Crown Building
Cathays Park
Cardiff
CF10 3NQ

Our Ref: **3253253**

Tel: 0300 123 1590
E-Mail: PEDW.infrastructure@gov.wales
(via e-mail)

Date: 04/04/2025

Dear Sir / Madam

Town and Country Planning Act 1990 (as amended) ('the 1990 Act')
The Developments of National Significance (Wales) Regulations 2016 (as amended) ('the DNS Regulations')
The Developments of National Significance (Procedure) (Wales) Order 2016 (as amended) ('the DNS Procedure Order')

Application by: Lightsource BP
Site address: Land at the Plas Power Estate, north and south of Ruthin Road, Wrexham
Proposed development: The construction and operation and maintenance of a solar photovoltaic electricity generating station, a Battery Energy Storage System ("BESS"), inverters, transformers, cabling, substations, access tracks, landscaping, ecological enhancement areas and associated ancillary development.
Proposed Secondary Consent(s): Consent under section 2(3) of the Ancient Monuments and Archaeological Areas Act 1979 (control of works affecting scheduled monuments). Consent for the underground routing of cables, in proximity to Offa's Dyke Scheduled Monument, linking the proposed solar farm to the Legacy primary substation
Authorisation under section 247(1) of the 1990 Act (order authorising stopping up or diversion of highway). Consent to divert public footpath #1178 BERSHAM 1 and footpath #1159 BERSHAM 8.

1. Notice under section 319B of the 1990 Act as to the procedure by which this examination will proceed.

The Inspector has reviewed the application, the Local Impact Report (LIR) prepared by Wrexham County Borough Council and all representations submitted by the consultation period deadline. After careful consideration he has decided that the application can

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adequately proceed by the written representations procedure and that no hearing or inquiry sessions are required.

This does not however preclude the Inspector from requesting further information in writing, or to seek further clarification, should he consider it necessary. The Inspector can also change the procedure at any time during the course of the application should it become necessary to do so.

2. Formal request for 'further information' under Regulation 15(2) of the DNS Regulations and under Regulation 24 of the EIA Regulations from the parties named in Annex A.

After reviewing the submitted information, the Inspector has determined that further information is required from the applicant and from Wrexham County Borough Council (as the local planning authority). The required information is set out in Annex A to this letter and **must be submitted as soon as practicable and within 6 weeks of the date of this letter i.e. no later than 16 May 2025**. The Inspector may also seek further information at a later date if he decides it is necessary.

Following receipt of this further information, PEDW will carry out the necessary publicity and consultation, which will take place over a period of 5 weeks. During this period representations will be accepted which relate to the information subject to this formal request.

3. Notice under Section 62L(5) of the 1990 Act that the determination period shall be suspended.

In line with the published guidance on the DNS process, PEDW is suspending the determination of the application to allow time for the further information to be submitted and subjected to a 5-week publicity and consultation period.

I hereby suspend the determination period for this application for a period of 12 weeks. The determination period will resume on **Friday 04 July 2025**.

Given the circumstances of the site, the Inspector has decided that it is likely that he will undertake unaccompanied site visits. If this changes and an accompanied visit is arranged, there will be no discussion of the proposal during the site visit.

4. Procedural note

Upon the close of the suspension period on 4 July 2025, the ten-working day window for the applicant to apply to vary the scheme under Article 27 of the DNS Procedure Order will continue.
Nine working days have already passed, so there is one working day remaining. The new deadline for variation will therefore be 7 July 2025.

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If you have any queries, please contact us.

Yours sincerely,

Nicola Bond

Nicola Bond
Case Officer

Annex A: Formal request for further information under Regulation 15(2) of the DNS Regulations and under Regulation 24 of the EIA Regulations

To be submitted no later than 16 May 2025

From the Applicant

1. **Landscape and Visual**

a) Please provide a response to Section 9 Visual Amenity and Landscape Character of the Council's Local Impact Report (LIR) and its conclusions on the landscape and visual impacts and on residential amenity.

b) The response of Natural Resources Wales (NRW) is REPS010 dated 20 March 2025 and expresses concerns with the application due to inadequate information regarding the designated landscape of the Clwydian Range and Dee Valley National Landscape (CRDV NL), which is the name for the legally designated Area of Outstanding Natural Beauty (AONB). Please provide the information requested in the bullet points on page 3, which are repeated here for convenience:

- Explanation of the mitigation/ integration planting proposed in response to views from the CRDV NL and the adverse impacts identified on receptors within the CRDV NL. To assist the explanation NRW recommends annotations of field parcels within the site are added to a separate contextual photomontage to allow easier cross reference between the image and the Illustrative Masterplan.
- As part of this additional information confirmation should be provided as to whether planting is proposed along the western edge of field parcels E / F and what this planting consists of.

c) NRW also suggests that higher resolution images of the photomontages from VP10 and VP11 be provided. The Inspector requires that these photomontages be provided, at a larger size (scale) to assist his consideration of the proposal. It would also be helpful if larger scale maps (on OS base) showing the location of each viewpoint could be provided.

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2. Biodiversity

a) Please provide a full and considered response to on Section 13 Ecology and Biodiversity of the Council's Local Impact Report and its conclusions

b) Please provide a full and considered response to concerns regarding ancient woodland, the Plas Power Woods site and veteran trees raised by the Woodland Trust in its comments of 27 March 2025 (REPS015).

3. Heritage

The response of Heneb: Clwyd Powys Archaeology Trust raises an issue with the North Cable route and the applicant's response is required.

4. Battery Energy Storage System

a) Please provide a full and considered response to concerns raised in several representations regarding the location and safety of the proposed Battery Energy Storage System in terms of fire risk. This issue is raised in particular by The Woodland Trust and local councillors.

b) Please also respond to NRW comments on potential pollution from water run-off in the event of a fire in the Battery Energy Storage System and on general Pollution prevention measures in the event of any chemical leakages across the site.

5. Highway Safety

Please provide a full and considered response to the various issues raised in the Highway Authority Consultation Response, which is contained in Appendix 4 of the Council's Local Impact Report.

6. Conditions

a) Please provide a full and agreed list of suggested conditions where concerns have been identified that may be capable of being addressed by planning conditions, also having regard to those suggested in the LIR and in representations from NRW and any other relevant parties. The applicant should consider the suggested conditions in respect of Great Crested Newt, pollution prevention and the various suggested conditions regarding possible contamination of the site. The latter should be compared to the Local Planning Authority's suggested conditions and model conditions in the Circular.

b) The list should include a reason for each condition that includes reference to statute and/or any relevant national or local development plan policies. The applicant and relevant parties should ensure that any agreed conditions meet all the tests detailed in Welsh Government Circular (WGC 016/2014) 'The Use of Planning Conditions for Development Management'. Where relevant, please also provide commentary on the

extent to which suggested conditions might resolve identified concerns or where agreement cannot be reached regarding the need for or form of a condition. Please also see below, where the Council/LPA, are requested to liaise with you on the subject of conditions.

c) Please also confirm how the provision of all the proposed mitigation set out in the ES will be secured and maintained (where necessary). This should address the comments of consultees and any conditions and Planning Obligations that are necessary, in particular paragraph 20.1 of the LIR.

d) There are also various statements to the effect that plans have not been finalised and that there are various options for matters such as the grid connection. How is it intended that these matters be controlled if planning permission is granted.

Notes

Please confirm whether you agree with NRW's comments and suggested conditions, as detailed in its consultation response.

All additional information should be presented in a form which clearly distinguishes it from information that has already been submitted.

The applicant may wish to take advantage of this opportunity to respond to other concerns that have been raised by providing additional information to assist the Inspector's consideration of the scheme. Any such information should be provided alongside the information formally requested above. This will enable it to be subject to the same publicity and consultation.

7. Secondary Consent Application – stopping up and diversion order of affected public rights of way

The comments of the Council's Senior Definitive Map Officer are provided separately to the Local Impact Report (see REPS006). The applicant may wish to respond to the suggested amendments to the draft Order.

8. From Wrexham County Borough Council – Local Planning Authority

a) In various sections of the LIR conclusions are reached that the proposed development would have negative impacts. The Council is required to explain the basis for these conclusions. Some examples are provided below:

Section 11 Flood Risk: it is stated that the council has not assessed the FCA. What then is the basis for the conclusion on assessment of impact of the proposal on flood risk for the Construction Phase?

Section 14 Residential and Public Amenity

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The Local Planning Authority does not provide any substantive evidence for challenging the conclusions of the ES that there would be no significant impacts. It is recommended that these issues can be addressed by conditions. Nonetheless the conclusion reached is that the assessment of impact would be negative.

Section 15 Archaeology and Cultural/Built Heritage

What is the basis for the negative assessment of impact on built heritage, with particular reference to archaeology?

b) Please provide a full copy of, or link to, the Wrexham County Borough Local Development Plan (LDP) (2013-2028) and the Wrexham Unitary Development Plan (2006-2011), referred to in the Local Impact Report.

c) A list of draft suggested conditions is provided in section 11 of the LIR. Condition 2 requiring development to be carried out in accordance with the submitted plans and documents does not specify the relevant plans and documents. Reasons for each condition have been provided; however, they do not refer to any relevant national or local development plan policies that require their inclusion. Therefore, please review the list of suggested conditions, with reference to the tests contained in the Circular, and provide a revised list of suggested conditions with appropriate reasons which refer to relevant policy. You will see above that the applicant has been asked to provide an agreed list of suggested conditions. Therefore, it would be helpful if you could address the above matters in liaison with the applicant.

9. From Natural Resources Wales (NRW)

NRW are requested to provide comments on the shadow Habitat Regulations Assessment undertaken by the applicant. This can be found at Appendix 6.7 of the ES.

10. From North Wales Fire and Rescue Service

The authority did reply at the pre-application stage in March 2024. The Authority was formally consulted on the application on 17 February 2025 but no response was received. Comments on the application are required, particularly as the proposal now includes a Battery Energy Storage System. The issues of fire safety are addressed in Chapter 2 of the Environmental Statement and there is an Outline Battery Safety Management Plan in Appendix 2.1 in Volume 3. Your comments are invited on this document.

This plan proposes a fully contained firefighting water retention/containment system will be designed and installed as outlined in the Proposed Development Conceptual Drainage Strategy (which is Environmental Statement Appendix 8.1). Natural Resources Wales (NRW) are concerned that the containment facility should be of sufficient size to accommodate water used in the event of a fire, which may become contaminated.

NRW states:

“In order to prevent pollution, it should be ensured that adequate measures will be in

place
for the containment or removal of contaminated firewater. We recommend that you seek
advice from the relevant Fire and Rescue Service as we are not the appropriate body to
provide advice regarding volumes of firewater required in the event of a fire, this information
is important to determine the containment required on site. It should be demonstrated prior
to determination that the proposal has the ability to contain fire water and/or that off-site
transport can be demonstrated to be feasible in consultation with other consultees such as
the fire and rescue services."

Your comments on this aspect of the development proposal are invited.

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