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Mr R Sparey
The Planning Inspectorate
Crown Buildings
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Dear Rob

The Planning Inspectorate Reference: APP/X6910/A/16/3154384
The Developments of National Significance (Wales) Regulations 2016
Proposed Solar Park, Access and Ancillary Development at Wauntyswg Farm, Abertyswg, Rhymney, Tredegar

Regarding the above and as discussed via telephone, several concerns have been identified following the 5 weeks Representation Period and the return of the Local Impact Reports ('LIRs') and other consultee comments regarding the above. The relevant Local Planning Authorities ('LPAs') did not provide any detailed comments in respect of landscape and heritage issues at the pre-application stage, despite a full draft version of the application and supporting documents being made available to them. The LIR comments raise issues such as additional viewpoints that had not been presented earlier. Had these been raised at the pre-application stage, which is considered the appropriate time given the Developments of National Significance ('DNS') process is designed to be, to a large extent, a closed process, they could have been addressed prior to submission. However, as these have not been provided until now it is considered the process should be suspended to allow further written representations to be provided for the reasons set out below.

The applicant has several significant concerns in respect of deficiencies in the landscape impacts section of the Caerphilly County Borough Council ('CCBC') LIR. First and foremost, Map 2 appended to the LIR appears to illustrate an extent of application site much larger than that contained within the Development of National Significance ('DNS') application. This calls into question whether the current proposal, or a very dated previous proposal for a much larger area, has been considered by CCBC in its LIR. In addition to the above, the LIR does not consider the principle of the development in terms of meeting CCBC's renewable energy and climate change planning policy key objectives (Caerphilly Local Development Plan, adopted 2010, paragraphs 0.94 and 3.11). There are also several contradictory statements within the LIR that call into question whether the correct version of the Landscape and Visual Appraisal ('LVA') submitted with the application has been considered. For example, the LIR states at paragraph 2.13 that no assessment has been undertaken on the highways surrounding the site. However, the submitted LVA considers Charles Street and the B4256 within paragraphs 4.12, 10.16, 10.17, Table 3, Figure 8, Figure 10, Figure 30, Figure 32. The LIR itself acknowledges this at paragraph 2.14. Similarly, paragraph 2.14 of the LIR states no assessment of public rights of way ('PRoW') has been undertaken. However, the LVA considers PRoW at paragraphs 4.23 to 4.30, 7.6, 10.18, 10.19, Table 1 and Table 3. Furthermore, the LIR itself acknowledges this later at paragraphs 2.20 to 2.23.

Notwithstanding the above, following a detailed review of the CCBC LIR, it is considered that the following comments within it should be addressed through further written representations:

1. Paragraph 2.5 contains an unreferenced definition of tranquillity that requires a response;
2. Paragraph 2.6 comment that assessment underestimates visual impact on the East of Rhymney Visual and Sensory Aspect Area (CYNONVS716) should be addressed;

3. Paragraph 2.7 states the LVA omits an assessment of VILL NH2.1 Northern Rhymney Valley non-statutory designation and should be addressed;
4. Paragraph 2.13 states no assessment of visual impact on the highway surrounding the site has been undertaken (see comments above);
5. Contrary to paragraph 2.13, paragraph 2.14 states an assessment of Charles Street and paragraph 2.24 on the A469 has been undertaken (see comments above);
6. Paragraph 2.14 states no assessment of public rights of way has been undertaken (contrary to paragraphs 2.20, 2.21, 2.22, 2.23 and see comments above);
7. Paragraph 2.17 states that Viewpoint 10 requires additional assessment and baseline and photomontage from the adjacent PRoW FP270 Gelligaer;
8. Paragraph 2.19 states there are shortcomings relating to fields of view and sizes of printed images;
9. Paragraph 2.20 states Viewpoint 6 Figure 12 cumulative assessment underestimates impact;
10. Paragraph 2.21 states Viewpoint 7 Figure 13 cumulative assessment underestimates impact;
11. Paragraph 7.5 states no ecology impact assessment of the temporary compound, car park and turning area has been undertaken.

As a result of the above the applicant considers the CCBC LIR to be deficient and there is doubt that it is based upon the correct proposed layout and LVA and whether complies fully with the requirements of Section 62k (1)(a) of the Town and Country Planning Act 1990 and Procedural Guidance in respect of LIRs. Notwithstanding, the majority of the above could be addressed through further written representations and updated assessments.

Regarding the BGCBC LIR, the following areas of concern are identified:

1. More detail is considered necessary within the Ecological Mitigation Plan ('EMP') in relation to curlew habitat enhancement area, although conceded an EMP could be required by condition;
2. Within the 'Historic Environment' section it states:

"Concerns have, however, been raised by the Council's Heritage Officer and Glamorgan Gwent Archaeological Trust who state that the HIA does not meet the Chartered Institute for Archaeologists' standards and guidance for historic environment desk-based assessment, nor does it provide an adequate basis for assessing the balance of impact and mitigation. The following matters should be addressed through the submission of a revised assessment:

- a. *The report does not provide a grid reference for the location of new sites and no visual record or depiction of the identified features via a plan or photograph.*
 - b. *There is no plan within the report detailing the proposed development and its relationship to the archaeological features identified during the walkover survey.*
 - c. *The report offers little detail on a mitigation strategy other than the mention of a programme of archaeological recording along the line of the proposed trackway (see paragraph 11.3.3). The mitigation strategy should also be re-iterated in the summary/conclusions of the report.*
 - d. *The report appears to lack certainty as to the actual extent of the proposed development, bringing in to question whether a robust assessment has been undertaken of the impacts and opportunities for mitigation."*
3. The above comment is confused by the fact that Glamorgan Gwent Archaeological Trust states in its consultation response:

"The assessment meets current professional standards and has gathered information relating to the historic environment from all relevant sources, and has assessed the likely impact of the proposed development against that information."

Consequently, this raises a concern in terms of whether the correct version of the Baseline Heritage Impact Assessment ('HIA') has been assessed or whether it is deficient. To avoid any further confusion,



it is considered that further written representations in the form of an updated HIA, based on a visual assessment and addressing the points above, should be prepared and submitted for further comment.

Our own detailed review of the submitted LVA following the above comments reveals the following deficiencies that also require addressing through further written representations:

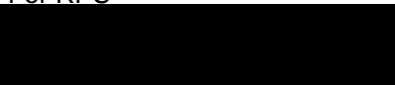
1. Paragraph 4.11 states the Cefn Golau Cemetary SAM is 0.2 km to the north of the site (it is approximately 400 m);
2. Viewpoint 5 Figure 11 is incorrect in that it overstates the size of the site and erroneously refers to it as 'Iynwent Cholera Cemetery' (compare to Figure 33 Existing Viewpoint 5 and Proposed Viewpoint 5);
3. Viewpoint 7 Figure 13 is incorrect in that it overstates the size of the site;
4. Table 3: Summary of Effects on Visual Receptors and Representative Viewpoints refers to cemetery erroneously as 'Iwent Cholera Cemetery' and 'Iynwent Cholera Cemetery' and may overstate magnitude of a variety of changes (compare with Figures 29 to 38) together with associated text paragraphs – requires re-assessment;
5. Figure 33 erroneously refers to SAM as 'Iynwent Cholera Cemetery'.

In addition, the Planning Statement that summarises the planning policy, material considerations and the submitted assessments may also require updating following the re-assessment of landscape, heritage and ecology issues identified above.

Consequently, it is considered that the Inspector may wish to request further written representations to address some of the deficiencies in the applicant's assessments identified at this stage and further written representations from the LPA following submission of the amended assessments to provide confidence the correct site and assessments are addressed. The procedure may have to be suspended therefore. In addition, there may be grounds for the application to be escalated to a hearing in order that key issues in respect of landscape and heritage are assessed satisfactorily and robustly. Regulation 11(e) of the Developments of National Significance (Wales) Regulations 2016 (the 'DNS Regulations') allows PINS to issue a notice suspending the determination period specified in s62L of the Town and Country Planning Act 1990 where supporting documents which are required to make a decision are found to be deficient. It is suggested that this is the case here for various reasons and further written representations should be requested by the Inspector to address these.

I trust the above request will be given due consideration. However, should you have any queries or require any further information please do not hesitate to contact me. I look forward to hearing from you.

Yours sincerely
For RPS



Dafydd Williams
Associate

cc:
Mr D Meehan (Elgin Energy EsCo Ltd)