3rd Floor, St George's House
13-14 Ambrose Street
Cheltenham
GL50 3LG

Wrexham County Borough Council
Planning Service
16 Lord Street
Wrexham
LL11 1LG

13th November 2024

Dear Sir/Madam,

Planning Application for the Variation of Condition 3 (Time Limit) of P/2022/0541 – Codi Fferm / Erection of Solar Farm at Land Adjacent to Little Llwyn Onn, Cefn Road, Aderbury, Wrexham LL13 0NY
Town and Country Planning Act, 1990, Section 73

We (Innova Renewable Developments Ltd) hereby submit a Section 73 application to vary the wording of condition 3 (temporary time limit) of P/2022/0541. To allow for the 40yr temporary time limit to commence from the first export of energy, instead of from the date of planning permission being granted.

The application is supported by the following:

- Application Form;
- CE/321/13 Redline Boundary Plan – Approved under P/2022/0541; and
- S73 Cover Letter – enclosed.
    - Appendix A – P/2022/0541 Decision Notice;
    - Appendix B – DNS/3279521 Appeal Decision Notice;
    - Appendix C – DNS/3267575 Appeal Decision Notice; and
    - Appendix D – DNS/3245503 Appeal Decision Notice.

	Condition 3 (Temporary Time Limit) of P/2022/0541
Existing Wording	The development hereby granted planning permission shall be removed and the land restored within 40 years **from the date of this permission, or** within 6 months of the cessation of the use of the development for the generation of electricity, whichever is sooner. All plant, equipment, hardstanding, machinery and/or materials forming part of or connected with that use shall be removed not later than one month after that date.
Proposed Wording	The development hereby granted planning permission shall be removed and the land restored within 40 years **from the date when electrical power is first exported ('first export date') to the electricity grid network, excluding electricity exported during**

	initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event. Should the export of energy cease sooner, within 6 months of the cessation of the use of the development for the generation of electricity, whichever is sooner. All plant, equipment, hardstanding, machinery and/or materials forming part of or connected with that use shall be removed not later than one month after that date.

The proposed wording for Condition 3 of P/2022/0541, aligns with the time limit conditions of the following temporary solar farm appeal precedents:

- DNS/3279521 – Condition 3 (see Appendix B – page 8) – Allowed by Welsh Ministers on 11 October 2024;
- DNS/3267575 – Condition 3 (see Appendix C – page 7) – Allowed by Welsh Ministers on 23 Mary 2024; and
- DNS/3245503 – Condition 3 (see Appendix D – page 7) – Allowed by Welsh Ministers on 23 Mary 2024.

The appeal precedents, stipulate that the associated permissions shall expire 40* years "*from the date when electrical power is first exported ('first export date') to the electricity grid network, excluding electricity exported during initial testing and commissioning".*

*with exception of DNS/3279521, which has a 50yr temporary permission.

P/2022/0541 was approved on 6 March 2023, and Condition 3 (as currently worded) stipulates that the 40yr period, begins from 6 March 2023. When taking account of the following:

- Awaiting the judicial period (6 weeks) to elapse.
- Timescales to prepare, submit and await formal discharge of associated pre-commencement and pre-operational conditions attributed to P/2022/0541.
- Wider adherence of compliance conditions attributed to P/2022/0541.
- Timescales to prepare, submit and await formal discharge of subsequent amendments (e.g. P/2023/0850 – NMA approved 19 January 2024).
- Construction Considerations:
  - Legal & Financial agreements and wider compliance;
  - Mobilisation of workforce;
  - Component supply chain (order (post P/2022/0541 approval date) and delivery timescales);
  - Specified construction period (as per approved CTMP); and
  - Subsequent period of testing before operation (first electrical export).

A significant period (estimated to be 3yrs – 2026) will have elapsed, before the solar farm first exports electrical power. Therefore, the solar farm will only be allowed to generate clean renewable energy for 37 years before decommissioning.

In light of the above, we respectfully request the variation of Condition 3 of P/2022/0541 to allow for the temporary period to commence from the date when electrical power is first exported.

Should you require any further information, please do not hesitate to contact me.

Yours sincerely,

Josh Lambert
Senior Planning Manager
T 01242 382107I **E** josh.lambert@innova.co.uk