

Application Number: DM/2024/00384

Proposal: The change of use of agricultural land to facilitate the siting of a ground mounted solar array for use by Woodfield House

Address: Woodfield House, Moor Lane, Pen Y Fan, The Narth

Applicant: Mrs A Williams

Plans: Elevations - Proposed Solar Panels - Revised, Location Plan - , Other RENSOL-CONSOLE-MANUAL-OLD - , Other SOLAR PANELS - , Other SPECIFICATION OF THE SOLAR PANELS - , Other Cable Routing Information - GWC Electrical, Site Plan Contour Plan - , Other Statement - Solar Array Purpose - , Other Solar Panel Output details - , Photography Example array - , Green Infrastructure Framework Plan, Green Infrastructure Statement - Revised

RECOMMENDATION: APPROVE

Case Officer: Mrs Helen Etherington
Date Valid: 04.04.2024

This application is presented to Planning Committee due to 5 or more objections being received

1.0 APPLICATION DETAILS

1.1 Site Description

The field is adjacent to the property known as Woodfield House, Moor Lane in the hamlet of Pen Y Fan. The land does not form part of the curtilage of a listed building and is not in a Conservation Area. It is within the Wye Valley National Landscape (AONB).

1.2 Value Added

Additional landscaping has been added to the boundary between the field and neighbour. Amended solar panel details were received as there had been contrary information previously submitted. Cable routing information has also been submitted.

1.3 Proposal Description

The proposal is to site 72 solar panels in the north-eastern corner of the field. The array is proposed to provide all the power for the residential property, Woodfield House, which is located 52m south east of the proposed array.

The panels would be arranged in four rows of 18 panels with 2m between the rows and 50mm between panels. Each panel would measure 1.72m by 1.13m and be 0.03m thick. This will make the total area of the array approximately 335 sq.m. Each panel will be positioned on a mount which is 0.5m high, 1.74m long and 0.97m wide. Some levelling will be required but it will not cause a change in levels of more than 30cm.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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DM/2019/01226	Single storey lean-to kitchen extension on north elevation	Approved	27.08.2019
DM/2024/00384	The change of use of agricultural land to facilitate the siting of a ground mounted solar array for use by Woodfield House	Pending Consideration	
DC/2009/00903	Front and rear extensions	Approved	20.01.2010
DC/2006/00111	Replacement of existing wood/UPVC conservatory with an oak framed garden room with fully tiled roof to match existing property	Approved	13.07.2006

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development
SD1 LDP Renewable Energy
LC4 LDP Wye Valley AONB
GI1 LDP Green Infrastructure
LC5 LDP Protection and Enhancement of Landscape Character

Supplementary Planning Guidance

Renewable Energy and Energy Efficiency SPG March 2016
Green Infrastructure April 2015

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 12

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

Technical Advice Notes

Technical advice note (TAN) 6: Planning for sustainable rural communities.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Trellech Community Council - no objection to solar panels per se, but would like to highlight some concerns over the visual impact, the proximity of the development to the neighbours, and the potential to set a precedent for future similar developments.

MCC Landscape and Urban Design Officer - holding objection; on re-consultation offers no objection subject to conditions.

AONB Manager - Objection - visual impact on the Wye Valley National Landscape.

Natural Resources Wales - no objection to the proposed development as submitted.

SEWBRc Search Results - Red alerts for bluebells and butterflies.

5.2 Neighbour Notification

Three Objections received covering the following:

- Greenfield site within the AONB with presumption against development
- Scale of the installation in comparison with other nearby residential installations
- Detrimental impact of the character of the AONB
- Visible from the road and Wye Valley Walk
- Insufficient justification submitted covering alternatives
- Adverse biodiversity impact.

5.3 Other Representations

Seven objections received covering the following:

- size of the array
- visual impact on the AONB and local area
- sets an unacceptable precedent
- negative impact of neighbouring property
- justification and alternative locations.

5.4 Local Member Representations

Cllr Jayne McKenna - Due to being a member of the Planning Committee, I have no comments to make at this time

Please note all representations can be read in full on the Council's website:
<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 EVALUATION

6.1 Principle of Development

6.1.1 The application site is outside of any settlement boundaries as identified by the Proposals Map of the Monmouthshire LDP, therefore, for the purposes of planning, the site is within the open countryside where development is strictly controlled and only acceptable uses within the open countryside will be considered favourably.

6.1.2 National planning policy provides a strong basis of support for proposals for renewable energy forms with various references in both PPW12 and Future Wales. Future Wales Policy 17 - Renewable and Low Carbon Energy and Associated Infrastructure specifically is applicable to this application and in part 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". PPW12 states, (5.71) "The Welsh Government's highest priority is to reduce demand wherever possible and affordable. Low carbon electricity must become the main source of energy in Wales. Renewable electricity will be used to provide both heating and transport in addition to power" and (5.9.1), "Local authorities should facilitate all forms of renewable and low carbon energy development".

6.1.3 TAN6 provides the following references to renewable energy production within the countryside, "the planning system must respond to the challenges posed by climate change, for example by accommodating the need for renewable energy generation".

"Planning authorities should seek to strengthen rural communities by helping to ensure that existing residents can work and access services locally using low carbon travel and obtain a higher proportion of their energy needs from local renewable sources".

Given the nature of the development, LDP Policy SD1 is applicable in establishing the principle of the development. SD1 provides the following criteria for proposals to be considered against; Renewable energy schemes will be permitted where:

- (1) There are no unacceptable adverse impacts upon the landscape, townscape and historic features and there is compliance with Policy LC5, with regard to protection and enhancement of landscape character;
- (2) There are no unacceptable adverse impacts on biodiversity;
- (3) There are no unacceptable adverse impacts on the amenities of nearby residents by way of noise, dust, odour or increases in traffic;
- (4) The wider environmental, economic, social and community benefits directly related to the scheme outweigh any potentially adverse impacts; and
- (5) The distinct identity of Monmouthshire will not be compromised.

Each of these points will be explored in greater detail in the following sections of this report however it is not considered that the proposal represents a conflict that would result in an in-principle concern or objection to the proposed development.

6.1.3 The development proposed is for an array of 72 panels for domestic use. The array will allow for the main dwelling Woodfield House to become an 'off-grid' property. The principle of renewable energy installations is supported by policy and therefore the proposal is deemed acceptable subject to consideration of visual impact. It is considered necessary to attach a condition requiring the land to be reinstated to its current form when the technology is no longer operational in the interest of protecting the special character of the countryside and National Landscape.

6.2 Best and Most Versatile (BMV) Agricultural Land

6.2.1 Para. 3.58 of PPW12 sets out that "Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC)¹⁶ is the best and most versatile, and should be conserved as a finite resource for the future". It goes on to state that, "Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations".

6.2.2 This position was taken further in March 2022 via a Dear Chief Planning Officer (CPO) Letter from the Minister for Climate Change which stated in “accordance with Welsh Government policy outlined above, where BMV land is identified within a proposed solar PV array development, considerable weight should be given to protecting such land from development, because of its special importance, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission”.

6.2.3 In this instance, review of the Predictive Agricultural Land Classification (ALC) Maps shows the site covering grades 3b and 4, and as such the site is not considered to qualify as BMV land. Therefore the use of the land for the siting of the proposed PV panels is compliant with the requirements of PPW12 in respect of safeguarding BMV agricultural land.

6.3 Sustainability

6.3.1 Due to the nature, scale, siting and reversibility of the proposed development no objection is raised in respect of sustainability. The sustainability benefits of solar energy are well documented, an array of this scale would provide a significant reduction in the carbon footprint of the host dwelling in this instance.

6.4 Place Making/Good Design

6.4.1 The application site is within the open countryside and within the Wye Valley National Landscape and the proposed development has potential to impact the special character of the area. Planning authorities have a statutory duty to have regard to National Landscape purposes. This duty applies in relation to all activities affecting National Landscapes, whether those activities lie within, or in the setting of, the designated areas. Planning authorities should give great weight to conserving and enhancing the natural beauty of National Landscapes, and should have regard to the wildlife, cultural heritage and social and economic well-being of the area.

6.4.2 In this instance, although the proposal is larger than other domestic array in scale and the panels will be in supports which are 50cm from the ground, the array would be sited along an existing field boundary on an incline which slopes away from the road. While the proposed array may be visible from the road that runs to the west of the field, given the low profile of the panels and slope of the field, it has not been possible to identify an unacceptable level of harm to the amenity or character of the surroundings as a result of the proposal. The alternative location of the array on the house or within the residential curtilage would not have been viable due its position within a wooded area. Siting the array within the residential curtilage may have resulted in a loss of trees in order for the array to gain sufficient sunlight.

6.4.3 The Wye Valley National Landscape's officer has provided comments on this proposal suggesting an amended scheme or siting, as they deem it will be visible in the wider area. These comments have been considered, however the location is at the crest of the hill behind a wood of existing trees so will not be visible either from the public right of way to the east or from the other side of the River Wye in England. Given this, it is considered that the array should not result in an adverse visual impact that would have an unacceptable effect upon the character of the wider area or landscape or display a level of harm that would warrant the refusal of this application.

6.4.4 To safeguard the special character of the countryside and National Landscape it is considered necessary to attach a condition that the proposed array will be removed from site in the event it is no longer needed or operational.

6.5 Biodiversity/Green Infrastructure

6.5.1 The site is located in the open countryside in the Wye Valley National Landscape and currently consists of semi-improved grassland bounded by trees, hedge and residential properties. The site has a gradient falling from south to the north of the site. The field is currently grazed pasture and the woodland to the south of the site is a classified Site of Interest for Nature Conservation (SINC).

6.5.2 It is considered from a Landscape and GI perspective that the proposal would be acceptable subject to further appropriate landscaping being provided and maintained to mitigate for localised visual impacts. Visual impact is likely more prominent as viewed from the slightly higher nearby highway and the two gateways adjacent to the site as viewing over the site from the public realm. The site is likely to be more visible from private realm in paddocks to the west of the site and an adjacent residential curtilage to the north. The applicant has indicated that 70m of native species hedge is proposed on the northern boundary and native species tree group planting is to be provided adjacent to the north-west adjacent gateway which is welcome and includes an establishment and aftercare programme in the GI statement and Landscaping plan.

6.5.3 The low profile of the proposal i.e. 500-600mm above ground level set within the slope of the hill, would have less of a visual impact than a higher typical solar array structure. The information provided also indicates that the proposed solar array site would have a stock fence enclosing an area of 36m x 15m. The provision of a stock fence will help to break up the visual form of the low-lying structure. The alignment of transmission cables and methodology for excavation and installation is acceptable and should have limited to no impact on trees and roots.

6.5.4 The applicant has provided a GI Statement which indicates the planting of 50m² of native species trees to reduce the visual impact as viewed from the north-east of the site and an additional 70 linear metres of native species hedge on the northern boundary. The document also details that the hedge to the western boundary of the field adjacent to the public highway will be maintained at a height of 2.4m to limit the visibility of the array from the public thoroughfare.

6.5.5 With the addition of suitable landscaping conditions it is considered that the array would not cause an unacceptable ecological or landscape impact and would comply with LDP policies LC4, LC5, DES1, GI1 and NE1.

6.5.6 Biodiversity enhancement has been secured in the form of a tawny owl nest box and WoodStone Nest Box to be installed in appropriate locations on surrounding trees. A condition can be added to any consent requiring their installation, in accordance with the Green Infrastructure Statement & Landscaping Plan, and their retention.

6.6 Impact on Residential Amenity

6.6.1 The site is located close to the boundary of the northern neighbour and approximately 47m from the dwelling. The slope of the land and intervening trees and hedgerows means that the array should not be directly visible from the dwelling, although it would be visible from the surrounding residential curtilage.

6.6.2 A scheme of hedge planting is proposed along the length of boundary between the field and the neighbouring property which should mitigate the visual impact of the development. The array will be close to the ground and so would not appear overbearing and would not cause any noise nuisance.

6.6.3 Given the above it is considered that the development will not have an unacceptable impact on the amenity of local residents or that of the wider area and complies with policies DES1 and EP1.

6.7 Drainage (Surface Water)

6.7.1 Given that the development is over 100sqm a separate application to the Sustainable Drainage Authority will be required to ensure that the proposed development will not increase surface water flooding in the area.

6.8 Wye River and Usk River catchment area

6.8.1 No foul drainage works are proposed as part of the development. Given this there should be no adverse impact on phosphate levels as a result of the development.

6.9 Response to the Representations of Third Parties and the Community Council

6.9.1 The Community Council had no objection but did express 'concerns over the visual impact (on the character of the environment), the proximity of the development to the neighbours, and the potential to set a precedent for future similar developments.' - the visual impact of the development is assessed in the paragraphs above. In relation to the setting of a precedent every application submitted is assessed on its own merits and an undesirable precedent would not be set. The approval of this array would not mean that other similarly large arrays would get approved.

6.9.2 The Wye Valley National Landscape Officer objected to the proposal because 'by virtue of its siting and considering that the proposed landscaping put forward would not be able to mitigate the development to an acceptable degree, the proposed visual effects would be to the detriment of the scenic beauty of the AONB designation hereabouts'. These issues are addressed in paragraphs 6.4 and 6.5 above.

6.9.3 The other objections covered the issues which have been addressed as follows:

- Greenfield site within the AONB with presumption against development - see paragraph 6.1 above in relation to the Principle of the Development.
- Scale of the installation in comparison with other nearby residential installations - the array is proposed to replace the total electricity requirements for the main dwelling so 30kW is what is required.
- visual impact on the AONB and local area - see Paragraphs 6.4 and 6.5 above.
- Insufficient justification submitted covering alternatives - see Paragraph 6.4 above.
- Adverse biodiversity impact - see Paragraph 6.5 above.
- Sets an unacceptable precedent - see paragraph 6.9.1 above.
- Negative impact of neighbouring property - see Paragraph 6.6 above.

6.10 Well-Being of Future Generations (Wales) Act 2015

6.10.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.11 Conclusion

6.11.1 In May 2019 Monmouthshire County Council declared a Climate Emergency, with unanimous support from Councillors. The proposed development is considered an appropriate form of development in response to that declaration by providing the property with access to a renewable form of energy. Whilst it is noted the site is located within the Wye Valley National Landscape, Officers consider that the development, subject to the conditions set out in Section 7 below, would be subservient to the primary purpose to conserve and enhance the natural beauty of the area. In addition the development is considered acceptable having regard to all other material planning consideration and relevant planning policy.

7.0 RECOMMENDATION: APPROVE

Conditions:

1 This development shall be begun within 5 years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 Prior to the commencement of development full and comprehensive details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include planting plans, specifications including species, size, density, number and location, cultivation and other operations associated with planting and seeding establishment, inclusive of SUDS green engineering.

Reason: In the interests of visual and landscape amenity; in accordance with Policies DES1 and LC5 of the Local Development Plan.

4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development. The 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. Planting of Trees shall be in accordance with BS8545:2014 Trees: from nursery to independence in the landscape. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, DES 1, and GI1 and NE1.

5 Within 3 months of the solar array hereby approved being brought into beneficial use a restoration plan (including timetable) for the removal of all equipment and details of how the land shall be restored to its former condition shall be submitted to and approved in writing by the local planning authority. Within 3 months of the cessation of electricity generation by the facility, all associated works/equipment shall be removed from the site and the land restored to its previous condition in accordance with the approved restoration plan and timetable.

REASON: In the interests of visual amenity and to ensure compliance with LDP Policy DES1 and LC4.

6 Within 3 months of the solar array hereby approved being brought into beneficial use the biodiversity enhancements as detailed in the approved "Green Infrastructure Statement & Landscaping Plan" shall be implemented in full. The enhancements shall then be retained in perpetuity.

REASON: In the interests of biodiversity in accordance with PPW12 and Future Wales.

INFORMATIVES

1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

2 As of 7th January 2019, all construction work in Wales with drainage implications, of 100m² or more, is now required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water (whether they require planning permission or not). These SuDS must be designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage.

The SuDS Approving Body (SAB) is a service delivered by the Local Authority to ensure that drainage proposals for all new developments of at least 2 properties OR over 100m² of construction area are fit for purpose, designed and built in accordance with the National Standards for Sustainable Drainage published by Welsh Ministers.

If you are in any doubt as to whether you require SAB approval, please contact:

SAB@monmouthshire.gov.uk

For advice regarding the application process and general enquiries - 01495 768306

For technical advice regarding your SuDS design and meeting the National Standards - 01633 644730

3 All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September.