

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r
Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref qA1437022

[REDACTED]

E-mail: [REDACTED]

10 September 2021

Dear [REDACTED]

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 62D AND SECTION 62F.
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (WALES) REGULATIONS 2016.
APPLICATION BY WENTLOOGE FARMERS' SOLAR SCHEME LIMITED FOR ERECTION
OF A RENEWABLE ENERGY HUB COMPRISING GROUND MOUNTED SOLAR PANELS,
BATTERY STORAGE UNITS (160 UNITS) WITH A COMBINED INSTALLED
GENERATING CAPACITY OF UP TO 125MW, UNDERGROUND CABLING, GRID
CONNECTION HUB, ASSOCIATED INFRASTRUCTURE, LANDSCAPING AND
ENVIRONMENTAL ENHANCEMENTS FOR A TEMPORARY PERIOD OF 40 YEARS.
LAND ON THE WENTLOOGE LEVELS TO THE WEST OF HAWSE LANE, NEAR
MARSHFIELD, NEWPORT.
APPLICATION REF: DNS/3216558**

1. Consideration has been given to the report of the Inspector, Hywel Wyn Jones BA (Hons) BTP MRTPI who held hearings to examine the planning application.
2. In accordance with sections 62D and 62F of the Town and Country Planning Act 1990 and Regulation 3 of The Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016, the application was made to the Welsh Ministers for determination.
3. In exercising functions, as part of carrying out Sustainable Development in accordance with the Well-being of Future Generations (Wales) Act 2015 ("the FG Act 2015"), section 2 of the Planning (Wales) Act 2015 requires the Welsh Ministers, as a public body, to ensure the development and use of land contributes towards improving the economic, social, environmental and cultural well-being of Wales. In order to act in this manner, the Welsh Ministers have taken into account the ways of working set out in

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@gov.Wales

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.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

section 4 of 'SPSF1: Core Guidance, Shared Purpose: Shared Future- Statutory Guidance on the Future Generations Act 2015' by dealing with the planning application by way of the Hearings procedure in accordance with Part 7 of The Developments of National Significance (Wales) Regulations 2016.

4. The Inspector held Hearings on 19, 20 and 21 January 2021 and made a site visit on 29 January 2021. The Inspector recommends planning permission be granted subject to conditions. A copy of the Inspector's report ("IR") is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.

Main Considerations

5. I agree the main considerations are those listed at IR 189:
 - (i) The effect on the green wedge, specifically:
 - a. whether the development is inappropriate development within the green wedge for the purpose of local and national planning policy;
 - b. the effect of the scheme on the openness of the green wedge and the purposes of including land within it;
 - c. if the scheme is inappropriate development, whether the harm by reason of inappropriateness, together with any other harm to the green wedge, is clearly outweighed by other considerations, so as to amount to the very exceptional circumstances necessary to justify the harm to the green wedge;
 - (ii) the effect on the landscape character and visual amenity of the area;
 - (iii) the effect on the historic landscape;
 - (iv) the effect on the ecology of the area, particularly the special features of the designated Sites of Special Scientific Interest ("SSSI") and protected species;
 - (v) whether the proposed development is acceptable within a floodplain, having regard to local and national planning policy;
 - (vi) the effect on traffic flows and highway safety, particularly during the construction phase; and
 - (vii) whether any harm identified in relation to the foregoing and any other considerations is outweighed by the benefits of the scheme, particularly its contribution to renewable energy generation and combating the climate change emergency.

Green Wedge

6. The site is located within a green wedge. The Inspector notes that Planning Policy Wales ("PPW") provides a general presumption against development which is inappropriate in relation to the purposes of the designation. Certain forms of development, including renewable and low carbon energy generation, may be appropriate in the green wedge 'provided they preserve its openness and do not conflict with the purposes of including land within it'. (IR 190-192)

7. Policy SP7 “Green Wedges” of the Newport Local Development Plan (“LDP”) explains that its green wedges have been identified to prevent the coalescence of settlements, in this case Newport and Cardiff, and seeks to prevent development which prejudices the open nature of land. The Inspector notes the courts have held that the concept of openness is not limited to the visual aspect but also includes a spatial dimension. The Inspector considers that the presence of the proposed structures and apparatus on the ground would materially reduce the sense of openness that is a particular feature of the Levels landscape in this area. (IR 193-196)
8. The Inspector considers the proposed solar arrays would retain an appearance that is more commonly associated with a countryside setting rather than an urban one. Therefore, the Inspector states the scheme would not contribute to the coalescence of settlements or significantly erode the rural character of the area, or otherwise undermine the stated purposes of the green wedge, and there would be no conflict with the purpose of the designation. However, the scheme’s harmful effect on openness means it constitutes inappropriate development, in conflict with LDP policy SP7. PPW sets out a presumption against inappropriate development in green wedges - it states that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the green wedge. Given the protective provisions of local and national policy, the Inspector affords this harm significant weight. (IR 197-198)
9. The Inspector considers, in the absence of suitable alternative sites, the scale of the benefits from the proposal clearly outweigh the identified harm to the green wedge, such that very exceptional circumstances exist to justify permitting this inappropriate development in the green wedge. (IR 199-202)

Landscape Character and Visual Amenity

10. The application site falls within the Wentlooge Special Landscape Area (“SLA”) as designated in the LDP. The Inspector notes that PPW recognises the value of all landscapes for their distinctive character and seeks to protect their special qualities and ensure the opportunities they provide, including for wellbeing, tourism and renewable energy are taken into account. (IR 203)
11. The Inspector is satisfied with the robustness of the Landscape and Visual Impact Assessment (“LVIA”) as a tool to assist the decision maker. The LVIA has informed the Inspector’s appraisal of this main consideration alongside other representations and the Inspector’s site visit. In assessing this main consideration, the Inspector has focussed mainly on the operational period of the project as any impact from the construction phase is likely to be relatively short-lived. (IR 204-207)

Landscape Character

12. The Inspector notes the proposed scheme would retain the site’s distinctive field pattern, the open expanse of primarily pastoral land, the distinctive pattern of reens and ditches, and its flat low lying landform which are all identified as distinctive landscape characteristics in the Gwent Levels Landscape Character Assessment in 2017. It would also retain the landscape’s key qualities as identified in the same assessment. (IR 208-210)
13. The Inspector acknowledges the development would be visible, particularly from close quarters, however, it would be seen in the context of the present field patterns that would continue to be framed by hedgerows and reeds that typify the landscape. On

this matter, the Inspector notes whilst the presence of the development in the surrounding landscape would be clearly noticeable, it would not undermine its character. Any impact would reduce significantly with a relatively modest increase in distance from the site. (IR 211)

Visual Amenity

14. The Inspector notes that the development has sought to avoid or mitigate potential landscape impacts. The photovoltaic panels would be seen within the existing field pattern and enclosing vegetation. Existing field boundaries would be utilised to minimise the need to create new accessways and breaches of field boundaries. The battery storage units would be painted green to sit within the landscape. The application initially indicated that some additional landscaping could be undertaken to further screen parts of the development. It has subsequently been accepted that the scope for such screening is limited given the importance of ensuring that any additional landscape planting is consistent with the present nature of vegetation which contributes to the open landscape. (IR 212)
15. The Inspector considers visual amenity in detail in IR 213-221 and has assessed impacts on receptors from a number of vantage points. The Inspector notes that PPW advises that developers should, wherever possible, consider how to avoid, or otherwise minimise, adverse impacts through careful consideration of location, scale, design and other measures. The Inspector is satisfied, when the scheme is considered in its entirety, that it is generally compliant with this policy advice. (IR 222)
16. Regarding cumulative impacts, the concerns raised by objectors to the incremental impact of several large solar arrays on the Levels are noted by the Inspector, however, he considers the main effects of the scheme are on its immediate surroundings. The Inspector is satisfied there is sufficient separation distance between this scheme and all the other projects assessed, including non-solar developments, to ensure that there would be no unacceptable cumulative effects on landscape character or visual amenity. (IR 223)

Conclusions on Landscape Character and Visual Amenity

17. The Inspector finds the character and visual amenity of the landscape would not be significantly affected. The proposal would not have an unacceptable adverse impact on the surrounding landscape and, therefore, aligns with criterion 1 of Future Wales policy 18. The Inspector considers the scheme would not conflict with policy CE10 "Renewable Energy" of the LDP. (IR 224)
18. The Inspector considers the scheme broadly accords with LDP policy SP5 "Countryside" as it is an appropriate use in the countryside, respects landscape character and is appropriate in scale and design. As its design shows a clear appreciation of the special features of the Special Landscape Area ("SLA"), and includes measures to protect and enhance those features, it aligns with LDP policy SP8 "Special Landscape Areas". In line with LDP policy GP5 "General Development Principles – Natural Environment" the Inspector considers the proposed development would not lead to an unacceptable impact on landscape quality and, as it would not be detrimental to the character or appearance of the surrounding area, it would accord with LDP policy GP2 "General Development Principles – General Amenity". (IR 225)

Historic Landscape

19. PPW confirms that historic landscapes and archaeological remains can constitute historic assets, and explains that the planning system must take into account the Welsh Government's objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations. Among the specific objectives in this regard is to conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy, and to protect areas on the register of historic landscapes in Wales. (IR 226)

Designated Historic Assets

20. The site lies with the Gwent Levels Historic Landscape of Outstanding Historic Interest in Wales ("LOHI"). The LOHI consists of 21 character areas which reflect locally distinctive features. The site lies within 2 of these: Western St Brides (Historic Landscape Character Area ("HLCA") 16) - 'simpler landscape, laid out within a framework of elements surviving from the Roman landscape'; and Maerdy (HLCA 21) - 'Regular landscape of medieval/post-medieval date in low-lying back-fen'. It lies adjacent to the Llanbedr character area (HLCA 17). (IR 228)
21. The Inspector notes the Western St Brides HLCA has suffered from modern disturbance of its landscape character through agricultural practices and the construction of a golf course and fishing lakes. The proposed solar farm lies on the western side of the area which is described as the least well-preserved part of the HLCA. The Maerdy HLCA has been impacted in recent times by agricultural practices and the railway line severing this part from the remainder of the HLCA. (IR 229)
22. The effect of the proposal on the registered Historic Landscape is the subject of an Assessment of the Significance of Impact of Development on Historic Landscape of Historic Interest in Wales 2 ("ASIDOHL"). The Inspector notes it is the upstanding historic character remnants (drainage features, footbridges, hedgerow pattern etc.) that make the most significant contribution to the landscape value. (IR 230)
23. The greatest impact is on Maerdy HLCA where considerable direct physical and indirect impacts have been identified which result in a severe impact on the overall significance of the HLCA. The overall significance of the impact on 3 other HLCAs, including Western St Brides and Llanbedr, are assessed as moderate with 3 others assessed as slight. Cadw agrees with the findings of the ASIDOHL. The ES describes an overall magnitude of direct impact as moderate and indirect impact as slight. However, these are derived from calculating the average score taking into account each of the HLCAs that would be affected which means that those HLCAs least affected reduce the overall impact score. At the hearing Cadw confirmed that it is the impact on individual HLCAs that provide the clearer understanding of impact. (IR 231)
24. Recognising the importance of setting to the way that historic assets are understood, experienced and appreciated the applicant has assessed whether there would be any effects on the setting of any assets within the study area, which included 8 Scheduled Ancient Monuments ("SAM") and 50 Listed Buildings, of which 4 are Grade I and 6 Grade II*. The approach taken is consistent with Technical Advice Note ("TAN") 24: The Historic Environment and the related guidance produced by Cadw. (IR 232-233)
25. Based on the Zone of Theoretical Visibility map the assessment concludes that the scheme is not capable of impacting on the setting of most designated assets in the study area. The assessment considers 3 Listed Buildings and 4 SAMs in more detail. It

concludes that there would be an effect on the setting of 2 assets: the Pen-y-Lan Camp Iron Age enclosure, a SAM; and, one Listed Building, the Grade II Gelli-ber Farmhouse, that have inter-visibility which could cause potential harm to their significance. The former is situated on a hilltop some 2.9km to the northwest of the site. Whilst the development would be visible it would be seen in an extensive view which includes many more prominent, modern, man-made features. Gelli-ber Farmhouse is within 1.3km of the site and at a similar elevation to the site. The extent of any visibility would thus be limited and seen in the context of the railway line and the pylons. (IR 234)

26. The Inspector notes Cadw has confirmed it agrees with the applicant's assessors that there would be no significant impact on any of the designated assets. The Inspector, informed by the site visit, also agrees. (IR 235)

Archaeology

27. The site is designated in the LDP as an Archaeologically Sensitive Area. The Inspector outlines the findings of the applicant's Desk Based Assessment ("DBA") and notes the scheme would give rise to relatively modest levels of ground disturbance and proposes archaeological mitigation measures which would include controlling the nature and location of excavations and a watching brief targeted at areas of excavation for cable trenches. Taking into account the need for the development and the importance of the potential archaeological resource, the Inspector considers this opportunity to preserve by record architectural features is consistent with PPW and TAN 24 "the historic environment". (IR 236-239).
28. The Inspector notes the possibility that excavation works and driving screws into the ground to secure the panels could disturb anaerobic conditions and, therefore, the preservation of waterlogged remains within them. However, the Inspector considers, in the context of the extensive Wentlooge Levels the impact would be small. (IR 240)
29. The Inspector is satisfied an archaeological assessment has been undertaken in compliance with LDP Policy CE6 "Archaeology", and it demonstrates, with suitable mitigation secured by the recommended conditions, the impact on the archaeology of the site is acceptable. (IR 241-242)
30. Regarding registered historic landscapes, the Inspector considers as the scheme would not protect, conserve or enhance the Gwent Levels Landscape of Outstanding Historic Interest it is in conflict with LDP Policies SP9 and CE4 and is also in conflict with PPW which seeks to protect registered historic landscapes. Whilst the main impacts would be reversible, it would exist for 40 years. This is the equivalent of two generations, a significant period during which an appreciation of the outstanding historic quality of the landscape would be affected. Therefore, the Inspector considers this to represent a significant harmful impact albeit that in relation to the Gwent Levels the extent of that harm is relatively localised. (IR 243)
31. As the scheme would not have a materially detrimental impact on any other designated historic asset, save for its impact on the LOHI, the Inspector considers it would otherwise align with LDP Policy SP9 which seeks that proposed developments conserve, enhance and manage recognised historic sites. (IR 244)

Ecology

32. The Inspector notes that paragraph 6.4.3 of PPW identifies the planning system's key role in helping to reverse the decline in biodiversity and increasing the resilience of

ecosystems at various scales by ensuring appropriate mechanisms would be in place to both protect against loss and to secure enhancement. Policy 9 of Future Wales identifies the importance of enhancing biodiversity and the resilience of ecosystems. (IR 245)

Designated Sites

33. The vast majority of the site is undeveloped but is in active agricultural use. The whole of the site lies within the Gwent Levels St Brides SSSI and, to its west, it adjoins the Rumney and Peterstone SSSI within which the Lapwing Compensation Land lies. The Inspector notes that the Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000, places a duty on all public bodies (including Local Planning Authorities) to take reasonable steps to further the conservation and enhancement of the features by reason of which a SSSI is of special interest. The Inspector refers to guidance in PPW, which states that whilst statutory designation of a site does not necessarily prohibit development, it should be refused where there would be adverse impacts on the features for which a site has been designated. The Inspector notes that PPW states that there is a presumption against development likely to damage a SSSI. (IR 246)
34. The Inspector notes the SSSI's citation states the Gwent Levels are rich in plant species and communities, many of which are rare, and that the aquatic invertebrate fauna is very diverse with many nationally rare or notable species being present. (IR 247)
35. The Inspector notes the solar arrays and other apparatus would be sited on the grassland areas of the site, the grassland is generally species-poor and does not contain listed features of the SSSIs. In contrast, the vegetation within drainage ditches and adjacent areas that bound the fields is species-rich. This reed and ditch habitat is one of the special features of the SSSIs and provides a habitat for two of its special features: insects and other invertebrates; and the shrill carder bee. Other habitats that contribute to the special wildlife interest of the area include green lanes, hedgerows and flower-rich ditch banks which are important for a wide range of species. (IR 248)
36. The Inspector notes that the scheme has been designed to minimise direct impact on the reed and ditch areas. Proposed trackways seek to utilise existing crossing points that link the fields. However, where new crossings would be required for vehicles or for cables they would be controlled to ensure the functioning of the drainage network is not affected and any impact on the habitat it provides is minimised. (IR 249)
37. The layout of the proposed solar arrays allows for buffer zones, which would effectively extend the reed and ditch habitat and would be subject to enhancement measures and long-term management. Mitigation measures would be included to avoid any impact on species, including dormice and nesting birds. (IR 250)
38. The Inspector notes the proposed selective removal of vegetation and de-silting of the watercourses is part of good management practice, which benefits the functioning of the drainage system as well as the aquatic environment. The Inspector considers that the extent of the improvements that could be secured through the scheme, in terms of its physical extent and 40-year time scale, would far exceed anything likely to otherwise be realised by other schemes. (IR 251)
39. The enhancement of the reens and ditches forms part of a suite of proposed ecological improvements that would be secured by the Landscape and Environmental Management Plan ("LEMP") which would control the development for the duration of

the project. The Inspector states that the LEMP would provide a means of ensuring that a range of objectives would be met, including maintaining the favourable status of the notified features of the SSSI and enhancing connectivity within and across the site. (IR 252)

40. Regarding water quality, the Inspector notes Natural Resources Wales (“NRW”) confirmed at the hearing that it does not share concerns of others over the potential for the scheme to give rise to plastic and metal pollution. The Inspector has no reason to disagree with NRW on this issue and considers the scheme would allow soil structure to improve and grassland cover to be maintained to the benefit of rainwater management. (IR 253)
41. The Inspector notes the applicant recognises activities during construction and decommissioning could result in accelerated surface water run-off with the potential for silt and pollutants to enter the drainage network. This would not only harm the special features of the SSSIs but also has the potential to impact on the Severn Estuary Special Area of Conservation (“SAC”) and Special Protection Area (“SPA”). The Inspector is satisfied that this can be controlled through good practice techniques, to be secured by condition. (IR 254)
42. NRW commissioned a specialist ecohydrological impact assessment of the scheme which found, subject to adequate controls over the development, no significant hydrological impacts are identified including in terms of the water quality, land drainage or run-off rates. A water monitoring requirement would be part of the LEMP, to be secured by condition. (IR 255)
43. Regarding concerns of soil compaction from the siting of battery storage containers, the Inspector notes siting and drainage details can be secured by condition. (IR 256)
44. The Inspector notes the Lapwing Compensation Land, an area to the west of the site which would serve as an ecological mitigation area, will provide an opportunity to improve the habitat for the shrill carder bee and to return other features of the SSSI (reen and ditch habitats, aquatic invertebrates and other invertebrates) to a ‘favourable condition’. (IR 257)
45. The Inspector considers the scheme’s design, supplemented by detailed controls over its construction and future maintenance and management that would be secured by means of the recommended conditions, would ensure the improvement of the habitat of the affected SSSIs and their special interest plant species and invertebrates. (IR 258)
46. Within some 500m of the site lies the Severn Estuary SPA and Ramsar site and the Severn Estuary SAC is approximately 2km from the site. The ‘qualifying interest features’ of the SPA are detailed within the ‘Regulation 33 Advice’ published by the Countryside Council for Wales and Natural England in 2009. These are noted to comprise a range of bird species within three ‘supporting habitats’: intertidal mudflats and sandflats, Saltmarsh and hard substrate habitats. For the SAC, the habitats types and species listed include an overarching “estuaries” feature within which subtidal sandbanks, intertidal mudflats and sandflats, Atlantic salt meadows and reefs and 3 species of migratory fish are defined as both features in their own right and as sub-features of the estuary feature. The qualifying interest features of the Severn Estuary Ramsar Site overlap with those of the Severn Estuary SPA and the SAC in order to facilitate the development of integrated objectives across the designations. (IR 259)

47. The Inspector is satisfied, with reference to the Habitats Regulations Assessment that accompanies the IR, providing suggested conditions are imposed, the scheme would not harm any of these internationally important sites. (IR 260)
48. The Inspector notes within 3km of the site there are 6 non-statutory sites designated for their nature conservation value, a Gwent Wildlife Trust Reserve and 5 Sites of Importance for Nature Conservation (“SINCs”). They have been included in the assessment, however, no significant effects are identified. (IR 261)

Protected Species

49. Surveys undertaken on and around the site have identified the presence of protected and priority species. (IR 262)
50. The LEMP proposes a mitigation strategy to avoid, minimise and compensate for biodiversity loss and ensure a net gain for biodiversity. The Inspector notes NRW has confirmed it is satisfied with the information provided by the applicant in support of the application as supplemented by additional information, subject to the imposition of recommended conditions. (IR 262-266)
51. The Inspector notes the siting of the solar arrays on the grassland raises particular concern in terms of the potential to impact on birds, most notably lapwing, and certain invertebrates, particularly the shrill carder bee. (IR 267)
52. The shrill carder bee is a notified feature of both St Brides and the Rumney and Peterstone SSSIs and there are other aquatic and terrestrial invertebrates cited and recorded such that the invertebrate assemblage is of national importance. The local shrill carder bee population is also of national importance. It forages and nests on open, flower rich grassland. The Inspector notes that the grasslands on which the panels would be sited is currently not a valuable habitat, however there is concern that the scheme could cause damaging fragmentation of habitat. (IR 268)
53. In response to NRW concerns, the applicant has provided additional information in the form of a Shrill Carder Bee Mitigation and Enhancements Strategy. NRW has confirmed it is satisfied there are measures which could be secured by condition to ensure there would be sufficient enhancement of the site’s habitat, including connectivity routes and the provision of wildflower belts on the periphery of fields, to avoid any negative impact. The Inspector states the same benefits can be expected to the brown-banded carder bee which is also a priority species listed under Section 7 of the Environment (Wales) Act 2016. (IR 269)
54. The scheme would result in the loss of some 39ha of open fields that would be suitable for foraging by wintering lapwing. To compensate for this loss the project proposes that hedgerows and trees would be removed, and grassland suitably managed to create an open area suitable for lapwing within the 22.1ha of off-site compensatory land, this would be secured by condition. NRW considers the mitigation measure to be acceptable, and the Inspector agrees. The Inspector notes the concerns expressed by the Royal Society for the Protection of Birds are focussed on the need for additional detail to inform an effective management plan which can be secured through the recommended conditions. (IR 270)
55. The Inspector is satisfied that key invertebrate species on site do not include species which lay eggs on open water surfaces. Also, the Inspector is content there is no compelling evidence that birds striking the panels would pose a significant risk to local populations. (IR 271)

56. The removal of sections of hedgerows within the application site and the Lapwing Compensation Land would result in the loss of habitat suitable for dormouse commuting/foraging. The Inspector notes the Dormouse Mitigation Strategy describes an approach that would be undertaken to carrying out and thereafter monitoring the works. The Inspector states NRW has confirmed that the approach taken is satisfactory. The Inspector agrees, noting that if dormice are present the developer would require a European Protected Species (“EPS”) licence from NRW before proceeding. (IR 272)
57. The Inspector notes that the Construction and Environmental Management Plan (“CEMP”) and the LEMP, which would be secured by condition, are important as a means of controlling the method of construction in order to minimise any adverse ecological impacts. (IR 273-274).
58. In addition to the ecological benefits already identified, the Inspector notes the scheme would also provide the means of eradicating 13 non-native invasive species that have been identified on the site and which have a negative impact on biodiversity. The Inspector considers these are enhancements which would benefit the land-based and aquatic environments of the SSSIs and much of the species that depend upon these habitats. (IR 275)
59. With reference to the Appropriate Assessment (“AA”), the Inspector finds that the scheme would not affect the integrity of the sites that form part of the National Sites Network. For the same reasons, the Inspector is satisfied that the integrity of the Ramsar site would not be affected. Therefore, the Inspector considers the scheme aligns with criterion 3 of policy 18 of Future Wales. (IR 276)
60. The Inspector considers the scheme would cause no unacceptable impacts on national statutory designated sites for nature conservation (and the features for which they have been designated), or protected habitats and species, thereby satisfying criterion 4 of Future Wales policy 18 and LDP policy GP5. The measures beneficial to biodiversity that have been incorporated within the scheme and those that would be secured through the recommended conditions are significant, as is the extent to which conditions would avoid or mitigate any potential harmful impacts. Accordingly, and mindful of the duty in section 6 of the Environment (Wales) Act 2016, the Inspector considers that, in line with criterion 5 of policy 18, the proposal includes biodiversity enhancement measures to provide a net ecological benefit. (IR 277)
61. The Inspector is satisfied there would be no harmful cumulative effects. The Inspector recognises the importance of controlling the development through conditions. The issue of enforceability of conditions is addressed later in the IR. (IR 278 - 279)

Habitat Regulations Assessment

62. The Inspector notes that regulation 63 of the Conservation of Habitats and Species Regulations 2017 imposes a requirement to consider the potential effects of a proposed development on the National Site Network, in this case the Severn Estuary SAC and SPA. As some likely significant effects can only be avoided through mitigation measures, it is necessary for the decision maker to undertake an AA. (IR 280-281)
63. The Inspector has provided an AA for the Welsh Ministers. It is based on the Shadow Habitats Regulations Assessment, the advice of NRW including in its role as the statutory nature conservation body, and the comments received by other parties in

response to the application. The AA concludes that the scheme, either alone or in combination with other projects, would not have an adverse effect on the integrity of the SAC or the SPA. (IR 282)

Flooding

64. The site is located within zone C1 on the Development Advice Maps of TAN 15: Development and Flood Risk (“TAN 15”). (IR 283)
65. The Inspector sets out the four justification tests in paragraph 6.2 of TAN 15 which relate to development in zone C1. The Inspector notes the development fails to satisfy the first three justification tests. However, paragraph 5.3 of TAN 15 explains that some uses should be treated as exceptions to the general rule in relation to the vulnerability of uses to flooding. Such uses are not subject to the first part of the justification test (criterion i to iii) but are subject to the acceptability of consequences part of the test (criterion iv). The Inspector notes the Welsh Ministers, in a previous Developments of National Significance decision, accepted that the Llanwern solar scheme fell within this exception and the same site-specific considerations - the availability and proximity to a grid connection, and the high number of hours of sunshine - also apply to this case. Therefore, the Inspector considers there are robust reasons for locating the development within this zone as an exception to the first 3 justification tests. (IR 284-287)
66. The application is supported by a Flood Consequences Assessment, which addresses criterion (iv) of the TAN 15 justification test, the consequences of flooding. The Inspector notes the scheme proposes elevating the solar panels, battery storage units and other apparatus above the predicted sea water flood level. The Inspector is satisfied as the uplift would be achieved by the use of supporting legs, the site’s storage capacity of flood water or its flow across the site would not be materially affected. Inundation speeds from a breach of sea defences would not be rapid and would not represent an unacceptable risk to site workers. The Inspector is also satisfied that the scheme would not exacerbate localised flooding. (IR 288 – 290)
67. The Inspector concludes the scheme is consistent with flood risk policy set out in PPW, TAN 15 and LDP policy SP3. As the scheme has been designed to withstand the predicted climate change effects on flooding and demonstrates that the risk and consequences of flooding could be acceptably managed the Inspector is satisfied complies with LDP policy GP1. (IR 291)

Traffic and Highway Safety

68. Regarding traffic and highway safety, the Inspector concludes there would inevitably be some disruption to local traffic during the construction period. However, appropriate traffic management would minimise any difficulties. The affected road network is not heavily trafficked and whilst there would be a degree of inconvenience to users, this would be relatively short lived. Concerns are expressed regarding the proximity of deep drainage ditches to the carriageway and the associated serious accidents that have happened. However, the presence of additional Heavy Goods Vehicles on these roads, which are wide enough to allow vehicles to pass, would not jeopardise the safety of highway users nor would it exceed the capacity of the road network. The access for construction traffic would meet the appropriate standards in relation to visibility splays based on the measured speed of traffic and on-site parking would be a requirement secured by condition. The Inspector considers this would accord with LDP policy GP4, “General Development Principles – Highways and Accessibility”. (IR 292-296)

Benefits of the Scheme

69. The Inspector notes that the scheme would provide a substantial contribution to the production of renewable energy, which is significant in the context of the Welsh Government's commitment to address the climate emergency. The battery storage facility would help to balance energy supply and demand, a benefit recognised by PPW. (IR 297-298)
70. The Inspector notes Future Wales policy 17 confirms the Welsh Government's strong support to the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. It explains in determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and the Welsh Government's target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency. Whilst some objectors question the value of the scheme's contribution to the nation's renewable energy production, the Inspector notes there is no certainty in their suggestion that targets would be met without the development of the site. (IR 299)

Other Considerations

Site location, selection and alternatives

71. The Inspector has addressed issues relating to site location, selection and alternatives and is satisfied brownfield sites were considered first although were economically unviable. The site is not on 'best and most versatile' agricultural land, and the scheme comprises appropriate development in the countryside in accordance with LDP Policy SP5. The Inspector considers the generation of a significant amount of renewable energy would be a considerable benefit and could be described as an exceptional need which cannot reasonably be accommodated elsewhere in the context of LDP Policy CE9, "Coastal Zone", and is consistent with that policy. (IR 301-305)
72. The Inspector notes that the 'Renewable and Low Carbon Energy Assessment' was not intended to be used to assess individual planning applications for stand-alone renewable energy generating systems and carries little weight in the consideration of this case. (IR 306)
73. The Inspector considers as there are no over-riding environmental or amenity considerations the proposed solar farm can be considered favourably, consistent with LDP Policy CE10 "Renewable Energy". This policy also states that large scale proposals may be more appropriately located outside defined settlement boundaries if no appropriate brownfield sites exist, criteria which are both met in this instance. (IR 307)

Glint and Glare

74. The Inspector notes that both the original and revised Glint and Glare studies identify 5 dwellings that would experience some reflected light from the panels. However, the Inspector considers this would only be seen during bright clear days and would be short lived. The Inspector considers such an effect would not give rise to unacceptable living conditions. (IR 308-309)

75. The Inspector has no reason to disagree with the assessment of the impact as low in relation to the three public highways that surround the site. The presence of hoods would protect the visibility of railway signal lights and for reasons explained in the study, any reflected light experienced by drivers would not affect their ability to perform their duties safely. Network Rail has been notified of the scheme and has offered no objections. The Inspector has not been presented with persuasive evidence to suggest that the safety of any aircraft, including a helicopter that may regularly cross the site, would be compromised. (IR 310-312)
76. Notwithstanding the deficiencies identified by objectors of the applicant's assessment, the Inspector is satisfied that whilst some receptors would be exposed to the effect of reflected light, any such effect would not undermine safety nor would it unacceptably affect local residents. (IR 312)

Residential Amenity

77. The Inspector notes the noise assessment establishes that there would be no material noise impact during the operational phase. The proposed CEMP would avoid any unacceptable impacts during construction phase. The Inspector states there is no evidence the scheme would lead to any other impacts on the health of local residents while concerns over devaluation of property is not material to a planning decision. (IR 313)
78. The Inspector notes the safe installation of all apparatus will be required to satisfy insurance requirements. There is no evidence to suggest that the scheme would lead to increased crime in the locality. Furthermore, on-site security would be a matter for the developer. The Inspector is satisfied there is no evidence that any effects would lead to a harmful impact on the local economy. (IR 314)

The Living Levels Landscape Partnership

79. The Inspector is satisfied the proposed development would not be detrimental to the Living Levels Partnership initiative. (IR 315)

Community benefit

80. The Inspector notes that Future Wales policy 17 seeks that proposals describe the benefits the scheme would bring in terms of social, economic, environmental and cultural improvements to local communities. The Inspector states that the applicant has explained, with reference to the experience gained of a nearby solar farm, how the project would provide a range of employment opportunities as well as wider opportunities for spin-off benefits. (IR 316)
81. The Inspector states that the applicant has offered Wentlooge Community Council a financial contribution towards local community projects to be secured via a legal agreement in parallel to but outside the planning process. The Inspector notes there is no reference of any offer being made to the Marshfield Community Council whose administrative boundary lies close to the application site. (IR 317)
82. The Inspector notes that Welsh Government targets for renewable energy includes one gigawatt of renewable energy capacity to be locally owned by 2030 and for new renewable energy projects to have at least an element of local ownership from 2020. PPW explains that local benefits can be justified as mitigation of development impacts through the planning process, noting that developers may offer benefits not directly related to the planning process. In this case the applicant has explained why a

community ownership scheme is not a practical option and is proposing a community benefit fund instead. As there is no suggestion the contribution would be required to mitigate any impact of the scheme on the community no obligation seeking to secure such a contribution has been sought given that it would not meet the tests that section 106 planning obligations should meet. (IR 318)

Temporary

83. The Inspector notes the applicant explains current economic considerations mean the project requires a 40-year operational lifespan to be financially viable. Conditions are recommended which would control the decommissioning phase and secure land restoration. The Inspector considers that the effects on the ecology of the area that would be secured through enhancement measures and future management can be expected to leave a positive legacy. (IR 319)

Sustainability, placemaking and well-being

84. The Inspector considers the application and the applicant's statement on the FG Act 2015 describe the net benefits the scheme would bring in terms of social, economic, environmental and cultural improvements to local communities. The Inspector notes that as the scheme would provide on-site transmission of electricity to the grid it aligns well with the aim set out in policy 17 of Future Wales of both minimising the visual impact on local communities of grid infrastructure and reducing the barriers to the implementation of new grid infrastructure. (IR 320)
85. The Inspector has taken into account the duty under section 3 of the Well-being of FG Act 2015. (IR 321)
86. The Inspector is satisfied the scheme has considered the use of materials and there is no persuasive evidence to demonstrate that such effects or the impact on the site would negate the scheme's considerable contribution to reduce CO₂ emissions. (IR 322)
87. The Inspector considers the scheme performs well against the placemaking objectives set out in PPW (IR 323)
88. The Inspector states the IR has considered all relevant criteria under Policy 18 of Future Wales, noting that the criterion relating to operations of defence facilities and operations, is not relevant to this case. (IR 324)

Conditions

89. I am satisfied, subject to minor amendments, the conditions recommended by the Inspector meet the relevant tests in Circular 016/2014. (IR 325-331)

Planning Balance and Overall Conclusion

90. The Inspector gives moderate weight to the harm to the character of the LOHI, noting the greatest impact would be to the Maerdy HLCA. There would be harm to the green wedge, however, the Inspector finds that the renewable energy benefits constitute very exceptional circumstances so the scheme is compliant with green wedge policy. (IR 332-333)

91. The Inspector notes the scheme is located within a national statutory nature conservation designation and close to international designations, is within local landscape, archaeological and coastal designations, and in C1 flood risk zone. The Inspector finds that the scheme's impact in relation to these designations would be acceptable in all respects, subject to the controls that would be required by the recommended planning conditions. The Inspector considers the conditions would secure enhancements to important ecological features and would ensure that none of the other matters raised in objection to the proposal weigh appreciably against the scheme. (IR 334)
92. The Inspector notes that none of the findings in the IR are materially altered by the inclusion of the proposed battery container units and the secondary grid connection. (IR 335)
93. The main benefit arising from the scheme would be its contribution to the production of renewable energy and consequential reduction in CO₂ emissions. The on-site storage of power generated from the panels provides benefits in terms controlling the rate of flow to the grid, enabling the peaks and flows of production to be evened out so as to align better with consumption. The scheme would also provide local economic and employment benefits. (IR 336)
94. The Inspector affords these benefits considerable weight given the support for such contributions in policies 17 and 18 of Future Wales. As Future Wales is the most recently adopted part of the development plan and contains the most directly relevant policy to renewable energy projects of national significance, and given that the conflicts identified with the LDP are relatively minor, the Inspector concludes that the proposal complies with the development plan. (IR 337)
95. The Inspector recommends planning permission be granted for both the main application and the secondary consent application, subject to recommended conditions. (IR 338)

Habitats Regulations Appropriate Assessment (Annex B of IR)

96. The Inspector notes the application site lies in proximity to two sites which form part of the National Sites Network – the Severn Estuary SPA and the Severn Estuary SAC. The designated sites are connected to the site by the reed network that drains from the site into the sea.
97. The Inspector identifies the likely significant effects from the development on the SPA and SAC and provides an AA in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019).
98. The Inspector concludes it is beyond reasonable scientific doubt that the scheme, either alone or in combination with other projects, would not have an adverse effect on the integrity of the 2 sites which form part of the National Sites Network, namely the Severn Estuary SPA and the Severn Estuary SAC. The Inspector notes that this conclusion is predicated on securing the identified mitigation measures through the imposition of the recommended planning conditions.

Conclusion and Decision

99. I am satisfied the Inspector has considered all relevant main considerations. However, I have significant concerns regarding the impact of the proposal on the Gwent Levels LOHI.
100. The Inspector considers the impact of the proposed development on the Gwent Levels LOHI in IR 228-244. I note an ASIDOHL has been provided in support of the application.
101. The ASIDOHL states within the Gwent Levels the landscape is divided into HCLAs, which provide further information regarding the specific historical values of the landscape at a more local level. The Site is located across two HLCAs, Western St. Brides (HLCA 16) and Maerdy (HLCA 21).
102. With reference to the findings of the ASIDOHL, the Inspector notes the greatest impact is on Maerdy HLCA where the overall significance of impact on the HLCA is identified as severe. The overall significance of the impact on 3 other HLCAs, including Western St Brides and Llanbedr, are assessed as moderate with 3 others assessed as slight. The Inspector notes Cadw agrees with the findings of the ASIDOHL.
103. The Inspector notes Chapter 9 – Heritage and Archaeology of the ES calculates average scores for the magnitude of impact, combining the scores for each of the HLCA that would be affected, which means that those HLCAs least affected reduce the overall impact score. However, the Inspector states at the hearing Cadw confirmed it is the impact on individual HLCAs which provides the clearer understanding of impact.
104. The Inspector concludes on this matter at IR 243. As the scheme would not protect, conserve or enhance the Gwent Levels LOHI, the Inspector considers it is in conflict with LDP Policies SP9 “The Conservation, Enhancement and Management Of Recognised Sites Within The Natural, Historic and Built Environment Will Be Sought In All Proposals” and CE4 “ Sites Included In The Register Of Landscapes, Parks and Gardens Of Special Historic Interest and Identified Historic Battlefields Should Be Protected, Conserved, Enhanced and Where Appropriate, Restored. Attention Will Also Be Given To Their Setting”. The Inspector also considers the proposal conflicts with paragraph 6.1.20 of PPW which seeks to protect areas on the register of historic landscapes.
105. The Inspector’s planning balance and overall conclusions on the proposed development are provided in IR 332-337.
106. I am satisfied, for the reasons given by the Inspector, the scheme complies with green wedge policy. I note the site lies within a national statutory conservation designation and close to international designations, and is within local landscape, archaeological and coastal designations, and in a C1 flood risk zone. I am content with the Inspector’s findings that the scheme’s impact in relation to these designations would be acceptable, subject to controls through planning conditions. I am also satisfied the recommended planning conditions would secure biodiversity enhancements.

107. I acknowledge the scheme would contribute to the production of renewable energy and a consequential reduction in CO₂ emissions and consider this to be a benefit of the proposal. I agree with the Inspector that the on-site storage of power generated from the panels provides benefits in terms of controlling rates of flow to the grid, aligning production with consumption. I also note the local economic and employment benefits the scheme would generate.
108. I have considered the strong support in Future Wales and PPW for the principle of developing renewable and low carbon generation. Policy 17 of Future Wales states, "The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs" and "In determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency".
109. Policy 18 of Future Wales permits proposals for renewable and low carbon energy projects (including repowering) which qualify as Developments of National Significance, subject to 11 criteria and the considerations in Policy 17.
110. I recognise the need for renewable energy in order to combat the climate emergency and I acknowledge the benefits the scheme would provide, particularly in terms of the production of renewable energy and its contribution to the reduction in CO₂ emissions. However, I agree the scheme would give rise to harm to the character of the LOHI with the greatest impact to the Maerdy HLCA. As the Inspector states at IR 243, whilst the main impacts would be reversible, it would exist for 40 years. This is the equivalent of two generations, a significant period during which an appreciation of the outstanding historic quality of the landscape would be affected. I agree this is a significant harmful impact whilst recognising in relation to the Gwent Levels the extent of that harm is relatively localised.
111. In the planning balance and overall conclusion, the Inspector affords this harm moderate weight. However, I disagree. I find the impact on the LOHI, in particular on the Maerdy HLCA, to comprise an unacceptable adverse impact on the landscape in relation to Policy 18 of Future Wales.
112. Therefore, I find the proposed development fails to accord with Policy 18 (1) of Future Wales and LDP policies SP9 and CE4, the scheme also conflicts with paragraph 6.1.20 of PPW.
113. In making this decision I have given regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
114. I acknowledge the benefits of the scheme, however, I am not convinced these benefits outweigh the identified conflict with the development plan and national planning policy. Therefore, for the reasons outlined, I refuse planning permission for both the main application and secondary consent application.
115. In reaching this decision I note the duty to carry out sustainable development under section 2 of the Planning (Wales) Act 2015 and I consider the decision accords with the sustainable development principle set out in the FG Act 2015. In accordance with section 3(2) of the FG Act 2015 and the well-being objectives of the Welsh Ministers, the decision, by protecting the Gwent Levels LOHI, will contribute to the Welsh

Ministers' well-being objective of making cities, towns and villages even better places in which to live.

116. A copy of this letter has been sent to Newport City Council and to those persons and organisations appearing at the Hearings.

Yours sincerely

A handwritten signature in cursive script that reads "Lesley Griffiths". The signature is written in a dark ink and is positioned centrally below the "Yours sincerely" text.

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd