended Phase 1 Habitat Survey report, further surveys were recommended to establish if the site qualifies as open mosaic habitat and to record the location of protected plant species if present. A separate priority habitat assessment and scarce plant survey was therefore undertaken including additional surveys undertaken in July 2014. In summary, no scarce plants have been recorded on site; however, open mosaic habitat was identified. Mitigation is to be agreed with the Vale of Glamorgan County Ecologist as part of the proposed works.

Overall, it is considered that the proposed development will not result in any significant impacts to ecological features and, where necessary, mitigation will be applied through consultation with the Vale of Glamorgan County Ecologist.

5.6 Glint and Glare

As highlighted in 'Planning Guidance: Planning Implications of Renewable and Low Carbon Energy Development' (see Section 4.2.6), it is necessary to consider the potential for issues associated with glint and glare from solar developments. There is a perceived issue of glint and glare surrounding the reflectivity of PV solar panels and a concern of possible distractions to motorists, aircraft and other sensitive receptors. However, solar panels are designed to absorb light rather than to reflect it the level of glint and glare from a solar panel is not considered to represent an adverse impact to any receptors.

The polycrystalline modules, the most commonly used type, are equipped with an anti-reflection layer to increase the absorption of sun light by the solar panel cells. As a result, there may be some localised glare in the very close proximity to the panels, but not from any distance. At a distance, the glare would only be perceived as a lighter area in the landscape. In addition, glint and glare would only be perceived at very specific times of the year or day in a limited area defined generally by a narrow segment to the east and west coinciding with sunrise and sunset or evening sun times. The level of glare and reflectivity from PV solar panels is considerably lower than the level of glare and reflectance of common land or other surfaces and has the same or less reflectance properties than a body of water.

Therefore, the proposed development is not deemed to present an unacceptable impact in terms of glint and glare and it does not conflict with the relevant planning policy.

5.7 Access and Traffic

The Port of Barry has direct rail connections and a link road connects the port to Junction 33 of the M4 motorway. Considering the busy nature of commercial ports, it is unlikely that the proposed development would result in a significant impact in terms of traffic and residential

amenity; thus, the proposal is not considered to be in conflict with Policy EMP 2 (New Business and Industrial Development) of the UDP with regard to traffic congestion.

The Screening Opinion (11/06/14) provided by the Vale of Glamorgan states the following: *"The proposed development will generate a small increase in traffic movements during construction including Heavy Goods Vehicles, however the existing road network already accommodates such movements associated with normal port operations. No new access is proposed to the public highway"*.

Furthermore, the pre-application response (19/08/14) provided by the Vale of Glamorgan states: *"The main highway impacts associated with the development would be during the construction phase, given that maintenance trips are generally relatively limited once the development is operational. The highway network to the site does not appear to be problematic in principle and the access into the site from the highway appears to benefit from adequate visibility"*.

Despite the anticipated suitability of the current highway infrastructure, a transport assessment prepared by PFA Consulting Ltd accompanies this application and should be considered in conjunction with this Planning Statement. It provides further consideration as to the timings and volume of traffic to be involved in the construction of the proposed development. In summary, the report estimates that the site will generate no more than four deliveries per day during construction and negligible trip generation during the operational stage.

5.8 Acoustic Considerations

Whilst some construction noise is anticipated as part of the works, this will be short-term and unlikely to affect nearby sensitive receptors or exceed existing levels associated with normal port operations. During the construction phase of the development, there would be minor effects as a result of vehicle movements across the site coupled with the installation of equipment; however, such noises are not considered unfamiliar within the industrial context of the application site and surrounding port area.

Therefore, the proposed development is not considered to conflict with Policy ENV 29 or Policy EMP 2 of the Vale of Glamorgan's UDP with regard to noise.

5.9 Flooding Risk and Drainage

A Flood Consequences Assessment (FCA) has been carried out by PFA Consulting for the proposed development, concluding that the majority of the development is at a very low to low risk of flooding. The northern sector of site has been accessed as an acceptable level of flood risk through ground raising. The FCA reports that the proposed development will have adequate flood protection for extreme events over the lifetime of the development and that the risk and consequences of flooding can be acceptably managed. It is also reported that the development will not increase flood risk elsewhere. Therefore, the proposed development is considered to be compliant with the principles of the PPW and TAN 15 (Development and Flood Risk).

5.10 Archaeology and Heritage

A desk based study for a wider study area was undertaken by Glamorgan-Gwent Archaeological Trust followed by a supporting addendum focusing on the refined site for this planning application. A general watching brief with contingencies to record unknown sites or features has been recommended on any ground intrusion works, with particular regard to the area closest to the Scheduled Ancient Monument (SAM GM 310), i.e. the area of the coal yard. Such archaeological and heritage considerations are in line with Policy COMM 8 and Policy ENV 17 set out in the Vale of Glamorgan's UDP.

5.11 Security Fencing, Monitoring and Lighting

No lighting is currently present on the site. Details of lighting will be confirmed as the project develops; however, some lighting is anticipated as part of the proposed works. Similarly, it is anticipated that 2.9m high weld mesh security fencing will be installed around the perimeter with barbed wire topper. Given that the application site is situated within an already secure, privately owned industrial setting, it is not anticipated that such measures will result impacts to sensitive receptors and are not deemed to significantly alter the setting of the location.

5.12 Restoration (Decommissioning)

The proposed development is for a temporary array of PV solar panels with a designed operational lifespan of at least 25 years. Following cessation of energy generation at the application site, the proposal will be decommissioned (or re-considered) and all plant and machinery will be removed from site.

5.13 Cumulative Impacts

The Vale of Glamorgan's Screening Opinion suggests there are no other large scale solar array developments constructed within the immediate/adjacent areas and the Council has not received any screening applications in the immediate vicinity of the site. It is, therefore, considered that there would not be a significant accumulation of impacts.

6. Conclusions

The proposed development involves the installation and operation of a solar farm on brownfield land within the Port of Barry. The general principle of the proposed development to generate renewable energy (up to 10MW) is widely supported by international, national, regional and local planning policy.

The increase in the provision of renewable energy is of paramount importance within the UK, particularly to reduce overall CO₂ emissions by 50% by 2050 (for which this development would make a valuable contribution). The proposed development will provide an alternative source of energy to the use of carbon-rich fossil fuels and help assist in the mitigation of climate change.

This provides material encouragement for the proposed solar farm, which is further strengthened by renewable energy policies contained within the Vale of Glamorgan's UDP.

The application site is appropriate for the proposed development as it can accommodate the solar farm without significantly impacting the visual setting of the surrounding area or the amenities of residents in the vicinity. The temporary and reversible nature of the development will ensure that in the long term the site can be restored to its current use. The wider environmental benefits and sustainability credentials associated with the increased production of energy from renewable sources represent a significant case in favour of the development proposal.

The accompanying FCA demonstrates that the proposed development will not increase flood risk, either on site or in the surrounding area. There are no UDP policies which restrict the use of the application site for a solar farm development (e.g. Employment Allocation) and there are no sensitive or other designations of relevance on the site (e.g. SSSIs). Similarly, it is considered that the proposed development will not have a significant impact on archaeological or heritage features and appropriate mitigation measures will be imposed to protect ecological features where required.

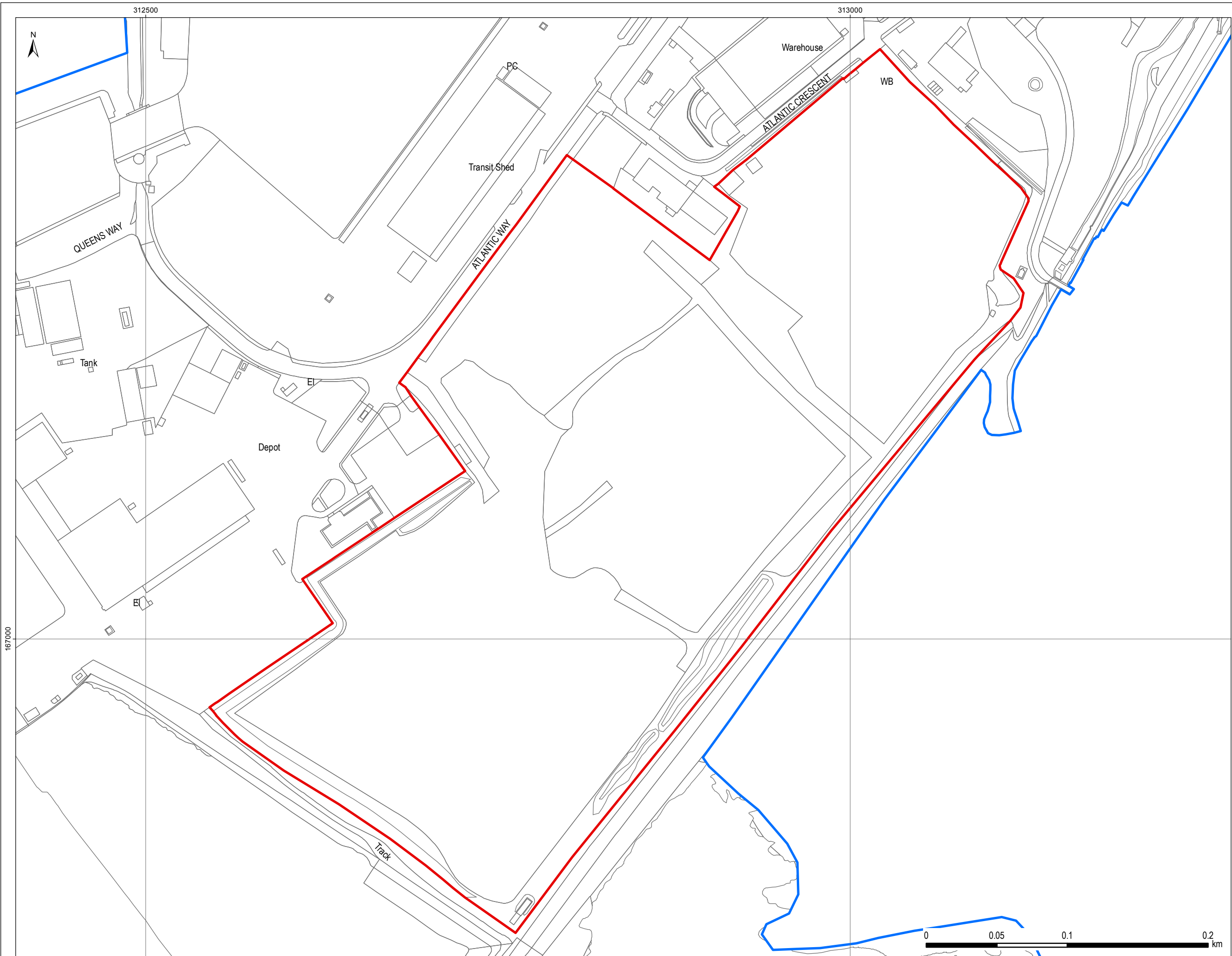
For the reasons outlined in this Planning Statement, it is considered that the application proposals are entirely consistent with the relevant planning policies and guidance at the local and national levels. All relevant planning policies and material planning considerations have been assessed through this and the other supporting statements and, where relevant, they have been addressed within the application proposals.

The information provided with this application demonstrates that the proposed solar farm development is in accordance with planning policy at the national and local levels. It will provide a reliable and sustainable energy source which is not dependent on the use of fossil fuels and contributes to both local and national renewable energy targets.

It is therefore concluded that the proposed development is acceptable and appropriate in terms of planning policy, and within the local environment, and should be granted planning permission.

Figures





- Blue Line Boundary
- Red Line Boundary

| Date | By | Size | Version |
|-----------------------------------|-----|-----------------------|---------|
| Sep 14 | NMW | A3 | 1 |
| Coordinate System | | British National Grid | |
| Projection | | Transverse Mercator | |
| Scale | | 1:2,500 | |
| QA | | FMM | |
| 4233 Planning_1_Location_Plan.mxd | | | |
| Produced by ABPmer | | | |



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Location Plan

Figure 1

Appendices



Appendix A

Screening Opinion



Date/Dyddiad: 11 June 2014

Ask for/Gofynwch am: Administration

Telephone/Rhif ffon: (01446) 704656

Fax/Ffacs: (01446) 704847

Your Ref/Eich Cyf:

My Ref/Cyf: P/DC/2014/00574/SC1

The Vale of Glamorgan Council
Dock Office, Barry Docks, Barry CF63 4RT
Tel: (01446) 700111
Cyngor Bro Morgannwg
Swyddfa'r Doc, Dociau'r Barri, Y Barri CF63 4RT
Ffôn: (01446) 700111
www.valeofglamorgan.gov.uk

e-mail/e-bost: developmentcontrol@valeofglamorgan.gov.uk



Byron Lewis,
Associated British Ports
Queen Alexandra House,
Cargo Road,
Cardiff.
CF10 4LY

Dear Sir,

**Town and Country Planning (Environmental Impact Assessment)
(England and Wales) Regulations 1999 : Part II Screening Paragraph 5
Solar Voltaic project 2 sites
at Atlantic Way, Port of Barry, Barry**

The Council has considered the details of the proposed scheme as detailed in the information submitted with the request for a screening opinion as to the requirement for an Environmental Impact Assessment received 22 May 2014.

The Local Planning Authority would advise that in their opinion an Environmental Impact Assessment is not required for the following reason(s):

1. Having regard to the key issues identified in Schedule 3 of the Regulations and WO Circular 11/99, the Local Planning Authority is of the view that the characteristics, location and any potential impact of the development as outlined in the supporting documentation is not likely to be significant upon the environment for the reasons identified in the screening opinion attached.

Accordingly, there is not considered to be a requirement for a formal Environmental Impact Assessment to be submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

Yours faithfully,

Director of Development Services

2014/00574/SC1

Received on 22 May 2014

ABP Queen Alexandra House, Cargo Rd., Cardiff., CF10 4LY

Atlantic Way, Port of Barry, Barry

Solar Voltaic project 2 sites

Solar Photovoltaic Array with generating capacity up to 12MW

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 1999 (as amended)

REGULATION 5 – REQUEST FOR SCREENING OPINION

BACKGROUND

The Council has received a formal request for a formal screening opinion under the above regulations from Associated British Ports (ABP) who are proposing to submit a planning application for a ground mounted solar Photovoltaic (PV) system project in ABP Barry, South Wales with an output of up to 12MW, over an area of up to 30 Ha. The proposed development is considered to fall under Part 3(a) of Schedule 2 of The Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (hereon known as the EIA Regulations).

ABP have commissioned ABP Marine Environmental Research Ltd (ABPmer) to provide the Vale of Glamorgan Council with information on the proposed development, in order that a Screening Opinion can be adopted in accordance with Regulation 5 of the EIA Regulations.

The proposed development will be the use of underutilised land within an operational port. Having examined the potential key issues associated with the proposed development in accordance with the EIA Regulations

On examination, the proposal should be considered for EIA under Section 3 (a) of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended), which relates to '*industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1)*',

The screening opinion is required since the proposal would exceed the threshold set out in this section of the regulations, i.e. that the development area would exceed 0.5 hectares in size.

In assessing a development as to whether an Environmental Impact Assessment is needed WO Circular 11/99 advises that the basic question to be asked is :

" would this particular development be likely to have significant effects on the environment " (para. 32).

SITE AND CONTEXT

The Port of Barry is located in South Wales, nine miles west of Cardiff on the northern shore of the Bristol Channel. In total, the port covers 644 acres and contains three docks (No 1, 2 and 3). The proposed development consists of two adjacent sites, both located on brownfield land within land wholly owned by ABP. The location of the two sites proposed for development are shown in Figure 1 of the applicants report.

The two sites are to the east of Dock No 2 and north of Dock No 3. Site 1 comprises an area of approximately 51 acres and currently contains an inert waste recycling operation (See Section 2.4), a stone mason, an unoccupied coal yard and some area of predominantly scrub vegetation. The southwest boundary of Site 1 backs onto the entrance channel and east breakwater of the outer harbour of the Port of Barry. In addition, the south east boundary of Site 1 is adjacent to the Bristol Channel and the Hayes Point to Bendrick Rock Site of Special Scientific Interest (SSSI) (see Section 2.2 for more information). Site 2 is smaller in area than Site 1, at approximately 24 acres and consists of underutilised and derelict land and scrub vegetation. Current tenants on Site 2 include an end of life vehicle processing operation and various light industrial and storage uses. The Cadoxton River runs alongside the eastern boundary of Site 2 where it then flows into the Bristol Channel.

Proposed Development

ABP are proposing to install PV panels across Sites 1 and 2. The panels would be installed in arrays, approximately 6m apart and angled southwards to maximise power generation. Fixed solar panels are proposed that can be installed within a few months and removed from the sites with minimal effects on the environment. It is anticipated the panels will be up to 3m in height and ground mounted to a shallow depth dependant on ground conditions. Details of the proposed development are to be defined as the project progresses however the proposed development is likely to include the construction of a security fence, access roads and associated infrastructure.

The proposed works may also include a substation and connection to the distribution network. As part of the proposed development some levelling of the land is likely to be required and several buildings, the majority of which are derelict, will also be demolished (approximately 10,100 sqm).

The proposed PV panels are stated as being temporary structures, which would be removed at the end of their 25 year lifespan and the site restored to its original agricultural state.

PLANNING HISTORY

None relevant

CONSULTATIONS

None.

REPRESENTATIONS

None.

REPORT

Issues

The Local Planning Authority is required to consider whether the development has any significant impact on the environment, given the location and characteristics of the site and surroundings and thus whether it should be the subject of an Environmental Impact Assessment if any application is submitted.

In reaching a screening opinion, the Council must have regard to the matters listed in Schedule 2 of the Regulations, which sets out the 'selection criteria' which must be taken into account in determining whether a development is likely to have significant effects on the environment.

This assessment must therefore examine the characteristics of the development (including its size, use of natural resources, quantities of pollution and waste generally), the environmental sensitivity of the site and the characteristics of the potential impact (including its magnitude and duration) (para. 33).

Welsh Office Circular 11/99 states that EIA will usually only be needed for Schedule 2 developments in three main types of case: a) for major developments which are of more than local importance; b) for developments which are proposed for particularly environmentally sensitive or vulnerable locations); and c) for developments with unusually complex and potentially hazardous environmental effects. It also states that the number of cases of such development will be a very small proportion of the total number of Schedule 2 developments.

From a consideration of the proposal in the context of the site, and on the basis of the information provided by the applicants, the following conclusions are reached in relation to the Schedule 3 issues.

Characteristics of the development

Annex B: Selection Criteria for Screening Schedule 2 Development – of the regulation advises that the characteristics of development must be considered having regard, in particular, to:

- (a) the size of the development;
- (b) the cumulation with other development;
- (c) the use of natural resources;
- (d) the production of waste;
- (e) pollution and nuisances;

The risk of accidents, having regard in particular to substances or technologies used.

Visual impact

The information provided indicates that an area of a maximum of 30 hectares will be utilised for the installation of solar panels ground mounted on an angled metal framework with a maximum height of 3 metres above ground level.

Whilst this represents extensive ground coverage, it is considered that the size and extent of the development is not so large that its impact could be considered as being more than of local relevance / importance. In terms of the panels themselves, they will be restricted in height to a maximum of 3 metres above ground level.

The proposed development is not located within any landscape designations. The nearest sensitive receptors are residential areas approximately 300m from Site 1 and 100m from Site 2. There are no formal public rights of way crossing the Port of Barry. A public right of way/National Trail passes around the Port of Barry (Le. away from the coast). In addition one public right of way follows the coast from Hayes Point to Bendrick Rock, which then leads to a bridge across the Cadoxton River, immediately to the east of the proposed sites. The planning application will be supported by a Landscape and Visual Impact Assessment which will provide an evaluation of the environmental effects of the proposed development on the character, quality of the landscape and key public views and visual amenity. Measures will be taken to minimise effects where necessary such as appropriate landscaping and the treating of panels to minimise glare. Considering the low level nature of the proposed development, and the locational context, the proposed development is considered to have the potential to improve the character of the underutilised, derelict land and it is considered unlikely to result in any significant adverse impacts on the surrounding landscape character.

The submitted information also identifies that the installation method will have a relatively low impact on the existing ground conditions, which indicates that vegetation will continue to grow under and between the panels. In addition it is noted that the submissions refer to other schemes where it has been possible for smaller livestock animals to continue grazing between and beneath the solar panels, although it has not been specified that this will happen under this proposal.

Given the proposed size and potential prominence in local and more distant views, any application would still need to be accompanied by a landscape and visual assessment, and it has been asserted in the submissions for the screening opinion that such an assessment will be carried out in support of a full application.

As identified above the area to be covered by the solar area is substantial, however without a substantive visual assessment it is not yet clear to what extent the development would be visible from local and wider viewpoints. Nevertheless, it is considered that the extent of the impact would be relatively local and therefore limited, without any wider or regional impact, it is considered that the geographical area and population affected would nevertheless not be so great as to require an EIA to assess this issue.

The duration, frequency and reversibility of the impact can only be fully assessed on the submission of an application. However it is stated that the proposed PV panels would be temporary structures, removed at the end of their 25 year lifespan, and the use of deep foundations or piling would be avoided thereby ensuring that at the end of the life of the panels, the ground would be restored to its original agricultural state. In this regard the impact could be fully reversed.

There are no other large scale solar array developments constructed within the immediate/adjacent areas and the Council has not received any screening applications in the immediate vicinity of the site. It is, therefore, considered that there would not be a significant accumulation of impacts.

In respect of criteria c and d, it is considered that the development would not have significant impacts in respect of natural resource usage or waste production. With regard to criterion e, pollution and nuisances, it is considered unlikely that any noise associated with the equipment would be so significant so as to necessitate an EIA, particularly given that the nearest residential property is in the region of 90 m from the site in Bendrick Road. Nevertheless this matter would need to be considered should an application be submitted.

Finally, given the nature of the proposed development, which does not as a primary function involve dangerous substances or technologies, it is considered that the development would not require an EIA as a consequence of this criterion.

It should be noted that while Circular 11:99 gives guidance on thresholds where an EIA will be likely to be required for wind energy, no such advice is given in respect of solar energy.

Location

The next test required is to assess the area for its environmental sensitivity, as to whether any part of the development would be carried out in a sensitive area. The EIA Regulations provide definitions of those areas that are regarded as 'sensitive', which includes

- Sites of Special Scientific Interest (SSSI),
- National Parks,
- Areas of Outstanding Natural Beauty (AONB),
- World Heritage Sites,
- Conservation Areas,
- Scheduled Ancient Monuments, and
- Internationally designated sites.

the following designated sites are located within 5km of the proposed development:

Severn Estuary Ramsar;
Severn Estuary Special Area of Conservation;
Severn Estuary Special Protection Area;
Barry Island SSSI;
Barry Woodlands SSSI;

Cliff Woods-Goldern Stairs SSSI and Local Nature Reserve (LNR);

- Cog Moors SSSI;
- Cosmeston lakes SSSI;

Cwm Talwg Woodlands LNR;

- Hayes Point to Bendrick Rock SSSI;
- Penarth Coast SSSI;

Severn Estuary SSSI; and

- Sully Island SSSI.

The closest designated site to the proposed works is Hayes Point to Bendrick Point SSSI which is adjacent to Site 1. Designated in 1986, the SSSI is approximately 29.5 hectares in area and located over a 1.8 km stretch of coastline to the south east of Barry on the northern shore of the Bristol Channel. The two key features of the SSSI are of geological significance, specifically rock exposures and "dinosaur" footprints/tracks.

Considering the nature of the significant features of this site and the distance from the proposed developments, no effects on this or any other designated site are anticipated, however consideration will be given to this sensitive area where necessary including as part of the FCA.

The current land use of the site consists of underutilised, derelict land and a Phase 1 ecology survey was undertaken on the 11/12 April 2014 and the results and subsequent report will be submitted with a planning application. Initial results suggest there is some potential for common nesting bird species within the vegetation. Following the draft Desk Study and Extended Phase 1 Habitat Survey, it was recommended that any necessary site clearance of trees and shrubs be undertaken outside of the bird breeding season. A Phase 2 survey is currently underway to check for the presence of common reptile species. A local Biological Records Centre data search request has been logged and the results will also be incorporated within these surveys. The site is considered to have the potential for the proposed development to provide ecological enhancements and no significant adverse effects on ecological features are anticipated.

Accordingly, it is considered that the site does not fall within the definition of a 'particularly environmentally sensitive location', as set out within Circular 11/99, and that an Environmental Statement is not required due to the sensitivity of the location.

Access

The proposed development will generate a small increase in traffic movements during construction including Heavy Goods Vehicles, however the existing road network already accommodates such movements associated with normal port operations. Site 1 and 2 are considered to have good access through roads within the Port of Barry.

No new access is proposed to the public highway. It is envisaged that some infrastructure will be shipped to the port directly and any increases in traffic will be confined to the Port of Barry. Therefore no significant effects are anticipated.

Although there could be impact from the proposed construction work, it is anticipated that this could be mitigated through techniques and procedures that could be outlined in any planning application through a transport statement. Therefore it is considered that the above is not a matter requiring a formal EIA.

Ground conditions and hydrology:

A significant part of the proposed site is identified as lying within flood Zone C2. The proposed development will raise levels on the site where required to meet Technical Advice Note (TAN) 15 (Development and Flooding Risk). This will therefore mean that a Flood Consequences Assessment will be required as part of any planning application.

The Cadoxton River flows adjacent to the eastern boundary of Site 2. NRW collects water samples at regular intervals along rivers and canals to analyse chemical, biological, nitrate and phosphate properties, with the last published data reported for the river from 2009. For the Cadoxton River, chemistry and biology were reported 'B' grade (measured A-F; very good to bad) and nitrate and phosphate were reported '3' and '4' (measured 1 to 6; very low to very high levels), respectively.

Water quality in the area surrounding the Port of Barry is also discussed in NRW's Western Wales River Basin Management Plan (RBMP). With specific regard to the Cadoxton River, current chemical status is good and it is thought this will also be achieved in 2015. However, ecological status is currently moderate and unlikely to achieve good status by 2015, due to the biological element 'Fish' and supporting element 'Quantity and Dynamics of Flow'. The justification for not achieving good ecological status by 2015 is related to natural conditions and disproportionate costs, respectively. A revised objective is to achieve good ecological status by 2027.

The Western Wales RBMP also assesses groundwater quality, suggesting that the 'Thaw and Cadoxton Jurassic Lias' waterbody has good chemical status and poor (low confidence) quantitative status. 'Impact on Surface Waters' is highlighted as the cause of not currently achieving good quantitative status, and disproportionate costs justify why this groundwater is not predicted to achieve good status by 2015. The 'Bristol Channel Inner North' coastal water body is considered to have currently good ecological and chemical status, which is also predicted to be the case in 2015.

The nearest groundwater source protection zone is an Inner Zone (Zone 1) approximately 800m to the north of Site 2 and due to the distance from the proposed works will not be effected.

During operation, it is considered that rainfall falling onto the PV panels will directly run off into the ground beneath the panels as it does in the existing site. Therefore considering the nature of solar farms including the general non-intrusive nature and the small size of area overlapping with flood zones, no potential effects on flood risk or water quality are anticipated. Nevertheless, in support of a planning consent it is proposed that a Flood Consequence Assessment (FCA) will be undertaken.

Contaminated Land and Waste

There are records of historic landfill across both Sites 1 and 2. Site 1 is located within 'Barry Docks Area A and B' historic landfill due to the operation of the site by BP Chemicals Limited between 1945 and 1994. The northern part of Site 2 is located within the 'Atlantic Trading Estate' historic landfill and the 'Barry Dock No.1' historic landfill (Environment Agency, 2014). In addition, the site includes two currently licenced waste management facilities for end of life vehicles.

Following discussions with solar panel supply and installation contractors, ground disturbance is expected to be minimal due to the non-intrusive nature of these works. However, due to the known previous use of the land a contaminated land report is to be produced to consider any potential effects of the project works. Given the general non-intrusive nature of solar farms the potential for affecting any underlying contaminated land such a report is considered to be necessary as part of the planning application process.

Heritage and Archaeology

No listed buildings are located in close proximity to either Site. A scheduled ancient monument has been identified in the north of Site 1 and it is referred to as 'Round Barrow 612m N of Bendrick Rock' (Figure 3). Round barrows are hemispherical mounds of earth which were built up and used as burial sites.

The solar panels will be a ground mounted ballasted foundation installation and will not require intrusive foundations and therefore no significant effects, above or below ground are anticipated on heritage interests. Nevertheless a heritage and archaeology desk study will be required to be submitted with the planning application.

Noise and Air Quality

There is likely to be a small increase in noise and dust associated with the construction phase of the proposed development. This will be short term and unlikely to affect nearby sensitive receptors or exceed existing levels associated with normal port operations. Effects from noise and dust will be managed and it is recommended that these issues are dealt with through the planning application process.

Conclusions

The proposed development will be a medium term use of underutilised and derelict land within an operational port and is considered to have the potential to enhance the Sites. Having examined the potential key issues associated with the proposed development in accordance with the EIA Regulations, it is concluded that the development proposals size, characteristics and location fall below the relevant thresholds for EIA and an EIA is therefore not required due to the following key reasons:

- The proposed sites are not located within or impacting upon a sensitive area as defined by the EIA Regulations; and
- The proposed development is no more than of local importance and will not result in significant adverse environmental impacts.

It is proposed that the following supporting information will be submitted with the planning application so that the Vale of Glamorgan Council has sufficient information on which to determine consent:

- Phase 1 and Phase 2 ecological assessment;
- Landscape and visual assessment;
- Contaminated land report;
- Heritage desk study; and
- A design and access statement.

Planning Application

Notwithstanding the above, the following documents are considered necessary to accompany and support the planning application:-

- Planning Statement
- Design and Access Statement
- Landscape and Visual Impact Assessment
- Flood Consequences Assessment
- Transport Statement
- Construction and Operational Management Statement
- Ecology Assessment
- Extended Phase 1 Habitat Survey / Ecology Assessment
- Archaeological/Cultural Heritage Assessment

In the absence of any overriding reason on the above or any other grounds, it is therefore the opinion of the Local Planning Authority that the form of development proposed does not require an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

Notwithstanding the above, the Local Planning Authority considers that any planning application should also be supported by full technical details and specifications including full details of the array and associated infrastructure including any substation, grid connection and other ancillary works and potential impacts of the development.

CONCLUSION

Welsh Office Circular 11/99 states that EIA will usually only be needed for Schedule 2 developments in three main types of case: a) for major developments which are of more than local importance; b) for developments which are proposed for particularly environmentally sensitive or vulnerable locations); and c) for developments with unusually complex and potentially hazardous environmental effects.

In this respect, and taking into account each of the above, it is concluded from the information submitted that, whilst information regarding certain environmental issues will be required to support any application on this site, there is not considered to be a requirement for a formal Environmental Impact Assessment to be submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

RECOMMENDATION

An Environmental Impact Assessment is not required for the following reason(s):

1. Having regard to the key issues identified in Schedule 3 of the Regulations and WO Circular 11/99, the Local Planning Authority is of the view that the characteristics, location and any potential impact of the development as outlined in the supporting documentation is not likely to be significant upon the environment for the reasons identified in the screening opinion attached.

Accordingly, there is not considered to be a requirement for a formal Environmental Impact Assessment to be submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

NOTE:

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.



ABP Marine Environmental Research Ltd (ABPmer)
Quayside Suite, Medina Chambers, Town Quay, Southampton SO14 2AQ

T +44 (0)23 80 711840

F +44 (0)23 80 711841

E enquiries@abpmer.co.uk

www.abpmer.co.uk

Creating sustainable solutions for the marine environment