

<b>BLAENAU GWENT COUNTY BOROUGH COUNCIL</b>	
<b>Report to</b>	<b>The Chair and Members of Planning, Regulatory and General Licensing Committee</b>
<b>Report Subject</b>	<b>Planning Appeal Update: 30MW Solar Park at Wauntysswg Farm, Abertysswg, Rhymney, Tredegar</b>
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<b>Directorate</b>	<b>Regeneration and Community Services</b>
<b>Date of meeting</b>	<b>7<sup>th</sup> January 2021</b>

## **1. Purpose of Report**

1.1 To advise Members of the decision of the Planning Inspectorate in respect of a planning appeal against the refusal of permission to extend the operational life of the proposed 30MW solar park at Wauntysswg Farm from 30 to 40 years (Ref: C/2019/0280). At Planning Committee on 6<sup>th</sup> February 2020 Members resolved to refuse planning permission contrary to officer's advice, and delegate authority to officers to issue a reason for refusal. Accordingly, the planning application was refused on 12<sup>th</sup> February 2020 for the following reason:

*"The proposed 30 MW solar park, by virtue its size, mass and industrial appearance, would have an unacceptable adverse impact on the character and appearance of the rural landscape and the setting of Tredegar Cholera Cemetery Scheduled Ancient Monument. This unacceptable harm to the character and appearance of the landscape and the setting of the heritage asset would subsist over the 40 year operational lifetime of the solar park. Not only does this represent a substantial period of time, it is*

*materially and significantly longer than previously approved under the DNS consent process. Accordingly, the proposal conflicts with policies SP10, SP11, DM1 and ENV2 of the Local Development Plan.”*

- 1.2 When the planning appeal was submitted to the Planning Inspectorate, the appellant also made an application for costs against Blaenau Gwent County Borough Council. The Planning Inspectorate’s decisions in respect of the planning appeal and costs applications are considered separately below.

## **2.0 Scope of the Report**

- 2.1 Members will recall that the Welsh Minister for Housing and Local Government previously granted planning permission (subject to conditions) for a 30MW solar park, access and ancillary development at Wauntysswg Farm on 31<sup>st</sup> July 2019. The Local Planning Authority (LPA) was not responsible for the determination of that planning application, due to the 30MW solar park’s classification as a Development of National Significance (DNS). An application was subsequently made to the LPA to vary condition 3 of that planning permission in order to extend the operational life of the solar park from 30 to 40 years.

### Appeal Decision

- 2.2 The Inspector acknowledged that the proposed solar park would have harmful impacts on the landscape, visual receptors and the setting of Tredegar Cholera Cemetery Scheduled Ancient Monument. However, the nature and magnitude of these adverse impacts remains the same as those considered by the Welsh Minister as part of the original DNS application. At the time, the Minister concluded that as these impacts would be temporary and fully reversible, the benefits of the proposed solar park in generating renewable energy would outweigh the identified harm. The Inspector acknowledged that the extant permission remains a valid fall-back position and attached substantial weight to the Minister’s decision.
- 2.3 The key consideration for the planning appeal as identified by the Inspector was whether the benefits of extending the life of the solar park for a further 10 years outweigh any harm. As part of the planning balance, the Inspector highlighted the fact that an

additional ten years of operation would contribute to a sustained offsetting of carbon emissions and would also contribute to energy security over this extended period. Significant weight was attached to these energy and climate change benefits. In contrast, whilst the Inspector accepted that the proposed variation of condition 3 would increase the length of time over which the identified adverse impacts would be experienced, he was satisfied that the impacts would remain time-limited and fully reversible. As such, the Inspector concluded that the benefits of proposed solar park in generating 30MW of renewable electricity per annum over an additional 10-year period would accord with the objectives of Planning Policy Wales, significantly outweighing the conflict with the LDP.

2.4 The Inspector accordingly ALLOWED the appeal.

#### Costs Decision

2.5 In its appeal submission, the Council contended that the proposed 33% increase in the operational life of the solar park would be materially and significantly longer than that originally permitted, and that the identified harmful impacts of the proposed development would be unacceptably prolonged as a result. The Inspector acknowledged that whether or not an additional 10 years amounts to a 'significant' time period is a matter of planning judgement and the Council is entitled to come to that view. He also accepted that Members of Planning Committee were entitled to come to their own view on the weight to be attributed to the proposal's beneficial and harmful impacts.

2.6 Nevertheless, the Inspector highlighted the fact that the solar park's proposed extended period of operation would result in energy security benefits subsisting for 33% longer and more CO<sub>2</sub> being offset than the originally permitted scheme. He also drew attention to the Minister's decision on the original DNS application, where the solar park's climate change and energy security benefits were found to clearly outweigh the temporary and fully reversible harmful impacts over the original 30 year period. The permitted scheme was considered to be physically identical to the appeal scheme, with little evidence of changed circumstances since the solar park was originally approved in 2019.

2.7 The Inspector considered the Minister's decision to be an important

material consideration in this case, and was of the opinion that there is little evidence within the committee minutes to explain how the substance of the Minister's decision was taken into account as part of the 'planning balance' underpinning Planning Committee's decision. Moreover, the Inspector was of the view that there is little evidence that Planning Committee afforded the Minister's decision due weight when coming to its decision to refuse the planning application. This is considered to be a significant oversight which, in the view of the Inspector, amounts to irrationality in the decision making process. As such, he concluded that Planning Committee's decision to the refuse planning permission was unreasonable and resulted in an appeal which should not have been necessary.

2.8 The Inspector accordingly GRANTED the appellant a full award of costs.

### **3. Recommendation/s for Consideration**

3.1 That Members note for information the appeal and cost decisions for planning application C/2019/0280 as attached at **Appendix 1**.