



Ein cyf/Our ref DNS/3252305

Ed Perrin
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16 January 2023

Dear Mr Perrin,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 62D
THE DEVELOPMENT OF NATIONAL SIGNIFICANCE (TECHNOLOGY) REGULATIONS
2016
THE CONSTRUCTION, OPERATIONS, MAINTENANCE AND DECOMMISSIONING OF A
RENEWABLE ENERGY SCHEME. THE MAIN ELEMENT OF THE DEVELOPMENT WILL
BE THE INSTALLATION OF A GROUND MOUNTED SOLAR PARK WITH MAXIMUM
EXPORT CAPACITY OF 32MW**

1. Consideration has been given to the report of the Inspector who held hearings to examine the planning application.
2. In accordance with section 62D of the Town and Country Planning Act 1990 and Regulation 3 of The Development of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016, the application was made to the Welsh Ministers for determination.
3. A copy of the Inspector's report ("IR") is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.
4. The proposed development was subject to a negative Screening Direction under the terms of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations on 12 November 2020. The proposal as screened comprised a 45MW ground mounted solar park including containerised batteries. However, the proposal as submitted on the 25 January 2022 comprised a 37MW ground mounted solar park without storage batteries with consequent modification of the application boundaries. The Inspector has considered this to be a minor variation which would not affect the Screening Direction and I am in agreement.
5. The Inspector noticed that pre-application consultation has been affected by the pandemic restrictions in place at the time. However, the relevant statutory

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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requirements were met. It is not apparent to me from the review of the consultations conducted by the Applicant and Planning and Environment Decisions Wales (“PEDW”) that they are lacking in any way which would have prejudiced the examination.

6. The Inspector held a hearing on 10 August 2022 which was divided into three sessions concerning:
 - i. Effects on Landscape, Character and Appearance;
 - ii. Other Matters, and
 - iii. Planning Conditions
7. An unaccompanied site visit was conducted on 12 August 2022.
8. An additional hearing was originally proposed by the Inspector in relation to the effects of the proposal on Best and Most Versatile Agricultural Land (“BMVAL”). Following an initial objection to the proposed development by the Welsh Government’s Soil & Agricultural Land Use Planning Unit (“SPALPU”), the scheme was varied, with a reduction in the area affected by solar panels and maximum generated output from 37MW to 32MW, among other things. Consequently, SPALPU withdrew the objection and the Inspector decided that the issue of BMVAL could be addressed via written representations.
9. The applicant provided additional information to support the request for variation of the scheme, which was accepted by the Inspector and subject to a formal request for further information and additional consultations. The Inspector considered the variation of the scheme did not constitute a substantial change in the nature of the development [IR 13] and I am in agreement with the Inspector’s conclusions. The proposed development has been considered in its amended form.

Main Considerations

10. I agree the main considerations are those listed at IR 187:

- The effect on the landscape character and visual amenity of the area;
- The effect on BMVAL
- The effect on heritage assets
- The effect on ecology, particularly the special features on designated sites and protected species;
- The effect on highway safety;
- Flood risk and drainage
- The impact on residential amenity, and
- The benefit of the proposal.

Landscape and Visual Amenity

Landscape character

11. The application is accompanied by a Landscape and Visual Appraisal (“LVA”) which is informed by a Zone of Theoretical Visibility (“ZTV”) and 15 representative viewpoints, together with several photomontages. The LVA found that, during the operational period, the development would initially have a moderate adverse landscape effect on the characteristics of the application site [IR 41] which will reduce over time as a result of mitigation planting. [IR 196].

12. According to the documentation submitted by the Applicant, the proposal will have a direct impact on two Landscape Character Areas ("LCA") and would result in a localised direct moderate adverse landscape effect within a 2km radius from the site, which will reduce in the medium to long term to a moderate/minor adverse effect [IR 42 & IR 196].
13. The proposed development will also have a minor localised adverse effect on the eastern part of the Brecon Beacons National Park ("BBNP") and Blaenavon Industrial Landscape World Heritage Site ("BILWHS"). However, the Special Qualities of the two designed landscapes will not be compromised [IR 43 & IR 201].
14. The Inspector concluded that in the medium to long term (between years 5 to 40) the proposed development would result in, at most, a moderate adverse effect on the landscape character within 2km of the site, which will reduce over time due to the mitigation planting becoming more established [IR 203]. I see no reason to disagree with the Inspector's conclusions.

Cumulative Effects on Landscape Character

15. The LVA anticipated minor adverse cumulative landscape effects on LCA 53 and LCA 39 [IR 47]. The nearest identified development which could have a cumulative effect with the proposal on landscape character is the solar farm at Manor Farm. The Inspector noted that Manor Solar Farm is outside the ZTV and concluded that any cumulative adverse landscape effects would be minor [IR 205]. I concur with the Inspector's conclusions.

Visual impacts

16. The LVA found that the lower elevations of the development would be partly contained by the existing hedgerows and trees within the boundaries of the site and surrounding farmland, along with screening by built elements and local topographical variations. The higher elevations of the development would be visible in longer distance views largely to the south, southeast and southwest, albeit the effects would be minor adverse during the operational years [IR 45].
17. The LVA assessed that the application proposal would have the most influence on visual receptors in publicly accessible locations within 1km of the application site, with operational major/moderate adverse visual effects from viewpoints 1 and 2, as specified in the LVA, along the public rights of way within the application site [IR 46 & IR 208].
18. Mitigation measures are proposed to reduce potential landscape and visual effects. The LVA considers that as the mitigation planting becomes established it would help contain elements of the proposed development at lower elevations [IR 48].
19. Overall, it is contended by the applicant and its LVA that the effects on landscape character and visual impact would not constitute unacceptable adverse impacts on the surrounding landscape, including on the settings of National Parks and AONBs [IR 52].
20. Monmouthshire County Council ("MCC") and other representors considered the proposal will have an acceptable adverse impact on landscape and will constitute a significant visual intrusion. The local resident group prepared a Landscape Character and Visual Impact Assessment ("LCVIA") [REP 059] which considered the

scheme before its variation and found it would have a substantial adverse visual impact and a major adverse effect on landscape character [IR 192].

21. The Inspector noted that, while the Applicant's LVA and an objectors' LCVIA reach different conclusions about the degree of landscape change and its effects, such reports inherently involve a professional subjective judgement [IR 193]. The Inspector has carefully considered the content of both assessments and reached his own conclusions based on the written submissions, oral evidence given at the hearing session and observations made during his site visit.

Cumulative visual effects

22. The only identified development which could have a cumulative visual effect with the proposed development is Manor Solar Farm located at Manor Farm near the village of Llanvapley, about 4.5km away from the application site and a single micro-wind turbine (17.7m to the tip) at Main Farm House [IR 226].
23. The Inspector concluded that, given the distances between those existing developments and the proposed development and intervening landforms and vegetation, it is unlikely that they would be experienced in any cumulative visual interactions. Therefore, the Inspector considered that the cumulative visual change would be low and the effects, at most, minor adverse [IR 226].

Overall Conclusions on Landscape Character and Visual Effects

24. I have reviewed the Inspector's assessment of the effects of the proposal on the landscape and visual impact, and I do not find reasons to disagree with his findings. I agree the proposed development would have localised adverse effects on landscape character and visual appearance, reducing over time as proposed planting becomes established [IR 194 -227]. I agree the degree of harm would not amount to the 'unacceptable' adverse impacts or 'significant visual intrusion' referred to LDP policies SD1 - Renewable Energy, LC1 - New Built Development in the Open Countryside and LC5 – Protection and Enhancement of Landscape Character [IR 228].
25. I also agree with the Inspector that, in relation to this specific matter, the proposal will not be contrary to Policies 17 and 18 of Future Wales ("FW"), the national development plan for Wales, as it would not amount to unacceptable visual or other adverse impacts on the environment or the surrounding landscape, including the setting of the BBNP.

BMVAL

26. According to the applicant's submission, about 32.1ha of the site comprises BMVAL. The Welsh Government's Soil & Agricultural Land Use Planning Unit ("SPALPU"), questioned the practicality of farming some of the BMVAL in fields 1, 4, 5 and 6 to its full potential and, therefore, considered that about c.25ha of the total BMVAL was subject to the protection offered by Planning Policy Wales ("PPW") paragraphs 3.58 and 3.59 [IR 235].
27. SPALPU's initial objection required the removal from the proposal of fields 8,9,10 and 11, which contained the main area of contiguous BMVAL. In response, the applicant varied the proposed development and removed solar arrays from fields 8 and 11, which reduced the total amount of BMVAL affected by the proposal to approximately 16.8ha. [IR 237]

28. The Inspector consulted SPALPU following the scheme variation and the submission of additional information by the applicant. In response to the additional consultation, SPALPU withdrew its objection. In its consultation response letter [2022-07-15 REPS2 014 DCC], SPALPU explained the primary reasons for withdrawing the objection were the specific characteristics of the application, including the volume of BMVAL adjacent to the length of the connection assessment area and other nationally recognised designations such as BBNP.
29. Paragraphs 3.58 and 3.59 of PPW apply to all BMVAL irrespective of the area or amount of BMVAL included within the application site. In this case, approximately 32ha of BMVAL within the application site and all this BMVAL is subject to the protection afforded by national policy expressed in paragraphs 3.58 and 3.59 of PPW.
30. PPW is clear, BMVAL should only be developed if there is an overriding need for the development and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value which outweighs the agricultural considerations.
31. The Inspector contended that if suitable working practices were adopted and properly followed, it should be possible for significant damage to soils and BMVAL to be avoided [IR 266]. This argument follows the conclusions of the applicant's Response to Inspector's Request for Further Information: BMVAL (DOC 30).
32. By contrast, SPALPU's concerns are detailed in REP2 014 DCC, which challenged various aspects of the applicant's BMVAL report. For example, the DCC Report rejected the view that damage to soils caused by poor installation practices can always be simply rectified by standard agricultural practices, especially if deep soil compaction has occurred. It also challenged the notion that solar farm construction and decommissioning activities would be equivalent to, or less impactful than, agricultural uses, which can themselves cause soil damage [IR 264].
33. I am not convinced that the construction and decommissioning details and practices necessary to minimise the risk of significant damage to soils, and possible permanent loss of BMVAL, could be delivered and secured by means of suitable conditions [IR 271]. There is no evidence that mitigation measures, even if followed, would be able to completely mitigate the impact of the proposed development on BMVAL.
34. The Inspector's consideration of overriding need is set out in IR 279- 286. The Inspector noted the Welsh Government's commitment to decarbonisation and tackling the climate emergency and highlights the contribution the proposal would make to these objectives by generating a significant amount of energy from a renewable source. I agree with the Inspector that there is a need to increase the generation of renewable energy in Wales. However, this in itself does not comprise "overriding need" for the purpose of paragraph 3.59 of PPW. I consider "overriding need" in this context requires the need for the proposed development to be balanced against the need to protect BMVAL.
35. I note SPALPU questioned the practicality of farming all the identified BMVAL to its full BMV potential.
36. In this context, for this particular development proposal, I consider the scheme's capacity to generate a significant amount of renewable energy outweighs the need to protect the BMVAL within the application site boundary. In coming to this view I have taken into account the comments of SPALPU that fields 1, 4, 5 and 6 could not be

practically farmed to their full potential thus reducing the amount of BMVAL which would be affected by the proposal. I also note the removal of solar arrays from fields 8 and 11, which further reduces the amount of BMVAL directly affected. I am also mindful that SPALPU has withdrawn its objection to the proposal.

37. Therefore, having considered the need for renewable energy, the need to protect BMVAL in the context of the application proposal, and SPALPU's assessment of the BMVAL, I have established, in the specific circumstances relevant to this case, the need for the development overrides the need to protect the BMVAL for the purposes of paragraph 3.59 of PPW.
38. Having determined that there is an overriding need for the development proposal, paragraph 3.59 requires the decision maker to consider the site selection process, whether either previously developed land or land in lower agricultural grades is available, or available lower grade land has an environmental value which outweighs the agricultural considerations.
39. The Inspector considered the site selection process [IR 242- 255] noting the applicant's search approach. I have no reason to disagree with the Inspector that the site has been chosen in line with the site search criteria and that it has been demonstrated, for the search area considered by the applicant, that neither previously developed land nor land in lower agricultural grades is available.
40. FW Policy 18 requires acceptable provisions to be made for the effective restoration of sites which have been developed to facilitate renewable energy projects. Whilst I am not convinced, based on the lack of evidence in front of me, that the full potential of the BMVAL will be preserved, the Inspector was satisfied with the decommissioning and soil protection measures secured by the recommended planning conditions [IR 287]. In this context, on this particular matter and for this specific site, I have no reason to disagree that the proposal broadly accords with Policy 18 of FW.

Heritage

41. There are no designated or non-designated archaeological or heritage assets within the application site itself, with the nearest heritage asset being 'Great House' (Grade II* listed), located about 100m to the east of the site boundary. [IR 290]
42. A total of 27 Listed Buildings were identified within the 2km study zone and the ZTV of the proposed development, including six Grade II* and 21 Grade II. The applicant submitted a Heritage Impact Assessment ("HIA") to support the application. Moderate to low indirect effects are anticipated in relation to the Grade II* listed 'Great House' and, overall, range between low to negligible indirect effects for all other listed buildings [IR 291].
43. The Inspector agreed with the HIA there would be a moderate to low indirect adverse effect on the setting of the Great House [IR 294].
44. The BILWHS lies partially within the 5km study area and the calculated ZTV supporting the LVA. Similarly, the Historic Landscape Area associated with this asset also lies partially within the study area and ZTV. Indirect effects anticipated upon these designated areas were anticipated to be low [IR 295].

45. Eight Scheduled Monuments were identified within the 5km study zone which were within the ZTV of the proposed development. Low indirect effects to low/negligible indirect effects are anticipated to these assets [IR 296].
46. Cadw had no objections to the proposal and, along with the Inspector, concurred with the conclusions of the HIA that there would not be a significant impact on any of the designated heritage assets in the area and has no objections to the proposal [IR 297].
47. With regard to archaeological remains, in its most recent consultation response [2022-07-04 – REPS2 003] Glamorgan-Gwent Archaeological Trust (“GGAT”) noted that archaeological investigation and assessment undertaken to inform the application included a geophysical survey carried out by AOC Archaeology (November 2021), a HIA (January 2022) and that most recently a field evaluation was carried out on the development site by Headland Archaeology (April 2022). GGAT considered it unlikely that further archaeological work would encounter significant archaeological remains. GGAT did not consider there to be a need for further archaeological work in relation to the development and the Inspector agreed with this assessment [IR 300].
48. The Inspector concluded the proposal would not cause unacceptable harm the significance of historic assets and, therefore, accords with FW policy 18 and LDP policies S13, LC1 and S10 and I concur with the Inspector’s assessment [IR 301].

Ecology

49. The applicant’s ecological report identified that the site has hydrological connectivity with the River Usk Special Area of Conservation (“SAC”) and the River Usk (Lower Usk) Site of Special Scientific Interest (“SSSI”), with potential ecological connectivity restricted to otter. There is potential ecological connectivity with the Usk Bat Sites SAC in relation to the lesser horseshoe bat [IR 304].
50. Natural Resources Wales (“NRW”) expressed various initial concerns about the application, including concerns regarding Great Crested Newts (“GCN”), Dormice, Bats and Otter and the River Usk SAC in relation to pollution and its otter feature and the Usk Bat Sites SAC with regard to the lesser horseshoe bat [IR 305].
51. A GCN Survey Report submitted with the application and since updated (May 2022), indicated that GCN are likely to be absent from the application site. However, partly because access could not be obtained to survey some pounds within 250m of the site boundary, the application was progressed on precautionary basis assuming the presence of GCN in several ponds. [IR 306]
52. Although the Ecological Impact Assessment (“EclA”) submitted to support the application reported that no records or signs of dormice were noted during the desk study and species scoping survey, NRW advised that mitigation measures should be secured via conditions requiring a Dormouse Conservation Plan, a revised Construction Environmental Management Plan (“CEMP”) and a Lighting Plan to ensure that the proposed development would not be detrimental to dormice. [IR 307]
53. The Inspector noted that NRW agrees with the applicant’s EclA that there is unlikely to be a significant effect on the Lesser Horseshoe bat feature of the Usk Bat Sites SAC, taking account of the Bat Conservation Plan and the application of the Lighting Plan condition [IR 308].

54. NRW acknowledged that no evidence of otters was recorded onsite during the field survey but that otters may occasionally use the drain/ditch along the northern boundary of the site, which would not be beyond the range of otters comprising the otter notified feature of the River Usk SAC. Although NRW considered that the proposed development would be unlikely to have a significant effect on the otter feature of the River Usk SAC, it advised that appropriate mitigation measures should be implemented during the construction and operational phases to ensure that otters could continue to move safely along the ditch and not be otherwise affected by the works by, for example, becoming trapped in excavations or adversely affected by artificial light [IR 309].
55. NRW agreed with the conclusion of the Shadow Habitat Regulations Assessment ("SHRA") that the proposed development would be unlikely to have an adverse effect on the integrity of the Usk Bat Sites SAC or the River Usk SAC, subject to a set of mitigation measures listed at IR 311. The Inspector carried out an Appropriate Assessment ("AA") (Annex B of the IR) and found that the proposal, subject to mitigation measures secured by conditions, will not affect the integrity of the Usk Bat Sites SAC or the River Usk SAC. I reviewed the AA and I concur with the Inspector conclusions.
56. The applicant proposed biodiversity enhancements including the creation and maintenance of a diverse species rich grassland with a varied sward structure, native tree planting, new hedgerow, bird, mammal and invertebrate houses/boxes. The Inspector noted that MCC's Local Impact Report ("LIR") considered that the proposal would have a positive impact on ecology, subject to a condition requiring a CEMP [IR 317]. I agree with the Inspector and consider the scheme accords with Policy 9 of FW and the section 6 duty in the Environment (Wales) Act 2016.
57. Overall, the Inspector concluded, based on the proposed design and mitigation measures secured by condition, there would be no significant harmful effects on ecological features thus the proposed development will comply with the requirements of criteria 3, 4 and 5 of FW Policy 18, along with relevant parts of FW Policy 9 and PPW [IR 318]. I am in agreement with the Inspector's conclusions, however, I have made some amendments to the planning conditions.

Highway Safety

58. The application was accompanied by a Construction Traffic Management Plan ("CTMP") which advise that most of the traffic effects would be during the anticipated 6-month construction phase, with a total of 671 Heavy Goods Vehicle ("HGV") deliveries to the application site. During the peak construction period there would be an approximate maximum of 15 daily HGV deliveries. [IR 319]
59. The Inspector found that the development would inevitably result in additional traffic movements and may cause some disruption or inconvenience during the construction phase and potentially at decommissioning, but he is satisfied that any adverse effects would be limited and could be sufficiently mitigated through the implementation of the CTMP [IR 325] and I have no reason to disagree.
60. The Inspector concluded that the proposed development would meet the requirement of FW Policy 18 that there should be no unacceptable impacts on the transport network through the transportation of components or source fuels during construction and/or ongoing operation. The scheme also comply with policy MV1 of the LDP. I am in agreement with the Inspector's conclusions.

Residential Amenity

61. The local area is predominantly agricultural with scattered individual dwellings and farmsteads. The application was accompanied by a Residential Visual Amenity Assessment ("RVAA"), informed by the LVA and ZTV, which considered potential effects on residential visual amenity. [IR 327]
62. Given the low-lying nature and scale of the proposed solar arrays (c. 2.8m in height) and the proposed location upon lower elevations of fields surrounded by existing and proposed hedgerows, the RVAA concluded that significant effects would be unlikely on residential properties beyond 250m of the site boundary. [IR 329]
63. There are 4 residential properties within 250m of the site. The RVAA concluded that there would be a moderate adverse to minor adverse effect. The proposed development would be visible to varying degrees from each of those residential receptors, although it would not be to a degree significant enough to warrant further assessment. Consequently, the RVAA found that the visual effects would not be overbearing or visually dominant for any of the surrounding properties. [IR 330]
64. The Inspector noted that MCC's LIR also agreed with the conclusions of the RVAA [IR 331]. The Inspector found no reason to disagree with the assessment in the RVAA.
65. In term of noise, reflected light, air quality and electromagnetic disturbance, based on the evidence submitted during examination, the Inspector concluded that there would be no significant adverse impacts on individual dwellings or nearby communities or result in unacceptable adverse impacts by way of shadow flicker, noise, reflected light or electromagnetic disturbance. Consequently, the proposal would comply with criteria 2 and 7 of FW Policy 18 and LDP policy EP1 [IR 333]. I concur with the Inspector's findings.

Flood Risk

66. The application was accompanied by a Flood Consequence Assessment and Drainage Strategy ("FCADS") (May 2022). It advised that, according to the Development Advice Map, the application site is wholly situated within Flood Zone A, except for a small area within Field 4, which is Flood Zone B. This area has been intentionally left clear of development and therefore the proposed development is wholly within Flood Zone A. [IR 334]
67. The Inspector concluded that there is no compelling evidence to suggest the proposal would increase flood risk away from the application site during the construction, operation and decommissioning phases [IR 339] and I see no reason to disagree with the Inspector's findings.

Benefits of the Proposal

68. The applicant presented a series of benefits resulting from the proposed development which are discussed by the Inspector in his report [IR 340]. The applicant also referred to a one-off payment of £74,000 towards a Community Benefit Fund upon commissioning of the solar farm. However, there was no legally binding mechanism before the Inspector to secure that contribution, and the Inspector did not give weight to it [IR 341] and I agree with his approach.

69. In addition, the Inspector found that while WG supports the principle of securing financial contributions for host communities through voluntary arrangements, PPW makes clear that such arrangements must not impact on the decision-making process and should not be treated as a material consideration, unless it meets the tests set out in Circular 13/97: Planning Obligations i.e. that it is necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development; and, reasonable in all other respects. The Inspector did not find this to be applicable in the present circumstances [IR 342] and I am in agreement.

Other Matters

70. The Inspector has considered a series of other matters in his report. These are discussed below.

71. The Inspector did not find that the proposed development will have a significant adverse effect on tourism [IR 345].

72. While interested parties raise the issue of impact on property values, the Inspector has rejected this issue [IR 346].

73. Concern has been expressed about possible effects of glint and glare on aircraft pilots, particularly those participating in low-flying military training in the area. However, the Applicant's Glint and Glare Assessment indicated there would be no effect on the runways at Abergavenny Airfield, there are no identified defence facilities within the vicinity of the site, and that the scheme would not result in any unacceptable impacts on the Mid Wales Low Flying Tactical Training Area (TTA 7T). In addition, the Ministry of Defence/Defence Infrastructure Organisation ("MoD/DIO") has confirmed that it has no safeguarding concerns in relation to the proposal [IR 347].

74. Interested parties suggested that the proposed development could set a precedent that would justify further solar developments in the area. However, the Inspector has given this concern limited weight [IR 348] as each application must be determined on its own merits.

75. A number of representations suggested that proposal should have been found to require an Environmental Impact Assessment ("EIA") under the Town and Country Planning (EIA) (Wales) Regulations 2017. The Inspector has not seen substantive reason to question the finding of the EIA screening process [IR 349].

76. Concerns about the long-term financial stability of the developer and ability to subsequently decommission the development have been raised. Having reviewed the information submitted by the Applicant, the Inspector was satisfied that decommissioning obligations can be satisfactorily dealt with by condition [IR 350].

Planning Conditions and Obligations

77. The Inspector provided a set of conditions at Appendix A of the Inspector Report. I reviewed the proposed conditions in light of the requirements set out in Circular 016/2014: *The Use of the Planning Conditions in Development Management* ("The Circular") and I have the following considerations.

78. I looked at the relationship between conditions 5 and 6. Condition 6 required a post-construction survey of the local road between the site access and its junction with the

B4598 to be carried out and submitted to the Local Planning Authority ("LPA") for approval in writing.

79. I believe that it will be difficult for the LPA to demonstrate that any deterioration of the highway has been directly caused by construction traffic. However, condition 5 allows the LPA to secure a programme of measures to "ensure the highway remains free from damage" which appear more enforceable and make condition 6 unnecessary. I requested the Inspector's opinion on this point and it was agreed to dispense with condition 6 while condition 5 should be amended to make explicit reference to potential remedial/mitigation works.
80. Therefore, for clarity and enforceability, I have amended condition 5 and removed condition 6. A new set of conditions is provided at Annex 1 attached to this decision letter.
81. Additionally, for clarity, I have amended condition 15 to include a specific requirement to provide a written report confirming the results of monitoring.
82. NRW advised in its further consultation response dated 13 July 2022 [2022-07-14 REPS2 007] that its previous advice (given in its consultation response dated 31 March 2022) is not altered regarding pre-construction surveys, which indicated that pre construction surveys in relation to protected species would be required. The Inspector noted NRW's position evolved in its post-hearing response to the applicant dated 25 August 2022 [IR 355].
83. The applicant's response to that in its email of the same date ('2022-08-25 – from APP Post Hearing Request for information covering email') suggested to make the contents of the originally required conditions NRW1 and NRW2 (i.e. GCN and Dormouse Conservation Plans) contingent upon the outcome of preconstruction surveys [IR 357].
84. The Inspector wrote that NRW re-iterates that the project has been progressed assuming the presence of GCN in those ponds for which survey access was denied. Consequently, it still considered that a detailed GCN Conservation plan, building upon the mitigation and enhancement principles set out in the GCN Survey Report [DOC 14] and EDS [DOC 10]. Similarly, NRW pointed out that the site is in the geographical range of dormice, there are dormouse records in the wider area, the site offers a suitable habitat and the applicant had not carried out further specific surveys. Therefore, in the circumstances and based on the available information a standalone dormouse conservation plan condition remains a necessary and reasonable requirement [IR 358].
85. I note that the examination of the proposed development has been conducted based on the evidence submitted to the Inspector, which include DOC 14 and DOC 10. GCN and Dormouse has been assumed present by the parties involved in the examination, including the relevant Statutory Nature Conservation Body, and the level of mitigation measures agreed upon reflects this. Therefore, I agree with the Inspector at IR 358. Thus, I am satisfied that pre-commencement surveys are not required in this instance and I agree with NRW that a condition is not necessary. I amended the list of conditions accordingly.

Planning Balance and Overall Conclusion

86. The Inspector noted that FW indicates that all regions, including the South East region where the application site is located, have a vital role to play in decarbonisation and the realisation of renewable energy, including solar energy generation across Wales [IR 363].
87. The Inspector found that there would be some negative visual impacts in closer range views and moderate harm in some medium range views, which would lessen over time. However, the Inspector concluded the proposed development would not result in unacceptable adverse effects on landscape character or the appearance of the area [IR 364]. Similarly, the Inspector found that there would not be unacceptable adverse visual impacts on nearby communities and individual dwellings. The Inspector therefore afforded minor weight to these limited harms [IR 364].
88. The development would cause a moderate to low degree of harm to the setting of the Great House, a Grade II* listed building. Nevertheless, the Inspector did not consider that the harm would be significant in the context of the time limited nature and reversibility of the development [IR 365].
89. Additionally, the Inspector has not found that there would be significant harm in terms of ecology, highways, flood risk, residential amenity or other matters raised by interested parties. Therefore, the Inspector considered these matters to be neutral in the planning balance [IR 367].
90. The main benefit of the scheme would be that it would generate renewable energy of approximately 32GWh of electricity per annum, which would be enough to power some 8,093 homes and potentially offset around 14,080 tonnes of carbon emissions each year. That would be a significant contribution towards Wales's target of 70% of electricity consumption to be from renewable energy by 2030. I give that benefit considerable weight given the clear support in FW Policies 17 and 18 for renewable energy schemes. [IR 368]
91. The Inspector accepted that there would be some loss of ability to farm approximately 16.8ha of BMVAL under panel to its full potential over the lifetime of the development. I do not concur with the Inspector's consideration that, providing construction and decommissioning are properly carried out, the risk of significant damage to soils and potential degradation of BMVAL would be relatively limited [IR 372]. However, I have reached my own conclusion that, in this particular case and circumstances, the need for the development overrides the need to protect the BMVAL present on site and the relevant BMVAL policy requirements in PPW are satisfied. This is supported by the withdrawal of the original objection by SPALPU.
92. On balance, the Inspector concluded that the benefits of the proposed development, particularly in the production of energy from a renewable source, outweigh the identified adverse effects [IR 374].
93. The Inspector found that the proposal complies with the development plan and relevant national planning policy when considered as a whole, including FW Policies 9, 17 and 18.
94. The Inspector's recommendation is to grant planning permission, subject to conditions [IR 376]

Conclusion and Decision

95. Subject to my comments above I agree with the Inspector's appraisal of the main considerations, the conclusions of the IR and the reasoning behind them, and I accept the recommendation. Therefore, I hereby grant planning permission for DNS/3252305, subject to the conditions in the Annex to this decision letter.

Well-being of Future Generations (Wales) Act 2015 ("WFG Act")

96. The Welsh Ministers must, in accordance with the WFG Act, carry out sustainable development. In reaching my decision on the application, I have taken into account the ways of working set out at section 5(2) of the WFG Act and 'SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance on the WFG Act'. My assessment against each of the ways of working is set out below.

Looking to the long-term

97. The decision takes account of the long-term objective and commitment of Wales's target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.

Taking an integrated approach

98. I have considered the impacts from this decision on the Welsh Government's well-being objectives, which incorporate the well-being goals set out in section 4 of the WFG Act. Where an objective is not set out, the effect of this decision is neutral.

Impact on well-being objectives

- Build an economy based on the principles of fair work, sustainability and the industries and services of the future – positive effect
- Build a stronger, greener economy as we make maximum progress towards decarbonisation – positive effect
- Embed our response to the climate and nature emergency in everything we do – positive effect.

Involving people/Collaborating with others

99. Within the framework of a statutory decision-making process, which is governed by prescribed procedures, the application was subject to publicity and consultation, providing the opportunity for public and stakeholder engagement. Representations received through these procedures have been considered and taken into account in making a determination on this application.

Prevention

100. The decision takes account of the need to increase renewable energy production and combat the climate emergency, as well as increasing energy security.
101. I consider my decision accords with the sustainable development principle set out in the WFG Act and, therefore, is a reasonable step towards meeting the Welsh Government's well-being objectives.

102. A copy of this letter has been sent to Monmouthshire County Council and to those persons and organisations appearing at the Hearings.

Yours sincerely,



Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change

Annex – DNS 3252305 Planning Conditions

1. The development hereby permitted shall begin no later than five years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following submitted plans and documents unless indicated as otherwise by any other condition pursuant to this permission:–
 - Drawing no. NEO00668/071I/C, Site Location Map Figure 1, dated 24/01/2022;
 - Drawing no. NEO00667/010I/B, Site Location Map Figure 2, dated 22/06/2021;
 - Drawing no. NEO00667/006I/B, Field Numbers Figure 3, dated 12/11/2021;
 - Drawing no. NEO00668_074I_F Figure 4, Revision F, Site Proposals, dated 12/05/2022;
 - Drawing no: NEO00668_056I_E Figure 5, Revision E, Development Proposal, dated 12/05/2022;
 - Drawing no. NEO00668_057I_E Figure 6, Revision E, Proposal (Overall), dated 12/05/2022;
 - Drawing no. NEO00668_058I_D Figure 6.1, Revision D, Development Proposal (Sheet 2), dated 24/01/2022;
 - Drawing no. NEO00668_059I_D Figure 6.2, Revision D, Development Proposal (Sheet 3), dated 24/01/2022;
 - Drawing no. NEO00668_060I_D Figure 6.3, Revision D, Development Proposal (Sheet 4), dated 24/01/2022;
 - Drawing no. NEO00668_061I_D Figure 6.4, Revision D, Development Proposal (Sheet 5), dated 24/01/2022;
 - Drawing no. NEO00668_062I_D Figure 6.5, Revision D, Development Proposal (Sheet 6), dated 24/01/2022;
 - Drawing no. NEO00668_063I_D Figure 6.6, Revision D, Development Proposal (Sheet 7), dated 24/01/2022;
 - Drawing no. NEO00668_064I_D Figure 6.7, Revision D, Development Proposal (Sheet 8), dated 24/01/2022;
 - Drawing no. NEO00668_065I_E Figure 6.8, Revision E, Development Proposal (Sheet 9), dated 12/05/2022;
 - Drawing no. NEO00668_066I_E Figure 6.9, Revision E, Development Proposal (Sheet 10), dated 12/05/2022;
 - Drawing no. NEO00668_067I_E Figure 6.10, Revision E, Development Proposal (Sheet 11), dated 12/05/2022;
 - Drawing no. NEO00668_068I_E Figure 6.11, Revision E, Development Proposal (Sheet 12), dated 12/05/2022;
 - Drawing no. NEO00668_069I_E Figure 6.12, Revision E, Development Proposal (Sheet 13), dated 12/05/2022;
 - Drawing no. NEO00668_070I_E Figure 6.13, Revision E, Development Proposal (Sheet 14), dated 12/05/2022;
 - Drawing no. NEO00668_104I_D Figure 6.14, Revision D, Development Proposal (Sheet 15), dated 24/01/22;
 - Drawing no. NEO00668_050I_A Figure 7, Revision A, Access Track Detail, dated 21/04/2021;
 - Drawing no. NEO00668_051I_A Figure 8, Revision A, Construction Compound Detail, dated 21/04/2021;
 - Drawing no. NEO00668_052I_A Figure 9, Revision A, PV Module & Rack Detail, dated 21/04/2021;

- Drawing no. NEO00668_105I_A Figure 10, Revision A, Deer Fencing Detail, dated 29/04/2021;
- Drawing no. NEO00668_054I_A Figure 11, Revision A, CCTV Detail, dated 24/01/2022;
- Drawing no. NEO00668_055I_A Figure 12, Revision A, Transformer Station Detail, dated 22/04/2021;
- Drawing no. NEO00668_099I_B Figure 13, Revision A, 132kV Compound Layout & Section, dated 25/01/2022;
- Drawing no. NEO00668_101I_C Figure 13.1, Revision C, Section AA & BB, dated 04/12/2021;
- Drawing no. NEO00668_102I_D Figure 13.2, Revision D, Section CC & DD, dated 12/05/2022;
- Drawing no. NEO00668_103I_D Figure 13.3, Revision D, Section EE & FF, dated 12/05/2022;
- Drawing no. NEO00668_109I_C Figure 16, Revision C, Culvert Design, dated 12/05/2022;
- Drawing no. NEO00668_00110I_B Figure 17, Revision B, Typical Track and Fence Sections at Hedge Crossings, dated 24/1/22;
- Flood Consequences Assessment and Drainage Strategy - DOC 12 (May 2022);
- Green Infrastructure and Landscape Strategy – DOC 15 (January 2022);
- Landscape and Visual Assessment – DOC 18 (May 2022);
- Arboricultural Impact Assessment – DOC 07 (January 2022);
- Ecological Impact Assessment – DOC 11 (May 2022) (incorporating Appendix E – Bat Conservation Plan);
- Great Crested Newt Survey Report – DOC 14 (May 2022);
- Tree Constraints Report - DOC 27 (January 2022).

Reason: To ensure that the development is carried out in accordance with the approved plans, drawings and documents submitted with the application.

3. The development hereby approved shall cease operating 40 years after the date on which electricity is first exported to the National Grid (excluding any testing or commissioning). Written confirmation of the first export date to the National Grid shall be sent to the local planning authority within 28 days of the export date.

Reason: To establish the duration of the permission and ensure that the effects on the character and appearance of the area exist only for the lifetime of the development, in accordance with Policy 18 of Future Wales (2021) and policies LC5, DES1, and SD1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

4. No later than 12 months before the end of the 40-year operating period (or within 6 months of the permanent cessation of electricity production) a Decommissioning Environmental Management Plan ("DEMP") shall be submitted for the written approval of the local planning authority. The DEMP shall include details of the following:
 - i. Surveys and assessments to identify the existing ecology and habitat status at the time of decommissioning;
 - ii. Method Statement detailing the process and extent of removal of surface elements of the photovoltaic solar farm and associated development and any foundations, anchor systems, trackways and subsurface cabling and associated works;

- iii. Proposals for effective recycling and disposal of decommissioned elements; iv. Traffic management plan to address likely traffic impacts arising from decommissioning operations;
- v. Measures to ensure environmental protection at the site to cover all decommissioning operations;
- vi. Measures to ensure ecological protection at the site to cover all decommissioning operations informed by the surveys and assessments under i) above;
- vii. Implementation timescales and schedules for all elements of the DEMP; viii. Reporting and monitoring responsibilities and delivery mechanisms for all elements of the DEMP; and,
- viii. Site restoration measures following all decommissioning operations.

The DEMP, as approved, shall be carried out in accordance with the approved details.

Reason: To ensure that, at the end of the lifespan of the development, the infrastructure is appropriately removed, the environmental effects of the decommissioning process are controlled and the site is effectively restored, in accordance with Policy 18 of Future Wales (2021).

- 5. Prior to the commencement of development, a road condition survey shall be carried out of the local road between the site access and its junction with the B4598 and submitted to and approved in writing by the local planning authority. The condition survey shall detail a programme of measures, including potential remedial works within specified timescales, to be employed to ensure the highway remains free from damage as a result of the construction of the development. The survey should be carried out by an independent highway maintenance consultant and extents agreed in advance with the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy 18 of Future Wales (2021) and Policy MV1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

- 6. The development shall be constructed in accordance with the Construction Traffic Management Plan (May 2022).

Reason: In the interests of highway safety and residential amenity and in accordance with Policy 18 of Future Wales (2021) and Policies MV1 and EP1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

- 7. No construction work or deliveries associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours: 0700 to 1900 on Monday to Friday and 0800 to 1600 on Saturdays unless otherwise first agreed in writing by the local planning authority.

Any piling associated with the development shall be limited to Monday to Friday between 0900 and 1700.

Reason: In the interests of highway safety and residential amenity, and in accordance with Policy 18 of Future Wales (2021) and Policies EP1 and MV1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

- 8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended or any Order revoking and re-enacting that Order with or without modification), no fencing or means of enclosure other than those hereby approved, shall be erected within and along the boundaries of the site.

Reason: To safeguard the character and appearance, ecology and biodiversity, and historical interests of the area in accordance with Policy 18 of Future Wales (2021) and Policies LC5, NE1 and DES1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

9. Any proposed fence/hedge lines enclosing public rights of way shall be a minimum of 3m apart. No barriers, structures or any other obstructions shall be placed across the legal alignment of the public right of way, and any damage to its surface as a result of works or private vehicular use shall be made good.

Reason: In the interests of local amenity and in compliance with Policy MV3 of the Monmouthshire County Council Adopted Local Development Plan (2014).

10. No development shall commence until a final and detailed Great Crested Newt ("GCN") Conservation Plan shall be submitted to and approved in writing by the local planning authority. The GCN Conservation Plan shall build upon the mitigation and enhancement principles set out in the GCN Survey Report dated 23/5/2022 (particularly Appendix D) and the Ecological Design Strategy, dated May 2022. The GCN Conservation Plan shall be carried out in accordance with the approved details, with a written report of the effectiveness of the plan provided to the local planning authority every 5 years and any arising revisions of the plan to be agreed in writing with the local planning authority prior to implementation. Additionally, a written report confirming the results of GCN population and habitat monitoring shall be provided to the local planning authority by 30 December in each year that monitoring is due.

Reason: To ensure that an approved GCN Conservation Plan is implemented, which protects GCN and their habitat affected by the development, in accordance with Policies 9, 17 and 18 of Future Wales (2021) and Policy NE1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

11. No development or phase of development, including site clearance, shall commence until a site wide Dormouse Conservation Plan has been submitted to and approved in writing by the local planning authority. The Dormouse Conservation Plan shall:
 - Build upon the principles outlined in the Ecological Impact Assessment and the Ecological Design Strategy;
 - Cover the lifetime of the development;
 - Include a plan showing habitat to be lost, retained and created which should identify the extent and location at an appropriate scale;
 - Provide details of protective measures to be taken to minimise the impacts of the works on dormice, including that buffers to hedgerows shall be measured 5m from the outer edge of the hedge;
 - Provide details of timing, phasing and duration of construction activities and conservation measures;
 - Include a timetable for implementation demonstrating that works are aligned with any proposed phasing of the development;
 - Provide details of proposals to enhance retained habitats for dormice including planting mixes and specifications (e.g. for gapping up any hedgerows);
 - Provide details of initial aftercare and long-term management and maintenance;
 - Set out actions to be taken in the event previously unidentified species or habitat features are found;
 - Include an Ecological Compliance Audit, including key performance indicators;
 - State persons responsible for implementing the works;
 - Provide details of measures to prevent or reduce incidental capture or killing;

- Propose a scheme for monitoring the condition of retained and any new habitat, to inform habitat management, and dormouse population monitoring.

The Dormouse Conservation Plan shall be carried out in accordance with the approved details, with a written report of the effectiveness of the plan provided to the local planning authority every 5 years and any arising revisions of the plan to be agreed in writing with the local planning authority prior to implementation.

Reason: To ensure that an approved Dormouse Conservation Plan is implemented, which protects dormice and their habitat affected by the development, in accordance with Policies 9, 17 and 18 of Future Wales (2021) and Policy NE1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

12. Prior to its installation, full details of lighting in the form of a Lighting Plan shall be submitted to and agreed in writing by the local planning authority. The Lighting Plan shall include:

- Details of lighting to be used during construction and/or operation;
- Details of the siting and type of external lighting to be used;
- Drawings setting out light spillage in key sensitive areas (e.g. hedgerows, woodlands, ditch along the northern boundary of the site etc.); and
- An assessment of proposed lighting against conservation requirements for nocturnal protected species.

The lighting shall be installed and retained as approved during construction and operation of the proposed development.

Reason: To safeguard foraging, commuting, resting and breeding habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and Policies EP3 and NE1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

13. No development or phase of development, including site clearance, shall commence until a final version of a site wide Construction Environmental Management Plan ("CEMP") has been submitted to and approved in writing by the local planning authority. The CEMP shall include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain;
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures, protected species toolbox talks, copies of protected species licences required for the works;
- Biosecurity Risk Assessment and arising precautions needing to be undertaken;
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works and measures to control light spill;

- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details, including Ecological Clerk of Works, Site Manager, Natural Resources Wales contacts for emergency situations;
- Ecological Clerk of Works to ensure construction compliance with approved plans and environmental regulations;
- Resource Management: details of fuel and chemical storage and containment, waste generation and its management, water consumption, and wastewater and energy use; and
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.

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

Reason: To ensure necessary management measures are agreed prior to commencement of development or phase of development and implemented for the protection of protected species and protected sites during construction, in accordance with Policy 18 of Future Wales (2021) Policy NE1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

14. No development or phase of development, including site clearance, shall commence until a Landscape and Ecology Management Plan ("LEMP") (which combines the Ecological Design Strategy, May 2022; the Green Infrastructure and Landscape Strategy, January 2022; the Shadow Habitats Regulations Assessment, May 2022; and includes Great Crested Newt and Dormouse Conservation Plans) has been submitted to and approved in writing by the local planning authority. The LEMP shall include:

- The proposals and commitments in all protected species conservation plans including provision for written reports confirming the results of monitoring and identify protected species licences required for the development work;
- Provision for the periodic monitoring of the condition of habitats on site, with the results of monitoring used to inform habitat management going forward;
- Measurable attributes and targets, to be used by site monitoring to define when habitats on site will be considered in favourable condition;
- A timetable of works to include specified years;
- A commitment to replace bat boxes promptly and within a specified timeframe once found to be missing or damaged;
- A commitment to fence livestock off from new and existing hedgerows through the use of appropriate, robust, stock fencing;
- A commitment that vegetation removal at any time of year should be supervised by the Ecological Clerk of Works; and,
- Confirmation of who is responsible for overseeing the implementation of the LEMP, and who will be undertaking the relevant management and monitoring works.

All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out in accordance with the timetable agreed with the local planning authority.

Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and

number as originally approved, unless the local planning authority gives its written consent to any variation.

Evidence of compliance with the LEMP in the form of georeferenced photographs must be provided to the local planning authority no later than twelve months from the completion of the construction works. Thereafter, a written report of the effectiveness of the LEMP shall be provided to the local planning authority every 5 years and any arising revisions of the LEMP shall be agreed in writing with the local planning authority prior to implementation.

Reason: To ensure necessary landscape and environmental management measures are agreed prior to commencement and implemented and to ensure the site's landscape and environmental features, including protected species, are adequately managed long term, in accordance with Policies 9, 17 and 18 of Future Wales (2021) and Policy NE1 of the Monmouthshire County Council Adopted Local Development Plan (2014).

15. Prior to the commencement of development, a Soil Management Plan ("SMP") shall be submitted to the local planning authority for approval. The SMP should include the following:
- A Soil Resources Report containing soil survey maps at a scale appropriate for site management, including:
 - extent and depth of topsoil units;
 - the distribution of different soil types;
 - the distribution of Agricultural Land Classification grades; and
 - any features of interest identified in the related archaeological and ecological surveys, with clear cross references to the requirements of the relevant plans.
 - A map of proposed areas and thickness of each soil type and soil layer to be stripped and stored separately, as informed by the Soil Resources Report, and all areas where soils will be left in-situ and the ground protected from tracking over;
 - A map showing temporary access routes and details of how access will be managed across the site to minimize soil compaction;
 - A map showing the location of soil stockpiles labelled with their content, anticipated size, height and volume; including expected timeframe for the material to be in stockpile;
 - Details of how stockpiles will be protected and managed;
 - A map showing where each soil type and soil layer will be reused;
 - Details of appropriate equipment and methods for stripping, stockpiling, re-spreading soil and ameliorating soil compaction in accordance with good practice techniques to minimise the risk of soil compaction;
 - Details of how construction activities will be managed across the site to minimise impact on soils;
 - Identification of roles and responsibilities in relation to the implementation of the SMP and the supervision of all associated activities by a suitably qualified and experienced soil scientist who will have the necessary training, qualifications and experience, having achieved the soil professional competence standards 1 (Foundation skills in field soil investigation, description and interpretation) and 6 (Soil science in soil handling and restoration) as set out by the British Society of Soil Science;
 - A monitoring schedule for all activities within the SMP and criteria against which compliance will be assessed.

All soil handling and trafficking will be undertaken in accordance with the SMP unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the protection of soils as a resource and in compliance with Policy 9 of Future Wales (2021).

16. Within 3 months of completion of all soil handling works in any given year a Soil Monitoring and Aftercare Plan ("SMAP") shall be submitted for the written approval of the local planning authority. The SMAP shall include:
- A detailed annual programme of soil and site monitoring over the full lifetime of the development, including monitoring of in situ soils;
 - Details of the physical characteristics of the land to be restored to what they were when the land was last used for agriculture, including drainage where relevant, as far as it is practical to do so ;
 - A five-year period of aftercare, specifying the steps to be taken, the period during which they are to be taken, and who will be responsible for taking those steps; and,
 - Measures to be taken should the monitoring identify aspects of the site that require rectification or remediation in order to conform with the local planning authority's agreed standards.

Reason: To ensure the protection of soils as a resource and in compliance with Policy 9 of Future Wales (2021).

Notification of initiation of development and display of notice

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include the following:

Notice of initiation of development

Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

Display of notice

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out development must ensure the notice is:

- a) firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- b) legible and easily visible to the public without having to enter the site; and
- c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.