

DELEGATED REPORT

Application No:	P/23/0077
Site Address:	Supac Limited Unit 3 Goat Mill Road Dowlais Merthyr Tydfil CF48 3TD
Development:	Installation of 45 solar panels (ground mounted and to the roof of existing storage containers)
Case Officer:	Rebecca Owens
Site Visit:	24th March 2023
Application Expiry Date:	18th May 2023
Consultation reply date expired:	10th May 2023

APPLICATION SITE

The application relates to two parcels of land within the boundary of an industrial unit which is sited within an established industrial park. The site is within the settlement boundary and is bound by another unit to the north and highways to the south, east and west.

PROPOSED DEVELOPMENT

Full planning permission is sought for the installation of forty five solar panels each measuring 1.765m by 1.048m. Fifteen of these would be installed on a gravelled strip of land between the western boundary fence and car park, twenty would be installed on a gravelled strip of land between the eastern boundary fence and car park and ten would be laid on top of the two storage containers located in the south eastern corner of the site (five on each roof). The solar panels located on the ground would be mounted on purpose-built tubs weighted down with ballast with a maximum combined height of 0.43m. The solar panels to the roof of the storage containers would be laid flat projecting above the roof by 0.1m. The cables from the panels would be laid within an industrial grade conduit and clipped to the lower part of the palisade fence.

PLANNING HISTORY

There are a number of recent planning applications relating to this site. The most recent of these relates to the conversion of the building to its current use:

P/09/0028 Change of use of building to battery importer and distributor
Granted planning permission on 10 March 2009

CONSULTATION

The following bodies were consulted and their responses are presented below:

Planning Division's Policy Group Leader No objection

The Coal Authority No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, a letter was sent to the adjoining unit and three site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) sets out 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.

National Planning Policies

Planning Policy Wales (Edition 11, February 2021)

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW4: Settlement Boundaries
- SW11: Sustainable Design and Placemaking
- CW1: Historic Environment
- EcW2: Protecting Employment Sites
- EnW1: Nature Conservation and Ecosystem Resilience
- EnW4: Environmental Protection
- EcW8: Renewable Energy
- EcW9: District Heating

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 4, Sustainable Design.

PLANNING CONSIDERATIONS

The site relates to a large detached unit located within an established industrial and estate and within the settlement boundaries. Accordingly, the principle of development is acceptable subject to compliance with other planning policies and material planning

considerations. In this respect it is noted that Policy EcW2 is relevant. However, as the proposal is for solar arrays which would support the existing unit, it would not contravene this Policy. In addition, Policy EcW8 relates specifically to renewable energy and given the scale and siting of the proposal, the development would not be contrary to this policy.

Character and visual amenity

The ground based solar panels would be sited on either side of the building and whilst it is proposed to install them behind the existing palisade fencing, it is noted that they would be visible when travelling along Goatmill Road (in both directions) and prominent when entering the site from either the east or west. Notwithstanding this, having regard to the size of the panels and mounts and given that the site is within an industrial estate, it is not considered that the solar panels would represent incongruous additions or that they would substantially harm the character or visual amenity of the area. With respect to the solar arrays mounted on the storage containers, it has been indicated that these would be laid flat and as such would not be overly visible. On this basis they would not have any significant visual impact. The proposal would therefore accord with Policy SW11 of the LDP.

Residential amenity

The impact of the proposal on the residential amenities of neighbouring occupiers is a material planning consideration. However, the application site is located in an established industrial estate and is not in close proximity to any residential properties. As such, the proposal would not harm resident amenity. In this respect it is noted that no representations were received following the publicity exercise.

Ecology

The proposed panels would be sited on two parcels of land covered with a gravel surface. Having regard to this and the nature of the proposal, no ecological survey work was deemed necessary but ecological enhancement in line with the Environment (Wales) Act 2016 and Welsh Government Circular 'Securing Biodiversity Enhancement' 2019 can be sought via a condition on any planning permission issued.

Other considerations

It is noted that the application site is located within an Archaeologically Sensitive Area (Dowlais Ironworks; Supporting Infrastructure; Dowlais Gas) and within a Landscape of Historic Interest. However, given the context of the area and the nature of the development proposed, it is not considered that the proposal would have a significant impact on these and thus would not contravene Policy CW1.

Conclusion

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development

principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

CONDITIONS/REASONS:

1. The development shall begin not later than five years from the date of this decision.

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 following approved plans and documents:

Proposed Block Plan (1:1250), Received on 23 March 2023

Block Plan - Left PV Array, Amended Plan Received on 29 March 2023.

Block Plan - Right PV Array, Received on 23 March 2023

Side and rear elevation, Received on 23 March 2023

Right PV Array - side elevation, Received 23 March 2023

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

3. **WITHIN 1 MONTH** of the solar panels hereby approved being installed, a scheme for biodiversity enhancement shall be submitted to and agreed in writing by the local planning authority. The biodiversity enhancement(s) shall be provided within 3 months of the biodiversity enhancement scheme being agreed, in accordance with the details approved and shall be retained in perpetuity thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 11, February 2021) requires all development to maintain and enhance biodiversity.

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1> is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

3. With respect to condition 3, it is advised that 2 no. bat box (woodcrete or woodstone) are erected on the northern elevation of the main building. For example, see <https://www.greenwoodsecohabitats.co.uk/shop> (two crevice bat box)

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

24/4/23