

Mr A Russell
By email

Your Ref/Eich Cyf	ENQ/2024/1050
Our Ref/Ein Cyf	
Date/Dyddiad	02/10/2024
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Dear Sir,

Town and Country Planning Act 1990
Proposed solar farm and battery storage facilities – Land south of Marchwiell

Further to the submission of the above referenced enquiry, I note the proposal constitutes a Development of National Significance. My response therefore seeks to set out the relevant planning policies applicable to proposal and is formed without prejudice.

National Policies and Guidance

Planning Policy Wales Ed. 12
Future Wales Plan (2040)
Future Generations of Wales Act 2015
Technical Advice Note 5 – Nature Conservation and Planning
Technical Advice Note 11 - Noise
Technical Advice Note 12 – Design
Technical Advice Note 15 – Flood Risk and Development
Technical Advice Note 18 – Transport
Technical Advice Note 23 – Economic Development

Wrexham Local Development Plan (LDP)

Objective SO1: Ensuring that the role of Wrexham City as a National Growth Area is strengthened
Policy DM1: Development Management Considerations
Policy SP2: Location of Development
Policy SP6: Green Wedge
Policy SP11: Transport and Accessibility
Policy SP12: Design Principles & Masterplanning Framework
Policy SP13: Health and Wellbeing
Policy SP14: Natural Environment
Policy SP15: Historic and Cultural Environment
Policy SP16: Minerals Supply and Safeguarding
Policy SP18: Climate Change
Policy SP19: Green Infrastructure

Policy NE1: International and National Nature Conservation Designations
Policy NE2: Local Designations for Nature Conservation and Geological Importance
Policy NE3: Trees, Woodlands and Hedgerows
Policy RE1: Development and Renewable Energy/Low Carbon Technology
Policy RE2: Renewable Energy Schemes
Policy MW1: Minerals Safeguarding
Policy MW5: Sustainable Waste Management

Local Planning Guidance Notes (LPGNS)

LPGN 07 – Landscape and Development
LPGN 16 – Parking Standards
LPGN 17 – Trees and Development
LPGN 32 – Biodiversity and Development
LPGN 35 - Great Crested Newt Mitigation Requirements

Constraints Identified

- Green Wedge (north of Johnstown)
- Proximity to the Offas Dyke Scheduled Ancient Monument
- Hafod clay pit waste buffer
- Clay safeguarding Area
- Stryt Las ar Hafod SSSI
- Johnstown Special Area of Conservation
- Wildlife Site W318 – Gefeiliau Brook
- Ancient Woodlands
- Flood risk zones 1,2 and 3
- Contaminated Land
Western Array Area – a former sewage works is adjacent and a former landfill known as Middle Sontley Farm is located approximately 150m to the east.
- Central Array Area - a former landfill known as Claypit Farm, Sontley is located adjacent to the site.
Eastern Array Area – water fill, historic tanks, non-water fill & quarrying of sand & clay, operation of sand & gravel pits are located on/close to the site.

Consultee Responses

Public Protection.

Advise that a noise report should be submitted with any application which should consider candidate plant and the potential impact in terms of environmental noise.

Contaminated Land

Advise that a condition be imposed upon any subsequent consent requiring a phased investigation plan and verification report.

Highways

No response received to date

Arb. Officer

No response received to date

Ecologist

No response received to date

Application Documentation

In addition to the documents identified in the supporting statement, the following should be submitted with an application:

- Green Infrastructure Statement
- Scheme of Net Biodiversity Enhancements
- Preliminary Ecological Survey
- Mineral Safeguarding Assessment
- Landscape Assessment
- Noise Assessment
- Glint and glare assessment
- CEMP
- Travel Plan
- Transport Assessment

Principle

The policies most likely relevant to the determination of any future application you may submit are as follows:

Policy SP18: Climate Change

To mitigate against the effects of climate change and adapt to its impacts, development proposals will need to demonstrate that they have taken into account the following:

- i. Reducing carbon emissions;
- ii. Protecting and increasing carbon sinks;
- iii. Adapting to the implications of climate change at both a strategic and detailed design level;
- iv. Promoting energy efficiency and increasing the supply of renewable energy; and
- v. Maintaining ecological resilience;
- vi. Avoiding areas susceptible to flood risk in the first instance in accordance with the sequential approach set out in national guidance. Highly vulnerable development, as defined in TAN15: Development and Flood Risk, should not be located within zone C2;
- vii. Preventing development that increases flood risk; and
- viii. Assesses the potential effects of climate change when preparing a Flood Consequence Assessment for the site.

Policy RE2: Renewable Energy Schemes

Proposals to generate energy from renewable and low carbon sources will be supported.

- i. Proposals for solar farms <10MW will be directed to the solar local search areas (LSA) identified on the Proposals Map;
- ii. Outside LSAs proposals for wind, solar, biomass, energy from waste, anaerobic digestion, hydropower and other renewable sources will be supported in appropriate locations.

In assessing such proposals consideration will be given to the impacts of the development on the landscape, the number, scale, size, design and siting of renewable installations and

associated infrastructure, alone, cumulatively and in combination.

*Note proposals for installed generating capacity of between 10MW and 50MW are made directly to the Welsh Ministers under the Developments of National Significance (DNS) process and considered under policies in Future Wales.

The principle of development is considered broadly acceptable in accordance with the above policies of the Local Development Plan and accords with the aims of FWP 20-40 and PPW Ed. 12, subject to consideration of the application specifics, landscape and visual impacts, design, and detail. The proposal would promote energy efficiency and increase the supply of renewable energy and the site is located mainly within the Local Search Area for Solar Energy Development as defined on the proposals map.

Design Principles

The local policy position set out in LDP policies SP12 and DM1 is supported by Technical Advisory Note (TAN) 12, which advises that design that is inappropriate in its context, or which fails to enhance character, quality and the function of an area should be refused where there would be detrimental effects on communities. In all other cases, support could be given.

In terms of the design of the panels themselves and the battery storage facility, limited detail accompanies the enquiry. However it is anticipated that they will be of a functional and practical architectural design which are in-keeping with other such renewable energy facilities throughout Wales. This includes the existing solar array site located at the Wrexham Industrial Estate.

Whilst large in terms of site area, due to the relatively small height of the proposal; the limited extent of buildings proposed; the appropriateness of the design of the solar arrays; and to their location away from boundaries, and behind established hedgerows, the proposed development could be capable of being accommodated into the local landscape without causing significant or adverse harm/impacts upon the character of the area. However, in order for this to be fully assessed any future application you submit would need to be accompanied by a sufficiently detailed Landscape and Visual Impact Assessment, including an assessment of the site from prominent and sensitive views in the locality and surrounding area – both short, medium and long range view assessments. The application should also be supported by a suitably detailed ‘Glint and Glare’ assessment.

The proposal would alter the character of the site and would impact upon its openness creating a degree of harm. The impacts that would arise should be adequately mitigated by a comprehensive landscaping scheme. In acknowledging a degree of harm that would be caused to the local landscape, this would only be temporary in nature for the 40 year life span of the solar array, and would not be permanent or irreversible. Furthermore, in officer’s opinion the harm that would arise could be outweighed by the renewable energy benefit the scheme would deliver, which is afforded substantial weight in this assessment.

Green Wedge

The WAA is located close to an area designated as Green Wedge, just north of Johnstown. It does not appear that other than underground cabling, any development

would take place in the Green Wedge. Nonetheless, regard should be given to the designation and ensure no detriment to the character and openness of it resultant from this development. Appropriate mitigation measure should be provided where necessary which will be formed by the result of the landscape assessment.

Flood Risk

LDP policy SP18 (as quoted above) is supported by Technical Advisory Note (TAN) 15 which notes the role of planning in directing development away from areas of higher flood risk. In relation to the management of flood risk, Technical Advisory Note (TAN) 15 confirms that relevant considerations for development proposals, in part, include:

- *'Guiding development to locations at little or no risk from river, tidal or coastal flooding or from run-off arising from development in any location;*
- *Managing the consequences of flooding where development can be justified and the consequences are considered acceptable in reference to section 7 and appendix 1.'*

In the case of the current proposal, it is noted that the application site comprises agricultural land most of which is located within areas designated as Flood Zones 1, which is not an area of increased flood risk of vulnerability. However, small isolated areas of the site are located within a Flood Zone 2 or 3, being at higher risk of flooding. The proposal is classed as less vulnerable development.

Within Zone 2 (Rivers and Sea) Development will be justified if:

1. It will assist, or be part of, a strategy supported by the Development Plan to regenerate an existing settlement or achieve key economic or environmental objectives; AND
2. Its location meets the definition of previously developed land; AND
3. The potential consequences of a flooding event for the particular type of development have been considered, and found to be acceptable in accordance with the criteria contained in section

Within Zone 3 (Rivers and Sea) Less vulnerable development will only be justified if:

1. There are exceptional circumstances that require its location in Zone 3, such as the interests of national security, energy security, public health or to mitigate the impacts of climate change; AND
2. Its location meets the definition of previously developed land; AND
3. The potential consequences of a flooding event for the particular type of development have been considered, and found to be acceptable.

Having regard to the above, the location of the site does not meet the definition of previously developed land, however, it is recognised that a majority of the site falls outside of the zone 2 and 3 designations. I would suggest that a Flood Consequence Assessment and scheme of flood prevention measures accompanies any application for NRW to review upon consultation. Consideration should be given to locating any areas of hard standing needed in areas of lower flood risk.

Community Engagement

The only requirement relating to community engagement is that of the applicant/agent to carry out a pre-application consultation as eluded to in the submitted supporting statement.

It may be beneficial for you to hold a community engagement meeting given the scale of the development and the likely interest it will attract.

Other Matters

Green Infrastructure and Nett Biodiversity Benefit

Para 6.2.12 of Planning Policy Wales states that “ A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15) has been applied.

6.4.15 The Step-Wise Approach 1a) The first priority for planning authorities is to avoid damage to biodiversity in its widest sense (i.e. the variety of species and habitats and their abundance) and ecosystem functioning. Where there may be harmful environmental effects, planning authorities will need to be satisfied that any reasonable alternative sites (including alternative siting and design options) that would result in less harm, no harm or benefit have been fully considered. 1b) Proposals in statutory designated sites are, as a matter of principle, unacceptable and therefore must be excluded from site searches undertaken by developers. This principle also extends to those sites containing protected species and habitats which are irreplaceable and must be safeguarded. Such sites form the heart of resilient ecological networks and their role and the ecosystem services they provide must be protected, maintained and enhanced and safeguarded from development. It will be wholly exceptional for development to be justifiable in such instances.

2. When all locational, siting and design options for avoiding damage to biodiversity have been exhausted, applicants, in discussion with planning authorities, must seek to minimise the initial impact on biodiversity and ecosystems by: Habitats, including the natural resources which underpin them, which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. Examples include,

- ancient woodland and veteran trees, ancient hedgerows, wet woodlands, sand dunes, peatland, species rich grassland, long undisturbed soils, blanket bog, salt marsh and lowland fen.
- maintaining the largest possible area of existing habitat supporting biodiversity and functioning ecosystems, particularly Section 7 habitats and species where present, by minimising development size and appropriate orientation on site, paying due regard to the potential for continued long term maintenance and management of retained areas to benefit biodiversity;
- ensuring that retained habitats continue to be well connected to adjacent habitats to provide connectivity for key species and ensuring that the favourable conservation status of local species populations is maintained;
- retaining existing features, develop a management plan for their future care (e.g., trees, hedgerows, species rich grasslands, heath, wetlands, ponds and freshwater habitats) and use appropriate buffers to protect these from construction and operational impacts; and

- using proven innovative/creative solutions (where required) to minimise damage and maintain existing biodiversity features and ecosystems in tandem with robust monitoring and rectification strategies.

3a) Where, after measures to minimise impact, biodiversity and ecosystems could still be damaged, or lost through residual impacts, the proposed development should mitigate that damage. Mitigation measures must be put in place to limit the negative effects of a development.) Effective mitigation or restoration measures should be incorporated into the design proposal following the consideration of steps one and two above. Mitigation or restoration measures must be designed to address the specific negative effects by repairing damaged habitats and disturbed species. They should seek to restore in excess of like for like, accounting for disturbance and time lags for the recovery of habitat and species, and in every case, mitigation or restoration measures should seek to build ecosystem resilience within the site and where possible the wider area. In some circumstances, where like for like mitigation measures are not possible, particularly in respect of restoration measures, it may be necessary to consider on site compensation measures in the first instance. In designing mitigation measures where uncertainty exists, applicants should follow the precautionary principle and assume a significant effect. Off-site compensation measures (as set out in step four below) should be considered as a last resort.

4. When all the steps above have been exhausted, and where modifications, alternative sites, conditions or obligations are not sufficient to secure biodiversity outcomes further on-site/immediately proximate, as a last resort off-site compensation for unavoidable damage must be provided. This must be of significant magnitude to fully compensate for any loss. In the absence of a planned approach, compensation measures must be guided by place-based evidence and the onus is on applicants to address the following: a. Off-site compensation should normally take the form of habitat restoration, or habitat creation, or the provision of long-term management agreements to enhance existing habitats and deliver a net benefit for biodiversity. It should also be informed by a full ecological assessment to establish a formal baseline before habitat creation or restoration starts and secured far enough in advance before the loss of biodiversity on site. b. The Green Infrastructure Assessment should be used to identify suitable locations for securing off-site compensation. Where possible, a landscape-scale approach, focusing on promoting wider ecosystem resilience, should help guide locations for compensation. The Green Infrastructure Assessment should provide a spatial guide to opportunities already identified for securing a net benefit for biodiversity. Using the assessment will help determine whether locations for habitat compensation should be placed close to the development site, or whether new habitat or additional management located further away from the site would best support biodiversity and ecosystem resilience at a wider scale. c. Where compensation for specific species is being sought, the focus should be on maintaining or enhancing the population of the species within its natural range. This approach might also identify locations for providing species-specific compensation further away from the site. Where they exist, Spatial Species Action Plans should be used to help identify suitable locations. d. Any proposed compensation should be place based, take account of the Section 6 Duty (Biodiversity and Resilience of Ecosystems Duty), the DECCA framework and appropriate ecological advice from the local authority Ecologist, NRW or a suitably qualified ecologist.

5. Each stage of the step-wise approach must be accompanied by a long term management plan of agreed and appropriate avoidance, minimisation,

mitigation/restoration and compensation measures alongside the agreed enhancement measures. The management plan should set out the immediate and on-going management of the site, future monitoring arrangements for all secured measures and it should clearly identify the funding mechanisms in place to meet the management plan objectives. The management plan must set out how a net benefit for biodiversity will be achieved within as short a time as possible and be locally responsive and relevant to local circumstances.

6. Finally, where the adverse effect on biodiversity and ecosystem resilience clearly outweighs other material considerations, the development should be refused.

Ecology

In addition to consideration of the impact of development upon protected species, their habitats and other wildlife features in accordance with Policies NE1 and NE2 of the LDP, special regard should be given to LDP policy SP14, given the sites proximity to the Johnstown SAC and Stryt Las ar Hafod SSSI designations.

Policy SP14: Natural Environment

Development will only be permitted where it seeks to protect, conserve and enhance the natural environment including:

- Special Areas of Conservation, Special Protection Areas, and Ramsar Sites;
- Sites of Special Scientific Interest and National Nature Reserves;
- Protected Species and their habitat;
- The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty
- Local Wildlife Sites;
- Local Nature Reserves;
- Special Landscape Areas;
- Natural landscape features and Green Infrastructure such as trees, hedges and woodland which contribute to the quality and diversity of the natural environment and play an important role in mitigating the impact of climate change;
- The quality of natural services including water, soundscape, air and soils; and
- Habitats and species of principal importance to Wales.

Where development is proposed which may have an effect on a locally designated site, sufficient information will be required from all applicants to enable a full assessment of the proposals to be carried out. The need for such assessments will not be limited to development located within the designated areas as, depending on the nature of the development and the nature conservation interest, significant effects may occur even if the proposed development is located some distance from the conservation interest. The required assessments, including ecological surveys, will need to be undertaken at the appropriate scale, time of the year, and by a suitably qualified ecologist. Further guidance should be sought from the Council's Ecologist.

Trees

It is noted that the presence of ancient woodland has been considered in the planning statement and a Tree Survey carried out. This would need to accompany a subsequent

application. Mitigation measures should be included and detailed buffer zones to ensure no adverse impact upon the Ancient Woodland.

Policy NE3: Trees, Woodlands and Hedgerows states that development will only be permitted where it does not cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value or those that provide important ecosystem services.

Development affecting all existing and new proposed woodlands should:

- i. Support proposals which assist in the respectful and appropriate use and protection of woodlands and boundary edges;
- ii. Promote sustainable management to deliver multiple benefits; and
- iii. Support the relevant aims and objectives of the Wrexham Tree & Woodland Strategy 2016-2026 and all subsequent amendments.

Where adverse effects cannot justifiably be avoided and sustainable integration is not possible then adequate mitigation will be required. In such cases development should include proposals for the planting of new trees, woodlands, and hedgerows within the site, ensuring connectivity between proposed and existing green infrastructure.

Highways

Policy T1: Managing Transport Impacts states that proposals for new development will be supported where they:

- i. Facilitate increased journeys by more sustainable modes of travel first by walking and cycling, then by public transport and finally by private motor vehicle;
- ii. Mitigate any significant adverse effects upon the transport network that arise from the proposed development including improvements to transport infrastructure where required;
- iii. Do not compromise the safe, effective and efficient use of the highway network and do not have an adverse impact on highway safety or create unacceptable levels of traffic generation;
- iv. Provide appropriate levels of parking and ensure access arrangements for the site to allow for safe manoeuvring;
- v. Make provision for people with restricted mobility including those with characteristics as defined by the Equality Act 2010.

Developments that would generate significant amounts of movement should be accompanied by a Transport Assessment and Travel Plan.

There is no detail in this respect accompanying the enquiry and as such, no comment be made at this stage. The Local Highways Authority will be consulted upon receipt of a planning application.

An application should be accompanied by a CEMP, details of visibility splays for any access proposed and an indication of likely traffic generation.

Best and Most Versatile Land

As the application site largely covers an area of undeveloped agricultural land, it is important to consider and assess the loss of such land in the planning balance. In

accordance with the Agricultural Land Classification, all such land across Wales is categorised as follows:

- *‘Grade 1: excellent quality agricultural land;*
- *Grade 2: good quality agricultural land;*
- *Grade 3a: good to moderate quality agricultural land;*
- *Grade 3b: moderate quality agricultural land;*
- *Grade 4: poor quality agricultural land;*
- *Grade 5: very poor quality agricultural land.’*

The Welsh Government considers land falling within the categories 1 to 3a only, to be considered as ‘the best and most versatile’ agricultural land.

A majority of the site occupies land consisting of grade 3b and 4, with smaller areas occupying parcels of grade 3a and 2b. As is stated in the supporting statement, the layout of the panels is such that it allows for grazing underneath and as such doesn’t entirely erase the primary use of the agricultural fields. Albeit, long term, the development is temporary in nature and a scheme of land restoration following decommissioning of the site should be presented (or alternatively conditioned) at application stage.

Minerals Safeguarding

It would appear that zones of sand and gravel and clay safeguarding are interspersed throughout the proposed site. Regard will therefore be given to Policy MW1 below.

Policy MW1: Minerals Safeguarding

Non-mineral development within Mineral Safeguarding Areas as defined on the proposals map will only be permitted where it can be demonstrated that:

- i. The mineral underlying the site does not merit extraction; or
- ii. The need for the non-mineral development outweighs the need to protect the resource; or
- iii. The mineral can be satisfactorily extracted prior to the non-mineral development; or
- iv. The development is of a temporary nature or can be removed within the timescales within which the mineral is likely to be needed; and
- v. Essential infrastructure that supports the supply of minerals would not be compromised or would be provided elsewhere;

All applications for development in these areas shall be supported by a Mineral Safeguarding Assessment.

Residential Amenity Impacts

In order to comply with criteria ii) and iii) of LDP Policy DM1, development should not have an unacceptable effect on the amenity of the occupiers of nearby properties/land; and provide a satisfactory standard of amenity for the occupiers/users of the development itself; and safeguard the environment from the adverse effects of pollution of water, land, noise, light or air, or land instability, arising from development;

With regard to this proposal, Public Protection have advised that a Noise report should be prepared and submitted with any application. A noise assessment should be carried out and a detailed report of the findings submitted. The assessment should establish day and night time noise levels having regard to PPW ed. 12 and Technical Advice Note 11 –

Noise. The findings report should include noise levels arising from day/nighttime activities in the vicinity of the site and the impact upon existing receptors/accommodation. The report should also include any attenuation measure proposed to reduce impact upon existing nearby accommodation.

It is common with large technical infrastructure that applications are determined prior to the procurement of equipment. With this in mind, the above noise report should consider candidate plant.

Regard should be given to the prevention of unacceptable solar glare resultant from the siting of the panels and to the impact of any glare upon nearby properties. In the interest of highways safety, regards should also be given to headlight reflection from vehicles passing the site. A glint and glare assessment should be submitted to enable the impact to be fully assessed.

Conclusion

The proposed site is within the local search area for solar farm development and as such the principle of development is supported by Policy RE2 of the LDP. Promoting energy efficiency and increasing the supply of renewable energy, the proposal accords with Policy SP18 of the LDP. The Local Planning Authority supports the principle of development subject to compliance with other relevant policy. In addition to the points set out in the submitted supporting statement, regard should be given to the policy and advice given above.

The views and opinions contained herein are those of the individual officer concerned and are no way binding upon the Council nor its Members. The above advice is based upon the details submitted, if any details have been altered, left out or are inaccurate then it may affect the validity of this response. .

Yours faithfully,

Jenni Perkins
Senior Planner
Economi a Chynllunio / Economy and Planning