



**LAND TO THE NORTH OF BRONWYLFA
ROAD, RHOSTYLLEN**

ENERGY STORAGE SYSTEM

Pre-Application Consultation Report

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Prepared for:
Innova Renewables Developments

Prepared by:
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EXECUTIVE SUMMARY

The Pre-Application Consultation (PAC) is a crucial step in the planning process for major developments in Wales. This report outlines the consultation activities undertaken by the applicant before submitting the formal planning application. Key points include:

1. Statutory Requirement:
 - The PAC requirement applies to all planning applications for “major” development (full or outline) and DNS.
2. Publicity Before Applying for Planning Permission:
 - Requirement to display a site notice at least 28 days before submitting an application for the proposed development.
 - The site notice should be visible and legible to the public without entering the site.
 - It must contain all information specified in the form provided by the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.
3. Consultation Process:
 - The report summarises the consultation process, including engagement with statutory consultees and the local community.
 - Responses received during the consultation period are considered.
 - Responses to the comments received during the PAC period.
4. Community Engagement:
 - Beyond the statutory requirements, the report details the additional engagement specifically with statutory consultees.

The PAC report serves as evidence of compliance with pre-application duties and informs the Local Planning Authority’s decision during the determination process.

Please note that the summary within the body of this report provides an overview, and the full PAC responses are appended to this report.

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1 INTRODUCTION

- 1.1.1 This Pre-Application Consultation Report ('PAC Report'), relates to a planning application to be made by Stantec on behalf of Innova Renewables Developments ('the Applicant') for the:

'Installation and operation of an Energy Storage System (ESS) including energy storage units, substation, site access, cable connection, landscaping, and ancillary infrastructure at Land to north of Bronwylfa Road, Rhostyllen, Wrexham.'

- 1.1.2 The above description is referred to herein as ('the proposed development') and the land as ('the site').

1.2 The Requirement

- 1.2.1 The requirement to undertake Pre-Application Consultation (PAC) applies to all planning applications for "major" development (full or outline), as defined in article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2016 (DMPWO), and applications for Developments of National Significance (DNS).

- 1.2.2 The proposed development is defined as 'major' development as the application involves the provision of an Energy Storage System where the development site is over one hectare.

- 1.2.3 As set out in Article 4 Part 1A of The Town and Country Planning DMPWO (Amendment) 2016, the applicant must for a period of no less than 28 days before an application is submitted:

- Display a site notice in at least one place on or near the land to which the proposed application relates;
- Write to any owner or occupier of any land adjoining the land to which the proposed application relates;
- Make the draft planning application information available publicly; and,

- Consult with community and specialist consultees before applying for planning permission.

1.2.4 This report confirms to Wrexham County Borough Council (WCBC) that the above requirements have been undertaken for the proposed development.

1.3 Scope

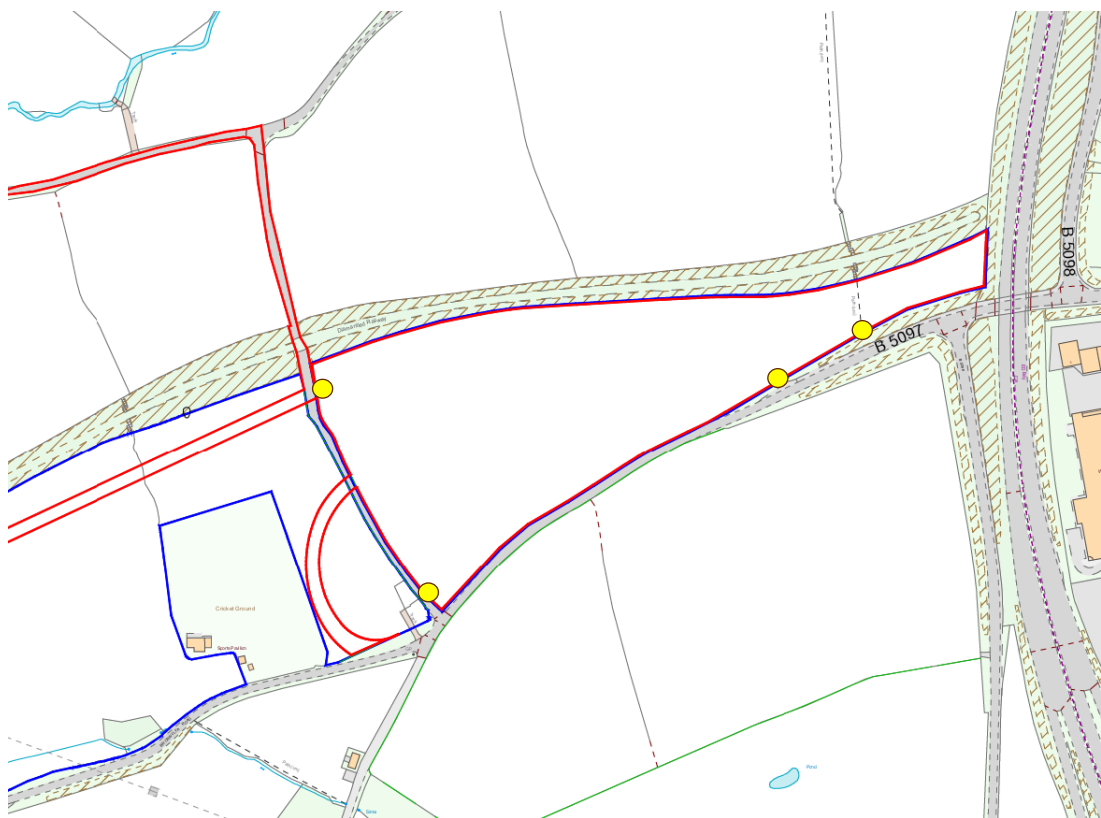
1.3.1 This PAC report sets out the statutory consultation and community engagement undertaken leading up to the submission.

1.3.2 It sets out the steps taken to ensure that the statutory requirements have been met; provides responses to comments received from the community, local councillors and specialist consultees; and describes the changes been made to the proposed development in response to comments receives or provides justification, where relevant, where changes to the proposals have not been possible.

2 THE PAC PROCESS

2.1.1 This section of the report summarises the formal statutory consultation that has been undertaken to date. The process followed the requirements of the DMPWO as set out in the previous chapter.

2.1.2 Bilingual site notices were posted at the perimeter of the site (copies attached in **Appendix A**). The bilingual site notices contained the information set out in the form in Schedule 1B of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 ('the Order'). These site notices were displayed in the locations shown in yellow on the plan below. Photographs of the notices in place are provided in **Appendix B**. Steps were taken to protect the site notices to ensure that they were displayed for the full 28-day publicity period.



2.2 Draft Planning Application

- 2.2.1 All information which is to be submitted as part of the formal planning application was made publicly available from Friday 17th November 2023 until Tuesday 2nd January 2024. The PAC period exceeded the required 28-day period to account for the Christmas period to allow consultees sufficient time to review the documents and respond.
- 2.2.2 All relevant drawings, reports and supplementary supporting documents were made available for inspection and review online on the Applicant's website at: [Legacy ESS | Innova](#)¹.

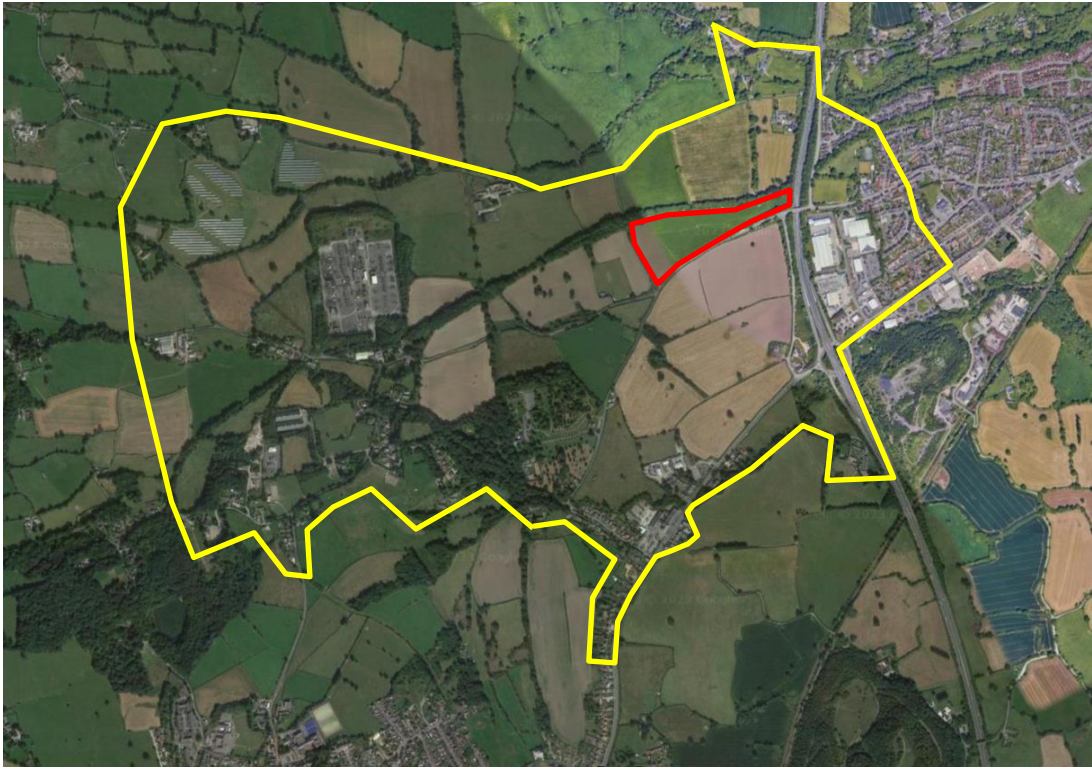
2.3 Adjoining Land Owners and Occupiers Notice

- 2.3.1 A letter providing detail of the proposed development and how to respond, including a copy of The Article 2C & 2D notice, was sent to the owners and/or occupiers of the adjoining land to the proposed site.

2.4 Public Engagement

- 2.4.1 In addition to the statutory requirements the applicant also sent a total of 448 letters were sent to all properties within close proximity to the site. **Appendix C** contains copies of the notification and letter that were sent to the adjoining land owners and occupiers as well as members of the public. The below plan identifies those properties consulted as part of this process (Consultation boundary shown in yellow):

¹ <https://innova.co.uk/projects/legacy-ess/>



2.4.2 The notification identified where the recipient could view the PAC information and that a minimum 28-day period, from the date of receipt of the letter, was provided to respond. The letters were sent to both occupiers/landowners/adjacent landowners and local residents on Friday 17th November by first class post to arrive with recipients on the Monday 20th November. Letters were sent to the owner and/or occupier of adjoining properties in accordance with the Regulations.

2.5 Community Consultee Notice

2.5.1 A letter and Article 2C & 2D notification in English and Welsh (Appendix D) was sent via post and email to the following Councillors as the ward members for Rhostyllen as well as the adjacent Esclusham Community Council that represent this area:

- Councillor Mark Pritchard – Rhostyllen;
- Councillor Paul H Pemberton – Rhostyllen; and
- Esclusham Community Council.

2.6 Specialist Consultees

2.6.1 As part of this pre-application consultation process, the developer is only required to consult a consultee listed in the table to Schedule 4 of the Order, when the proposed development meets a 'Description of Development' listed in column 2 of the table. The following relevant specialist consultees were identified and consulted by letter and email with a site notice appended in both English and Welsh:

- Local Highway Authority;
- Natural Resources Wales;
- The Health and Safety Executive (HSE);
- Welsh Minister for Rural Affairs, North Wales and Trefnydd;
- Welsh Minister for Climate Change;
- NMWTRA (North and Mid Wales Trunk Road Agency);
- North Wales Minerals and Waste Planning Service Chair; and
- CADW.

2.6.2 The consultation request to the above consultees contained the information set out in the notice in Schedule 1C to the 2016 Order.

3 PAC RESPONSES RECEIVED

3.1 Introduction

- 3.1.1 The tables within this section set out the responses received; identifies the type of respondent; notes whether the response is in objection, support or neutral; and clarifies the main issue(s) the comment relates to. To confirm, no responses were received from adjoining landowners, so the following comments have been grouped into public, specialist consultee and community consultee comments.

3.2 Public Comments

- 3.2.1 A total of 12 public comments were received from local residents during the consultation period. Out of the 12 comments, 11 comments were in opposition to the proposed development with one neutral comment submitted. The issues raised by members of the public are as follows:

Reason for response	Opinion	Public Comments
Local Resident	Objection	The site is being developed on green belt land, the destruction of which should be avoided as destruction will cause damage to both the environment and wildlife. The traffic, building of the block works and subsequent production should the plans be passed will cause a deterioration air, noise quality; airborne dust, and other possible airborne pollutants, these being a potential contributing factor of asthma and other respiratory infections and will have an effect of those in the local area with these conditions especially the young, elderly and vulnerable.

Local Resident	Objection	Please accept this email in response to your public notice, requesting a formal public consultation, in relation to the proposed battery plant . I reject on the grounds that the proposed site is in close proximity to several villages and will also effect the ecology, archaeology and heritage sites
Local Resident	Objection	This site is on Grade 2 Green Agricultural Land. This Development should be on brownfield land. The proposed site is close to an AONB, and any development, will destroy the Ecology within this area, and will also impact local Archaeology and Heritage sites. The development proposed is an industrial complex, outside of the settlement boundary. The proposed is too close to several, large villages, and due to the unproven safety of the proposed technology, developments of this kind should be sited away from residential areas. The proposed development is NOT a green, renewable energy development, it is a highly dangerous, storage unit.
Local Resident	Objection	I am concerned about the traffic and the Damage to the historic railway line as there is a great view/walk this will impact, I believe that this area should not be touched anymore as Rhostyllen just had housing built. This is going to cause more pollution in this area, and will not benefit this area.
Local Resident	Neutral	I have received a copy of the revised plan and am very pleased to see the reduction in size. I would, however, like to see more detail about the footpath between Rhostyllen and the cricket pitch. Does it mean that you are constructing a footpath alongside the road?
Local Resident	Objection	Please accept this email in response to your public notice, requesting a formal Public Consultation in relation to the proposed development on land north of Bronwylfa Road, Rhostyllen, Wrexham. I will actively reject any form of development on the proposed site and any others that maybe proposed in the future.I reject on the grounds that the proposed site is in close proximity to several large villages.

Local Resident	Objection	Please accept this email in response to your public notice, requesting a formal Public Consultation in relation to the proposed development on land North of Bronwylfa road Rhostyllen. I will actively reject any form of development on the proposed site (and any others that may be in the future). I reject it on the ground that the proposed site is in close proximity to several large villages. Also on the ground that the proposed site will impact local Ecology. Archaeology and heritage sites. Other concerns are the proximity to the A483 which is a busy road across north Wales. And also safety concerns if and when these batteries encounter issues with regards to fire and overheating. The community of Rhostyllen, Bersham and the surrounding areas are strongly opposed this development as this is not an industrial area and would be a huge blot on our green and rural landscape. It will also affect the mental health and well-being of numerous older villagers as the fields are their closest path to the open country side. As a large multi-million pound company you have a duty of care when it comes to the community. There are numerous other sites in built up industrial area locally but this is the cheap option. I request to be included in any formal consultation on the above topic, following the correct procedures and protocol.
Local Resident	Objection	Please accept this letter in response to your public notice, requesting a formal Public Consultation in relation to the proposed development on land north of Bronwylfa Road, Rhostyllen, Wrexham. I will actively reject any form of development on the proposed site (and any others that may be in the future). I reject on the grounds that: The proposed site is in close proximity to several villages Is on Grade 2 Green Agricultural land Close to AONB Impact Ecology, Archaeology & Heritage sites

		Outside the settlement boundary.
Local Resident	Objection	Please accept this email in response to your public notice, requesting a formal Public Consultation in relation to the proposed development on land North of Bronwylfa road Rhostyllen. I will actively reject any form of development on the proposed site (and any others that may be in the future). I reject it on the ground that the proposed site is in close proximity to several large villages. Also on the ground that the proposed site will impact local Ecology. Archaeology and heritage sites. Other concerns are the proximity to the A483 which is a busy road across north Wales. And also safety concerns if and when these batteries encounter issues with regards to fire and overheating. The community of Rhostyllen, Bersham and the surrounding areas are strongly opposed this development as this is not an industrial area and would be a huge blot on our green and rural landscape. It will also affect the mental health and well-being of numerous older villagers as the fields are their closest path to the open country side. As a large multi-million pound company you have a duty of care when it comes to the community. There are numerous other sites in built up industrial area locally, but this is the cheap option. I request to be included in any formal consultation on the above topic, following the correct procedures and protocol.
Local Resident	Objection	This site is on Grade 2 Green Agricultural Land. This Development should be on brownfield land. The proposed site is close to an AONB, and any development, will destroy the Ecology within this area, and will also impact local Archaeology and Heritage sites. The development proposed is an industrial complex, outside of the settlement boundary. The proposed is too close to several, large villages, and due to the unproven safety of the

		proposed technology, developments of this kind should be sited away from residential areas. The proposed development is NOT a green, renewable energy development, it is a highly dangerous, storage unit.
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		proposed technology, developments of this kind should be sited away from residential areas. The proposed development is NOT a green, renewable energy development, it is a highly dangerous, storage unit.
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- 3.2.2 The 136 letters of objection received via post from members have been reviewed and there were 6 different letter templates which each objected to the proposed development for an alternate reason. The reason for the objection and the number of letters received in each category is set out below:

Reason for objection	Number of letters received
Proposed development uses unproven technology that poses hazards to humans, animals and the environment.	30 letters
The development site is in proximity to the AONB and will have landscape impacts	26 letters
Site is classified as Grade 2 Agricultural Land	17 letters
Site is in proximity to several large villages	18 letters
The proposed site will impact Ecology, Archaeology and Heritage sites	26 letters
The proposed development site is outside of the Settlement Boundary	19 letters
Total	136 letters

3.3 Response to Public Comments

- 3.3.1 The text below provides the Applicant's response to the public comments received, which are organised by topic area.

Traffic Impact

- 3.3.2 The traffic during the construction phase will be managed through the Construction Traffic Management Plan (CTMP) which has been submitted with the application, and any impact is temporary for the construction period only. There will be minimal traffic impacts during the operational phase of development. The proposed development will not impact the historic railway line and is providing an additional pedestrian footpath adjacent to the historic railway to ensure a safer pedestrian connection between Rhostyllen and Bersham Cricket Club. Further details of the anticipated traffic impacts of the proposed development are contained in the submitted Transport Statement.

Agricultural Land

- 3.3.3 The application is supported by a Site Selection Report that assesses the development potential of alternative sites within a 2.5km study area from the Legacy National Grid Substation, including those within the settlement boundary as well as brownfield sites. While it is recognised that the site comprises best and most versatile agricultural land (BMV), the Site Selection Report concludes that the site is the most suitable location for the proposed development when assessed against a range of criteria.

Proximity to Settlements

- 3.3.4 The proposed development is situated adjacent to the village of Rhostyllen and is separated from the area by the A483. Additionally, as the proposed development does not comprise any housing, there will be no impact on the local population and services of Rhostyllen.

Heritage Impact

- 3.3.5 The landscape proposals provide mitigation to reduce the visual impacts of the proposed development. The western and southern boundary of the site consists of an earthen bund and hedgerow enhancement designed to screen views of the ESS. ZTV mapping indicates that there will still be some visual impacts on the listed buildings, particularly the taller elements. In the case of the Grade II listed timber framed building the impact calculated is considered to be 'negligible' on the building's heritage value, and for Croesfoel Farmhouse and the Gate Piers the impact is considered to be 'minor'.
- 3.3.6 The closest section of Offa's Dyke to the site will require further assessment and Scheduled Ancient Monument (SAM) should one of the proposed cable route options that crosses it come forward. Further details of the effect of the proposed development upon designated and non-designated heritage assets is set out in the Heritage Impact Assessment.

Landscape Impact

- 3.3.7 The site is approximately 1.8km to the west of the Clwydian Range and Dee Valley Area Outstanding Natural Beauty (AONB) at its closest point. Further to this, the site is not subject to any statutory landscape designations. An extensive assessment of the proposed development upon the landscape is contained in the submitted Landscape and Visual Impact Assessment. the proposed development includes plans to re-profile the site and provides a bund along the southern and western boundaries as well as a landscape screen along the northern section of the western boundary.

Pollution

- 3.3.8 Any noise or dust pollution caused during the construction phase of development will be managed through the CTMP. A Noise Impact Assessment has been submitted with the application which confirms that the during the operational phase of the development there will be no adverse impact on the closest sensitive receptors.

Lack of Mitigation / Ecological Impacts

- 3.3.9 The Planning Design and Access Statement confirms that a community fund is included as part of the proposed development totalling £20,000 per year (£50 per MW installed) for the lifetime of the development (50 years). Additionally, an area totalling 4.54ha to the west of the site is included for ecological enhancement. Further to this the proposed development provides economic benefits to the local and wider population by improving energy security at a regional level and the stability of local supply thus reducing the volatility of being reliant on international energy markets by facilitating growth in renewable energy. Further details of the ecological impact and benefits of the proposed development are set out in the submitted Ecology Report and Green Infrastructure Statement.

Unproven Technology / Safety

- 3.3.10 The operation of the ESS is not expected to present any risks in terms of hazardous materials, pollution, emissions, or any other operational hazards as set out within the submitted Outline Battery Safety Management Plan (OBSMP). Using existing knowledge of ESS capability, the OBSMP identifies current foreseeable risks associated with the proposed equipment. These risks will be actively managed throughout the life of the installation via detailed safety management plan prepared prior to energisation and response plan, prepared in agreement with the FRS.

3.4 Specialist Consultee Comments and Responses

- 3.4.1 A total of six specialist consultee comments were received during the PAC period. As confirmed in Section 2.0, a total of eight specialist consultees were identified and consulted. The below table summarises the comments received from specialist consultees during the PAC process and the response to each consultee is provided directly below. A number of the comments received required further works to be commissioned. The additional surveys are detailed below and have been submitted with this planning application to address the concerns of the relevant specialist consultees.
- 3.4.2 The full comments received from specialist consultees are available at **Appendix F** of this report, with a summary and response provided in the below table.

Specialist Consultee	Position	Comment
HSE	Neutral	Battery Energy Storage Systems are usually not a relevant development in relation to land-use planning in the vicinity of major hazard sites and major accident hazard pipelines. This is because they do not, in themselves, involve the introduction of people into the area. HSE's land use planning advice is mainly concerned with the potential risks posed by major hazard sites and major accident hazard pipelines to the population at a new development.

Response to HSE		The response received from the HSE confirmed that whilst they are a specialist consultee the proposed development would not constitute one which they would provide feedback on. The HSE's land use planning advice is mainly concerned with the potential risks posed by major hazard sites and major accident hazard pipelines to the population at a new development.
Cadw	Concerns	Cadw responded to the consultation to confirm that they required additional information relating to the Stage 1 Settings Assessment submitted as part of the PAC. Additionally, they raised a query relating to the cable route which connects the site to the Legacy National Grid Substation. There were two cable route options proposed as part of the PAC documentation, one follows the road route to the substation and the other more direct route is cross-country. The cross-country route would cut through the Scheduled Monument Offa's Dyke. Further information was requested to be submitted with the planning application to justify the chosen route and assess the impacts of the route should the cross-country option be preferred.
Response to Cadw		Archaeology Wales were commissioned to prepare the Stage 2-4 Settings Assessment to determine the impacts of the scheme on the setting of the local heritage assets. The Applicant sought further engagement with Cadw to discuss the proposals and the effect of the cable route paths across Offa's Dyke specifically. The route options presented in the PAC documentation include a road route and cross-country route for the 400kV cable. The cross-country route crosses a section of the Scheduled Ancient Monument (SAM) Offas Dyke. Cadw's concerns about the route impact on the monument with respect

to how the cable would be laid was set out within a meeting held on 24th January 2024. The Applicant established how numerous cable routes had been considered and why it was necessary to include a route that crosses the Offa's Dyke SAM within the application.

The method of laying the cable was also explained to Cadw, using Horizontal Directional Drilling (HDD). Indicative cross-section drawings were provided to demonstrate the depth of the proposed cable installation and how this would fully avoid the subsurface extent of the SAM. The applicant explained how the cable would be installed within a duct and if the cable was faulty or required repair within the HDD section, there would be no need for vertical intrusive access; the cable would simply be pulled from the duct. This negates any need for vertical excavation within the SAM should there be an issue with the buried cable. Cadw welcomed this explanation of the proposed installation methodology.

Cadw also raised the condition of the section of Offa's Dyke in the location where the route crosses and recommended that its condition is established through a topographical and geophysical survey to begin with, and potentially intrusive works later. Cadw advised that such assessment will be able to confirm the actual extent of the SAM, and whether any areas where the SAM has been degraded exist. To that end, Cadw suggested extending the assessment north of the railway embankment, to increase the chance of finding a section that has been degraded and may be more suitable for a cable crossing. The Applicant has subsequently included another

		cable route option in the application, which crosses the SAM north of the railway embankment and a WSI for the assessment works has been submitted to Cadw and CPAT for approval.
NRW	No Objection	NRW responded to the consultation and confirmed they have some concerns but no technical objection to the proposed development. Any concerns can be adequately addressed through the implementation of planning conditions and proposed wording for a Landscape Ecological Management Plan (LEMP).
Response to NRW		The Applicant is satisfied that the concerns can be overcome by the LPA imposing a LEMP condition to the decision notice. The condition and the wording proposed by NRW is considered to be acceptable. The LEMP will be prepared in due course to accord with the condition trigger, once confirmed by the LPA.
Welsh Government National Trunk Road Agency	No Objection	The Welsh Government National Trunk Road Agency expressed concerns about the construction impacts on the A483. They recommended two planning conditions relating to the surface water run-off of the site as well as the stability of the A483 embankment. Further to this they requested that, as part of the formal application, they expect to see more detail in respect of the Abnormal Indivisible Load (AIL) required to deliver the equipment to the site.
Response to Welsh Government National Trunk Road Agency		The response from the agency confirmed that they requested two conditions, one relating to surface water run-off and the second relating to the stability of the A483 embankment. The stability of the A483 should not be impacted as a result of the proposed development and it sits outside of the red line boundary. As such it is considered that this condition would not meet the tests for a valid condition. Additionally, the condition relating to

		the surface water run-off from the development site to the trunk road will be adequately managed through a surface water drainage scheme imposed by the LPA. The further information requested relating to the AIL and the potential impacts of the proposed development on the trunk road are included in the CTMP. Further details surrounding the AIL deliveries have been appended to the CTMP to support the application.
Welsh Government Nature and Forestry	Concerns	Welsh Government's Nature and Forestry department responded to the consultation; they raised an issue with the Agricultural Land Classification (ALC) Report and noted that survey data from a 1990 survey was not referenced. The response also confirms that the site is Grade 2 Agricultural Land and is therefore classed as BMV. They have raised concerns with the Site Selection Report and the search process adopted to rule out sites of a lower agricultural classification. Further information for the "Red Amber Green" (RAG) rating applied to the sites is requested to be demonstrated as part of the application submission.
Response to Welsh Government Nature and Forestry		The 1990 survey data has been reviewed and included within the ALC report. Additional clarification has also been provided within the Site Selection Report to confirm that the methodology and RAG system used considered BMV and is more consistent as a result.
Woodland Trust	Concerns	The Woodland trust responded on 3rd January 2024 (outside of the formal PAC period) to raise the point that the red line boundary is in proximity (within 400m) to an Ancient Woodland. They stated that within the Ecological Report, it states that "there are no ancient woodlands recorded within 400m of the site". The Arboricultural Report also does not mention ancient woodland or identify any veteran trees.

Response to Woodland Trust	The Woodland Trust stated that the Arboricultural Report did not refer to the Ancient Woodland or veteran trees. In response, the Applicant notes that the scope of the report related to the main development site and did not assess the cable route. Following review of the cable routes, it shows that the northern cable route is adjacent to an Ancient Semi-Natural Woodland which contains a veteran tree (ATI Ref. 207886). In response, further survey works were instructed and form part of the application submission. A BS5837 tree quality survey (using supplied OS base map data in the absence of a topographic survey) was carried out along the entirety of the proposed cable routes to safeguard existing trees, ensuring the Ancient Woodland is avoided as a priority. The cable route path was amended following the survey results to ensure the red line avoided as many RPZs as possible. Three Category A trees are proposed to be removed (none of these within the Ancient Woodland) but will be compensated elsewhere across the proposed development. The priority is to avoid the RPA of the ancient woodland and the veteran tree to ensure there is no loss or deterioration of these important assets in line with Paragraph 6.4.26 of PPW.
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3.5 Community Consultee Comments

3.5.1 During the PAC period, feedback was received from Councillor Paul H Pemberton and Esclusham Community Council. Cllr Pemberton is the Ward Councillor for the Ponciau ward in which the site is located. One response was also received from Esclusham CC which is the community council for the Esclusham Ward which lies directly to the east of the site. The community council is located at Rhostyllen Parish Hall 0.3 miles east the site.

3.5.2 Their responses to the consultation are set out below:

Community Consultee	Position	Response
Cllr Paul Pemberton	Objection	I am the local member for the area of the proposed development. I regret to inform that I will not be supporting the development at this location. I have my reasons which I will outline at planning committee. Mainly too close to properties, safety, visual intrusion, and a few more.
Esclusham Community Council	Objection	The Community Council have a number of concerns relating to the proposed development, as follows: 1) The proposed site is very close to the large villages of Rhostyllen and Bersham, and only a little further from Rhosllannerchrugog and Ponciau. There are a number of schools, including the one

		at Rhostyllen, situated within a close distance to the site. In addition, the land in question is a much valued rural break between the two former villages and the latter. 2) The proximity of the proposed site to the local crematorium at Pentrebychan is a concern 3) The proposed site is on Grade 2 Green Agriculture land, and therefore classed as 'Best and Most Versatile' agriculture land. 4) The probable major impact that the proposed development will have on the immediate environment is of concern, and, indeed, the report (About the Project) appears to intimate that the scheme will have some major adverse impacts. 5) The proposed site is outside the settlement boundary. 6) The proximity of the proposed site to the Dee Valley and Clwydian Range Area of Outstanding Natural Beauty is a concern. 7) The proposed site will, undoubtedly, at the outset, have a major impact on the ecology of the area in question: a. There are a number of mature trees on, or near, the proposed site. b. The local fauna includes lapwings, who, it is understood, are regular visitors to the field in question. In addition there are, as your report (About the Project) states: "the site supports foraging bats and an assemblage of breeding birds of value at the local scale".
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		c. There are a number of hedgerows in the area, some possibly ancient, which the Council would wish to protect and preserve. Any moderate beneficial impact identified will not, it appears, be evident until Y15. 8) The proposed site will impact Heritage and Archaeology sites – some of which are situated very close to the proposed site. 9) The Council have serious concerns as to how a number of, what appear to be, steel box containers, as per your photos, cannot but appear alien to the rural environment. Their proximity to a major thoroughfare, the A483, will, without doubt, be somewhat of a blot on the landscape.
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3.6 Response to Community Consultee Comments

- 3.6.1 The comments made by both Cllr Pemberton and Esclusham CC echo the comments made by members of the public. It must be noted that the Applicant offered to meet directly with Cllr Pemberton to further discuss his concerns, but no response was received.
- 3.6.2 The nine points made by the Esclusham CC are considered to have been addressed in full above. A meeting was offered to the Esclusham CC and while they did engage and submit a full response as set out above, the opportunity to meet with the applicant was not taken up.
- 3.6.3 The technical reports submitted with the planning application are considered to further address the matters raised and demonstrate the acceptability of the potential impacts of the proposed development and present options for mitigation where necessary.

4 PREVIOUS COMMUNITY ENGAGEMENT

4.1 Pre-App Engagement

- 4.1.1 In March 2023 a pre-application enquiry was submitted to WCBC under ref. ENQ/2023/0063. A number of technical documents were provided with the enquiry to aid the planning officer in assessing the proposals.
- 4.1.2 The pre-application advice received was generally supportive of the development proposals stating that, as submitted, the proposed development would, on balance, be considered to be acceptable in principle noting that national planning policy strongly supports the delivery of such energy storage facilities. The advice confirmed that the site was located wholly within the Ruabon Mountain SLA according to the Wrexham UDP, since the advice was received the Wrexham Local Development Plan (LDP) has removed this designation from the site.
- 4.1.3 The officer confirmed that given the strong support within national policy and guidance for the development of such energy storage facilities, there is an overriding need for the development. The officer did conclude that additional information relating to highways, ecology, visual impact and trees would be required to be submitted with any application to demonstrate the acceptability of the proposed development in accordance with the adopted LDP.
- 4.1.4 As set out within the accompanying Planning Design and Access Statement, a suite of technical documents have been provided with the submission in line with the pre-application advice received.

4.2 Non-Statutory Pre-Application Engagement

- 4.2.1 The Applicant also held an informal pre-application public exhibition on 11th May 2023 at Rhostyllen Parish Hall, Vicarage Hill, Rhostyllen, Wrexham, LL14 4AR. The public exhibition ran from 1.30pm to 5.30pm and was attended by approximately 100 members of the community.

- 4.2.2 The feedback received in relation to the development option presented related largely to concerns that the scale of development was too large, safety concerns and fire risk. The development presented at that time utilised both the current site and the field to the immediate south of the site. Residents felt that this would have effectively created a ‘tunnel’ of development along the B5097.
- 4.2.3 In response to the feedback received at the event and the subsequent comments made by local community groups and residents, the applicant revised the scale of the proposals. This application seeks planning consent for the proposed development on the site to the north of Bronwylfa Road / B5097 only. The removal of the southern parcel has significantly reduced the scale of proposed development, by around 64%.

4.3 Next Steps

- 4.3.1 Since this time the proposed development has evolved into what was presented as part of the PAC process. Since the end of the PAC period, the Applicant has reviewed the comments received from all parties and carried out further engagement with the specialist consultees that raised concerns with the proposals, or requested clarification in relation to certain matters. Additional works have been undertaken to ensure that their concerns are addressed within this formal planning application submission.

5 CONCLUSIONS

- 5.1.1 The Pre-Application Consultation undertaken by the Applicant has met the requirements of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. In addition to meeting the statutory requirements, pre-application engagement with the LPA and community consultation in March 2023 demonstrate the Applicant's willingness to engage local communities and seek feedback on the development proposed.
- 5.1.2 Members of the public, community and statutory consultees have had the opportunity to be involved in the PAC process. The consultation will have helped to raise awareness of the proposed development, as well as provide the community with an understanding of the proposed development, its benefits and potential impacts.
- 5.1.3 Based on the feedback received from neighbours and specialist consultees the supporting planning documentation has been updated to respond to the comments received during the PAC process.
- 5.1.4 Any additional works required to amend the scheme or provide additional information to ensure the proposals sufficiently address all comments raised by all consultees were instructed and are reflected within the planning application submission.
- 5.1.5 This report sets out the feedback received and how the Applicant has responded to the comments. It is considered that sufficient consideration has been given to each of the issues raised and a robust response has been provided, where necessary.

APPENDIX A BILINGUAL SITE NOTICES

Town and Country Planning (Development Management Procedure) (Wales) Order
2012

CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION NOTICE UNDER ARTICLE 2D

to be served on specialist consultees, as defined by article 2(1) of the Town and Country Planning
(Development Management Procedure) (Wales) Order 2012

Purpose of this notice: this notice comprises a formal request for a pre-application
consultation response under article 2D of the Town and Country Planning
(Development Management Procedure) (Wales) Order 2012

Proposed Development at: Land North of Bronwylfa Road, Rhostyllen, Wrexham

I give notice that: Innova Renewables Developments

is intending to apply for planning permission: *for the installation and operation of
an Energy Storage System (ESS) including energy storage units, substation, site
access, cable connection, landscaping and ancillary infrastructure.*

A copy of the proposed application; plans; and other supporting documents can be
viewed online at <https://innova.co.uk/projects/legacy-ess/>

In accordance with the requirements of article 2E of the Town and Country Planning
(Development Management Procedure) (Wales) Order 2012, a consultation
response must be sent to legacy@innova.co.uk or using our free postal address
'FREEPOST Innova' by 2 January 2024

Signed:



Date: 17 November 2023

Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012

**HYSBYSIAD YMGYNGHORI CYN CYFLWYNO CAIS AM GANIATÂD
CYNLLUNIO O DAN ERTHYGL 2D**

i'w gyflwyno i ymgynghoreion arbenigol, fel y'i diffinnir gan erthygl 2(1) o Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012

Pwrpas yr hysbysiad hwn: mae'r hysbysiad hwn yn cynnwys cais ffurfiol am ymateb i'r ymgynghoriad cyn cyflwyno cais o dan erthygl 2D o Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012

Datblygiad Arfaethedig ar: Dir i'r Gogledd o Ffordd Bronwylfa, Rhostyllen, Wrecsam

Rhoddaf hysbysiad bod: Innova Renewables Developments

yn bwriadu gwneud cais am ganiatâd cynllunio: *ar gyfer gosod a gweithredu System Storio Ynni (SSY) gan gynnwys unedau storio ynni, is-orsaf, mynediad i'r safle, cysylltiad cebl, tirlunio a'r seilwaith ategol.*

Gellir gweld copi o'r cais arfaethedig; cynlluniau; a dogfennau ategol eraill ar-lein yn <https://innova.co.uk/projects/legacy-ess/>

Yn unol â gofynion erthygl 2E o Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012, rhaid anfon ymateb i'r ymgynghoriad at legacy@innova.co.uk neu drwy ddefnyddio ein cyfeiriad post am ddim – 'FREEPOST Innova' - erbyn 2 Ionawr 2024

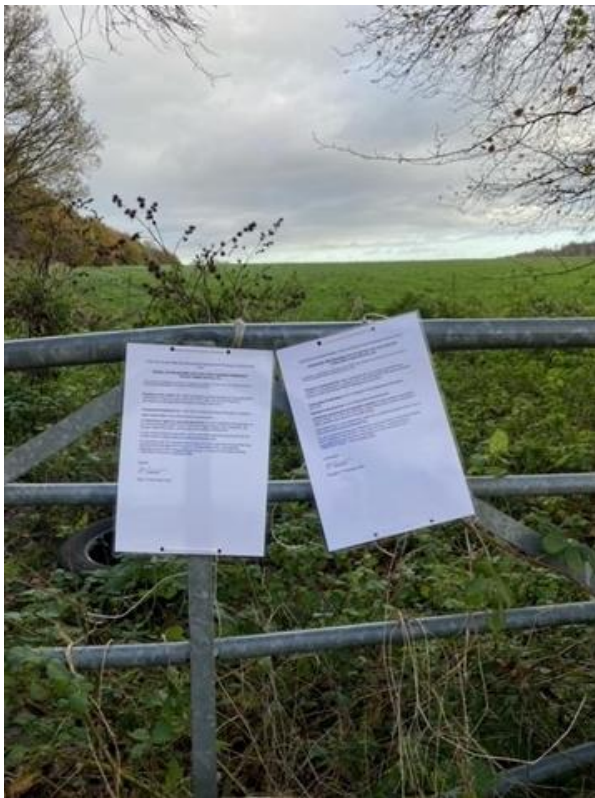
Llofnodwyd:



Dyddiad: 17 Tachwedd 2023

APPENDIX B SITE NOTICE PHOTOGRAPH







APPENDIX C LANDOWNER NOTIFICATION



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



16th November 2023

Dear Sirs,

RE: Proposed Energy Storage System at Land North of Bronwylfa Road, Rhostyllen, Wrexham

Innova are proposing an Energy Storage System (ESS) at Land North of Bronwylfa Road, Rhostyllen, Wrexham. ESS developments will ensure that the UK delivers its legally binding target of Net Zero by 2050, and the Welsh Government target to meet 70% of its electricity demand from Welsh renewable sources by 2030. In addition to Net Zero commitments, energy storage systems will deliver energy security for the UK to reduce bills and help combat fuel poverty.

We are now commencing our statutory Pre Application Consultation. As a Owner/Occupier under Section 2D of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 we are providing you with a copy of the Site Notice and requesting your feedback on our draft application submission.

The full suite of draft application documents can be viewed on the project webpage <https://innova.co.uk/projects/legacy-ess/> and any comments should be made in writing to legacy@innova.co.uk or using our free postal service and placing your comments in an envelope addressed to 'FREEPOST Innova' by 2nd January 2024.

Yours sincerely

Innova Team

APPENDIX D COMMUNITY CONSULTEE NOTICE



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

16th November 2023



Dear Cllr [REDACTED],

RE: Proposed Energy Storage System at Land North of Bronwylfa Road, Rhostyllen, Wrexham

Innova are proposing an Energy Storage System (ESS) at Land North of Bronwylfa Road, Rhostyllen, Wrexham. ESS developments will ensure that the UK delivers its legally binding target of Net Zero by 2050, and the Welsh Government target to meet 70% of its electricity demand from Welsh renewable sources by 2030. In addition to Net Zero commitments, energy storage systems will deliver energy security for the UK to reduce bills and help combat fuel poverty.

We are now commencing our statutory Pre Application Consultation. As a Community Consultee under Section 2D of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 we are providing you with a copy of the Site Notice and requesting your feedback on our draft application submission.

The full suite of draft application documents can be viewed on the project webpage <https://innova.co.uk/projects/legacy-ess/> and any comments should be made in writing to legacy@innova.co.uk or using our free postal service and placing your comments in an envelope addressed to 'FREEPOST Innova' by 2nd January 2024.

Yours sincerely

Innova Team

APPENDIX E SPECIALIST CONSULTEE NOTIFICATION



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



28th November 2023

Dear Sirs,

RE: Proposed Energy Storage System at Land North of Bronwylfa Road, Rhostyllen, Wrexham

Innova are proposing an Energy Storage System (ESS) at Land North of Bronwylfa Road, Rhostyllen, Wrexham. ESS developments will ensure that the UK delivers its legally binding target of Net Zero by 2050, and the Welsh Government target to meet 70% of its electricity demand from Welsh renewable sources by 2030. In addition to Net Zero commitments, energy storage systems will deliver energy security for the UK to reduce bills and help combat fuel poverty.

We are now commencing our statutory Pre Application Consultation. As a Specialist Consultee under Section 2D of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 we are providing you with a copy of the Site Notice and requesting your feedback on our draft application submission.

The full suite of draft application documents can be viewed on the project webpage <https://innova.co.uk/projects/legacy-ess/> and any comments should be made in writing to legacy@innova.co.uk or using our free postal service and placing your comments in an envelope addressed to 'FREEPOST Innova' by 2nd January 2024.

Yours sincerely

Innova Team

APPENDIX F SPECIALIST CONSULTEE RESPONSES

Innova Renewables Developments

Eich cyfeirnod
Your reference

Sent by email

Ein cyfeirnod
Our referenceDyddiad
Date

19 December 2023

Llinell uniongyrchol
Direct line

0300 025 6007

Ebost
Email:Cadwplanning@gov.wales

Dear Sir / Madam,

**Stat Pre-App - Installation and operation of an Energy Storage System (ESS)
Land North of Bronwylfa Road, Rhostyllen, Wrexham**

Thank you for your letter inviting our comments on the above pre planning information.

Advice

We consider that the application is inadequately documented, and we recommend that additional information is required to enable a balanced decision to be taken against Planning Policy Wales, Technical Advice Note 24 Historic Environment and associated guidance. Full details of the additional information that is required are explained in the below assessment.

The national policy and Cadw's role in planning are set out in Annex A.

Assessment**Scheduled Monuments**

DE165 Wat's Dyke: Section South of Ruthin Road
DE191 Wat's Dyke: Section SSW of Wrexham Station, 130m Long
DE244 Meadow Shaft, Minera
DE199 Bersham Colliery: No 2 Winding Gear
DE131 Cadwgan Hall Mound
DE137 Offa's Dyke: Pentre-Bychan Hall Section, extending 540m S from Bron-Wylfa
DE047 Hadfod-y-Bwlch Round Barrow
DE048 Croes-Foel Round Barrow
DE179 Offa's Dyke: Sections N & S of Bryn yr Owen Colliery
DE180 Offa's Dyke: Section in Plas Power Park
DE017 Erddig Mound & Bailey Castle
DE139 Offa's Dyke: Plas Power Section
DE173 Wat's Dyke: Sections N & S of the Court
DE181 Offa's Dyke: South Section at Coedpoeth
DE182 Offa's Dyke: North Section at Coedpoeth



DE183 Offa's Dyke Section South of River Gwenfro
DE178 Offa's Dyke: Section S of Aberderfyn Road
DE193 Moated Site near Groesfoel Farm, Rhostyllen
DE174 Offa's Dyke: Section S of Bryn yr Owen Farm
DE153 Wat's Dyke: Section extending from Middle Sontley to Black Brook Bridge
DE241 New Minera Lead Mine
DE163 Fairy Oak Round Barrow
DE164 Hillbury Round Barrow
DE152 Wat's Dyke: Section extending from Erddig Park to Middle Sontley
DE189 Bersham Ironworks
DE194 Offa's Dyke: Section extending 120m from Railway to Bronwylfa Road, Legacy
DE23 Nant Mill Wood Shaft Mounds
DE113 Offa's Dyke: Vron Farm Section
DE132 Offa's Dyke: Cadwgan Hall Section, extending from River Clywedog to the Railway
DE290 Gatewen Hall round barrow

Registered Parks and Gardens:

PGW(C)62(WRE) Erddig

GW(C)67(WRE) Wrexham Cemetery

The impact of the proposed development on the settings of the above scheduled monuments and registered parks and gardens (located inside 3km) have been considered in a Stage1 Settings Assessment prepared by Archaeology Wales. This work has concluded that, apart from scheduled monuments Rhostyllen; DE047 Hadfod-y-Bwlch Round Barrow; DE048 Croes-Foel Round Barrow; DE137 Offa's Dyke: Pentre-Bychan Hall Section, extending 540m S from Bron-Wylfa and DE193 Moated Site near Groesfoel Farm, the proposed development will not have an impact on the settings of these designated historic assets.

The stage 1 assessment concluded that further assessment of the four designated sites identified in the previous paragraph was required. This assessment would need to follow stages 2 to 4 of the methodology identified in "The Setting of Historic Assets in Wales. However, no report detailing these stage 2 to 4 assessments is included with the pre-application consultation, in contrast to the listed buildings identified in the stage 1 assessment, for which a Heritage Impact Assessment has been produced. Whilst it is noted that the archaeological desk-based assessment, produced also by Archaeology Wales, contains a short section on the impact of the proposed development on the setting of scheduled monuments this does not contain the detailed information that is expected for stage 2 to 4 assessment. Therefore, before the planning application is submitted to the Local Planning Authority, a full assessment of the impact of the proposed development on the settings of the scheduled monuments identified in the stage 1 assessment as requiring further study, needs to be produced.

The proposed development will require a connection crossing the line of Offa's Dyke. The crossing point has not been determined in the current consultation but may be across scheduled monument DE137 Offa's Dyke: Pentre-Bychan Hall Section, extending 540m S from Bron-Wylfa. If this route is chosen, then scheduled



monument consent will be required and given that section 6.1.24 of Planning Policy Wales states: -

It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance).

It is best practice for the scheduled monument consent application to be determined before the planning application so that the Local Planning Authority can be fully informed on this issue. Consequently, if scheduled monument consent is required for this proposed development that an application for this consent should be submitted concurrently with, or even before, the application for planning consent is submitted.

[Scheduled monument consent | Cadw \(gov.wales\)](#)

If a route crossing an undesignated section of Offa's Dyke is chosen instead of crossing the scheduled monument, it should be noted that this historic asset is still considered to be of National importance, even if it does not meet the criteria for designation as a scheduled monument. As such, the guidance given above contained in section 6.1.24 of Planning Policy Wales will be a material consideration in the determination of the planning application. Therefore, detailed information on this issue will need to be included with the application and this may need to include an archaeological evaluation of the area. It is therefore recommended that the Clwyd-Powys Archaeological Trust, the archaeological advisors to Wrexham County Borough Council, are consulted in regard to the information that will need to be produced and the reports that will be required to be included with the application.

Yours sincerely,

Nichola Smith
Casework Manager

Annex A

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance.

PPW [planning-policy-wales-edition-11.pdf](#) explains that it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance)

[Technical Advice Note 24: The Historic Environment](#) elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

Historic Parks and Gardens

PPW also explains that local authorities should value, protect, conserve and enhance the special interests of parks and gardens and their settings included on the register of historic parks and gardens in Wales and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.



Ein cyf/Our ref: CAS-243037-Q0J2
Eich cyf/Your ref: Stat Pre-app

will.griffiths@innova.co.uk

Date: 21 December 2023

Dear Sir,

STATUTORY PRE-APPLICATION CONSULTATION – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012 AS AMENDED

PROPOSAL: FOR THE INSTALLATION AND OPERATION OF AN ENERGY STORAGE SYSTEM (ESS) INCLUDING ENERGY STORAGE UNITS, SUBSTATION, SITE ACCESS, CABLE CONNECTION, LANDSCAPING AND ANCILLARY INFRASTRUCTURE.

LOCATION: LAND NORTH OF BRONWYLFA ROAD, RHOSTYLLEN, WREXHAM

Thank you for providing a requisite notice to us under Article 2D of the above Order. We received a copy of your proposed application on 17 November 2023.

We have concerns with the application as proposed. However, we are satisfied that these concerns can be overcome by the planning authority attaching the following condition to any planning permission granted:

Condition 1: No development shall commence until a Landscape Ecological Management Plan (LEMP)

Please note, without this condition, we would be likely to object to the planning application. Further details are provided below.

Protected Species

We note that the bat report submitted in support of the above application (Frost, S. (2023). Land North of Bronwylfa Road, Wrexham Proposed Cable Route Corridor Preliminary Ecological Appraisal. Etive Ecology. (unpublished)) has identified protected species foraging at the application site.

Bats and GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three tests set out in the Regulations (Please also refer to Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning). Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the test

relating to “demonstration of no detriment to the maintenance of the favourable conservation status of European protected species”.

We advise that the proposed development is not likely to harm or disturb species or their breeding sites and resting places at this site, provided the condition below will be attached to any planning permission for this scheme:

Condition 1: No development shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features at the site, has been submitted to and approved by the Local Planning Authority. The LEMP should include:

- Details of the desired conditions of features (present and to be created) at the site e.g. pond creation
- Species surveillance to include GCN with results reported through the Wales GCN Monitoring scheme.
- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed

The LEMP shall be carried out in accordance with the approved details.

Justification: A LEMP should be submitted to ensure necessary landscape and environmental management measures are agreed prior to commencement and implemented to ensure the site’s landscape and environmental features are adequately managed long term.

Provided these measures are implemented, we consider that the proposed development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range:

Please consult us again if the plans are changed in ways that may harm or disturb the bats or their breeding sites and resting places at this site.

Protected Landscape

Considering the distance, context, and the overview of the proposed mitigation provided, the proposals are unlikely to result in any significant effects on the natural beauty or special qualities of the AONB. However, we advise that further cross sections are submitted to support the conclusions of the LVIA in any future submissions. The mitigation provided includes the creation of planted bunds along the boundaries, cross sections to illustrate the width and depth of the planting proposed and the grade (slopes) of the bunds at planning would be beneficial. Applicable section(s) should also include the proposed substation infrastructure to illustrate whether there would be any potential issues where canopies might be restricted due to the proximity of the infrastructure.

Flood Risk

The planning application proposes less vulnerable development (Energy storage system). The application site falls within Zone C2 of the Development Advice Map (DAM) contained in TAN15 (2004).

However, at this location the Flood Map for Planning (FMfP) is the best available information on flood risk. The FMfP identifies the application site to be in Flood Zone 1, meaning there is less than a 0.1% chance of flooding in a given year.

On this basis, we have no further comments on the information submitted on flood risk grounds.

Protected Sites

Foul Drainage

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our [Planning Advice](#) (August 2023), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments.

However, the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

Ancient Woodland

The application site is designated as Ancient Semi Natural Woodland. Please refer to our Advice to planning authorities considering proposals affecting ancient woodland (published 26 Nov 2021) for further information [Natural Resources Wales / Advice to planning authorities considering proposals affecting ancient woodland](#)

Other Matters

Please note, if further information is prepared to support an application, it may be necessary for us to change our advice in line with the new information.

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

In addition to planning permission, you are advised to ensure all other permits/consents/licences relevant to the development are secured. Please refer to our [website](#) for further details.

Further advice on the above matters could be provided prior to your planning application being submitted, however there would be a charge for this service. Additional details are available on our [website](#).

If you have any queries on the above, please do not hesitate to contact us.

Yours faithfully

Ruth Prichard

Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales

E-bost/E-mail: northplanning@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: 03000 65 787

Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.



legacy@innova.co.uk

Eich cyf / Your ref Pre Planning

Ein cyf / Our ref 23/NM-6131

29 December 2023

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES)
ORDER 2012:**

Land North of Bronwylfa Road, Rhostyllen, Wrexham

Installation and operation of an Energy Storage System (ESS) including energy storage units, substation, site access, cable connection, landscaping and ancillary infrastructure

I refer to your consultation of 17/11/2023 regarding the above planning application and advise that, should a formal planning application be submitted for this proposal, the Welsh Government as highway authority for the strategic trunk road network would direct that any permission granted include the following conditions:

- 1) No works shall be undertaken which could in any way effect the stability of the A483 trunk road embankment. Detailed design drawings and calculations for the works adjacent to the trunk road shall be prepared by a competent Geotechnical consultant in accordance with DMRB CD 622 – “Managing Geotechnical Risk”. A Geotechnical Certificate signed by the Applicant’s Geotechnical Advisor shall accompany all geotechnical submissions made by the Applicant to Welsh Government.
- 2) No drainage from the development site shall interfere with or connect in any way with the trunk road surface water drainage or be allowed to discharge into the trunk road drainage system. Particularly consideration must be given to the siting of the proposed attenuation pond adjacent to the A483. The applicant will be required to submit detailed calculations to demonstrate that there is no possibility of water flowing towards the trunk road in the event of exceedance occurring, and that any water allowed to percolate through the site will not impact upon trunk road drainage.

The following information will be required in advance of any abnormal indivisible load (AIL) movements on the trunk road:



- The provision of delivery schedules detailing the time and date of movements, nature of delivery vehicles: particularly details of AIL detailing vehicle parameters, gross vehicle weight, number of vehicles in convoy size, dimensions (width, length, height) and weight (total vehicle with load and axel loading).
- Methodology for managing trunk road traffic during AIL deliveries, including identification of passing places and holding areas as necessary;
- An agreed impact assessment of AIL on all highway structures on the affected route, including bridges, culverts, retaining walls, embankments, drainage features. The applicant should consult with the Trunk Road Agent so that constraints on vehicle movements such as embargo periods, route traffic sensitivity, temporary roadworks and other highway restrictions are included in the CTMP.
- If deemed necessary by the Police or Welsh Government, Temporary Traffic Regulation Orders (TTRO) shall be required to facilitate the movement of AILs on the trunk road network (TRN). TTRO approval of applications on TRN take up to 12 weeks.

The above conditions are included to maintain the safety and free flow of trunk road traffic.

If you have any further queries, please forward to the following Welsh Government Mailbox
NorthandMidWalesDevelopmentControlMailbox@gov.wales

Yours faithfully

Helen Lewis



Sarn Mynach
Cyffordd Llandudno
LL31 9RZ

Sarn Mynach
Llandudno Junction
LL31 9RZ

Ebost/Email: NorthandMidWalesDevelopmentControlMailbox@gov.wales

Horton-Taylor, Leo

From: Arwel.Williams@gov.wales on behalf of LQAS@gov.wales
Sent: 21 December 2023 17:54
To: Legacy
Cc: William Griffiths; LQAS@gov.wales
Subject: RE: Proposed Development at Land North of Bronwylfa Road, Rhostyllen, Wrexham
Attachments: WGALC_001-90_Report.pdf; Agricultural-Land-Classification.pdf

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Dear Will Griffiths,

Re: Pre-application consultation response under article 2E of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 - Proposed development Land North of Bronwylfa Road, Rhostyllen, Wrexham.

Thank you for the formal request for a pre-application consultation response under Article 2D of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, concerning agricultural land quality and the application of BMV policy ([Planning Policy Wales paragraph 3.58 and 3.59](#)). This response is made in accordance with Annex B5 and B6 of Technical Advice Note (TAN) 6, and Article 2E(2)(c) of the Order.

1. Agricultural Land Classification (ALC): Information.

The site in question has previously been field surveyed as part of a wider ALC survey (170ha) in 1990 – Ref: WGALC_001-90 '*Packsaddle Proposed OCSS, Bersham, Wrexham*' – a copy of the report is attached for information. This was a reconnaissance level re-survey (200m grid) of the site using the then updated 1988 ALC Guidelines and Criteria. The survey confirms the area in question is ALC Grade 2 (BMV agricultural land).

2. Agricultural Land Classification (ALC) survey - Technical Review:

A full detail (100m grid) survey of the proposed application site has been undertaken in December 2022 and the report is included with the pre-application consultation documents. A copy is attached for reference.

The ALC survey report (see attached - Ref: 2104/3, Agricultural Quality of Land to the North of Bronwylfa Road, Wrexham – dated 30th October 2023) has been validated by the Department and has been completed to an acceptable standard as per the 'Revised Guidelines and Criteria for Grading the Quality of Agricultural Land' (MAFF 1988).

The 1990 ALC Survey report and findings are not referenced or acknowledged in the report. It is requested that the surveyor amends the ALC report to include reference to the attached 1990 survey and findings for completeness.

3. Agricultural Land Classification (ALC) – Advice:

The ALC Survey Report (Ref: 2104/3, Agricultural Quality of Land to the North of Bronwylfa Road, Wrexham – dated 30th October 2023) can be accepted as an accurate reflection of the agricultural land quality on the site subject to the requested amendment above. This confirms the site contains 5.5ha Grade 2. **The site is therefore confirmed as entirely containing Best and Most Versatile (BMV) agricultural land and Planning Policy Wales (PPW) paragraph 3.58 and 3.59 will apply in this case.**

4. Substantive Response:

The Department, as a Specialist Consultee, advises the applicant that it has concerns with the application (as per Article 2E(2)(c) of the Order) and provides the following observations:

- It is unclear how ‘considerable weight’ has been given in the search sequence to protecting BMV agricultural land from development.
- **Site Selection Report – Appendix 9 Table of Findings** - Of the 29 sites considered, it is unclear how agricultural land quality was considered in the site selection process or assessment, the weight given to BMV land in the assessment compared to other constraints and how the application of the sequential test was undertaken. The ‘RAG’ status for sites containing predicted BMV agricultural land is inconsistent.

The LPA will need to consider whether the assessment undertaken addresses paragraph 3.58 and 3.59 of PPW in respect of BMV policy.

Planning Policy Wales (PPW) paragraph 3.58 and 3.59:

3.58 Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the Best and Most Versatile and should be conserved as a finite resource for the future.

3.59 When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

This response and view expressed does not bind any other part of Welsh Government commenting on the proposal. I trust the above advice and associated remarks are clear and unambiguous.

Regards

Arwel Williams

Arwel Williams

Cynghorydd Polisi Pridd a Defnydd Tir Amaethyddol / Agricultural Land Use & Soil Policy Advisor

Is-adran Tirweddau, Natur a Choedwigaeth / Landscapes, Nature and Forestry Division

Llywodraeth Cymru / Welsh Government

E-bost: arwel.williams@llyw.cymru / E-mail: arwel.williams@gov.wales

Ar y We / Internet: www.llyw.cymru / www.gov.wales



From: William Griffiths <Will.Griffiths@innova.co.uk> **On Behalf Of** Legacy

Sent: Tuesday, November 28, 2023 12:31 PM

To: LQAS <LQAS@gov.wales>

Subject: Proposed Development at Land North of Bronwylfa Road, Rhostyllen, Wrexham

Please find attached formal notice under Town and Country Planning (Development Management Procedure) (Wales) Order 2012

Purpose of this notice: this notice comprises a formal request for a pre-application consultation response under article 2D of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012

Proposed Development at: Land North of Bronwylfa Road, Rhostyllen, Wrexham

I give notice that: Innova Renewables Developments

is intending to apply for planning permission: *for the installation and operation of an Energy Storage System (ESS) including energy storage units, substation, site access, cable connection, landscaping and ancillary infrastructure.*

A copy of the proposed application; plans; and other supporting documents can be viewed online at <https://innova.co.uk/projects/legacy-ess/>

In accordance with the requirements of article 2E of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, a consultation response must be sent to legacy@innova.co.uk or using our free postal address 'FREEPOST Innova' by 2 January 2024



William Griffiths
Project Manager

T 01242 436705
E will.griffiths@innova.co.uk

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

www.Innova.co.uk

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Sganiwyd y neges hon am bob feirws hysbys wrth iddi adael Llywodraeth Cymru. Mae Llywodraeth Cymru yn cymryd o ddifrif yr angen i ddiogelu eich data. Os cysylltwch â Llywodraeth Cymru, mae ein [hysbysiad preifatrwydd](#) yn esbonio sut rydym yn defnyddio eich gwybodaeth a sut rydym yn diogelu eich preifatrwydd. Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn anfon ateb yn Gymraeg i ohebiaeth a dderbynnir yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. ----- On leaving the Welsh Government this email was scanned for all known viruses. The Welsh Government takes the protection of your data seriously. If you contact the Welsh Government then our [Privacy Notice](#) explains how we use your information and the ways in which we protect your privacy. We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

From: [Jack Taylor](#)
To: [Legacy](#)
Cc: campaigning@woodlandtrust.org.uk
Subject: Woodland Trust comments on Legacy ESS pre-application consultation
Date: 03 January 2024 10:23:40
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

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Dear Legacy ESS project team,

Thank you for the opportunity to respond to the proposals as part of your pre-application consultation.

Coed Cadw (The Woodland Trust) aims to protect native woods, trees and their wildlife for the future. We own and care for over 100 sites covering more than 2,800 hectares across Wales and we have 500,000 members and supporters across the whole of the UK. We are an evidence-led organisation, using existing policy and our conservation and planning expertise to assess the impacts of development on ancient woodland and ancient and veteran trees. Planning responses submitted by the Trust are based on a review of the information provided as part of the consultation.

We note that it has been determined that the application site comprises low value habitats of low ecological value, however, we have noted that the proposals would be in close proximity to an area of ancient woodland and veteran trees recorded on the Ancient Tree Inventory (ATI). We also note the assertion within the Ecological Report, which states that “there are no ancient woodlands recorded within 400m of the site”. The Arboricultural Report also does not mention ancient woodland or identify any veteran trees.

Natural Resources Wales’s Ancient Woodland Inventory

(<https://naturalresources.wales/guidance-and-advice/environmental-topics/woodlands-and-forests/identifying-ancient-woodlands/?lang=en>) places woodland into one of four categories. Ancient woodlands ecosystems, and the soils on which they have developed, are of special importance because of their long history of ecological and cultural continuity. This contributes to ancient woodland being one of the most diverse terrestrial habitats in the UK. By definition, ancient woods are irreplaceable and cannot be replaced by new planting. Therefore, the loss of ancient woodland represents a permanent loss of biodiversity. All ancient woodlands come within the definition of priority woodland habitats listed in Section 7 of the Environment Act (Wales). The Environment Act places a duty on public authorities to seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales and take all reasonable steps to maintain and enhance those species and habitats as listed in Section 7

A veteran is a mature tree that has developed valuable decaying wood features, not necessarily as a consequence of time, but due to its life or environment. Veteran trees may not be very old, but share similarities with ancient trees, such as trunk or branch hollowing, or significant

amounts of other decaying wood (<https://www.woodlandtrust.org.uk/media/51153/ancient-and-veteran-trees-an-assessment-guide.pdf>). Veteran trees can be individual trees or groups of trees within woodlands, wood pastures, historic parkland, hedgerows, orchards, parks or other areas. They are irreplaceable habitats.

Natural Resources Wales' Ancient Woodland Inventory (AWI) shows an area of ancient woodland at grid reference SJ 29584 48788. It appears that an access road is likely to run very close to this area of ancient woodland. The ATI also indicates the presence of veteran trees, including a veteran hybrid oak (ATI ref no. 207886: <https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=207886#/>).

Whilst we acknowledge that the scheme is still at early stages of design, it is important that these habitats are accounted for and protected from any detrimental impact. The Welsh Government recognises that areas of ancient woodland are declining and becoming increasingly fragmented and emphasises the importance of conserving ancient woodland, veteran trees and their value as a biodiversity resource through the publication of Planning Policy Wales version 11 (2021) (PPW 11). Paragraph 6.4.26 of PPW 11 states: *"Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory."*

Where ancient woods or veteran trees might be impacted by new development, the Trust will seek to object to such proposals. We would welcome further dialogue with you on this matter. Please do not hesitate to contact us at campaigning@woodlandtrust.org.uk if you would like to discuss our comments further.

Best regards,
Jack

Jack Taylor

Lead Campaigner - Woods Under Threat

Telephone: 0343 770 5627

Email: JackTaylor@woodlandtrust.org.uk

The Woodland Trust, Kempton Way, Grantham, Lincolnshire, NG31 6LL

0330 333 3300

[woodlandtrust.org.uk](https://www.woodlandtrust.org.uk)



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<http://www.woodlandtrust.org.uk>

GL50 3LG

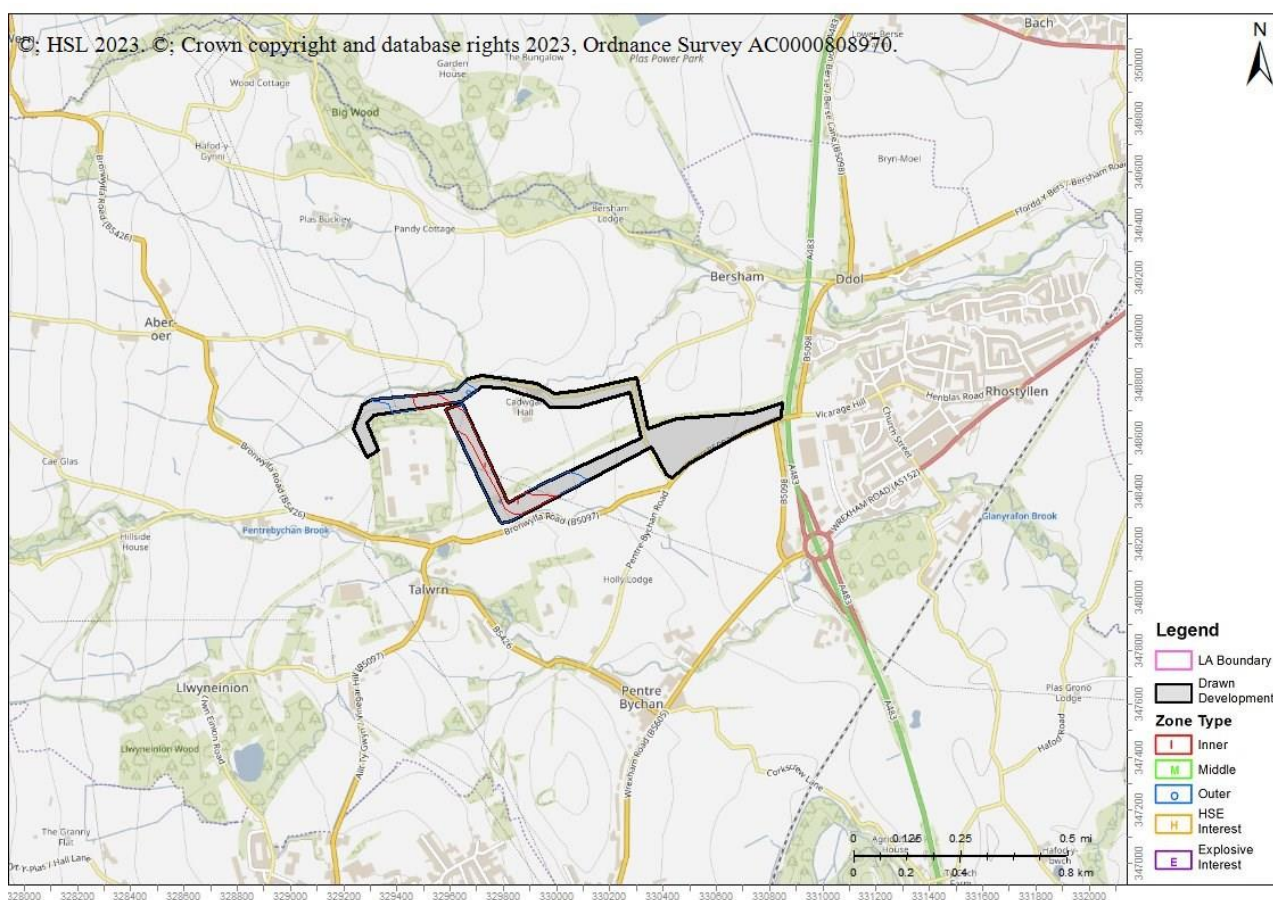
Advice : HSL-231204100045-1954 Crosses Consultation Zone

Please enter further details about the proposed development by continuing with the enquiry on the HSE's Planning Advice Web App from the Previous Enquiries tab either now or at a later time, unless the Web App has stopped the process and notified you to contact HSE.

Your Ref: Proposed Development at Land North of Bronwyfya Road, Rhostyllen, Wrexham

Development Name:

Comments:



The proposed development site which you have identified currently lies within the consultation distance (CD) of at least one major hazard site and/or major accident hazard pipeline; HSE needs to be consulted on any developments on this site.

This advice report has been generated using information supplied by William Griffiths at Innova Renewables Developments on 04 December 2023.

You will also need to contact the pipeline operator as they may have additional constraints on development near their pipeline.

- 7606_1859 Wales and West Utilities

HSL/HSE accepts no liability for the accuracy of the pipeline routing data received from a 3rd party. HSE/HSL

also accepts no liability if you do not consult with the pipeline operator.

You may wish to contact HSE's Planning Advice team to discuss the above enquiry result on 0203 028 3708 or by email at lupenquiries@hse.gov.uk.

From: [LUP enquiries](#)
To: [Legacy](#)
Subject: Re: Proposed Development at Land North of Bronwylfa Road, Rhostyllen, Wrexham
Date: 06 December 2023 09:44:56
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.jpg](#)
[HSL-231204100045-1954-HSEHasAnInterest.pdf](#)

Dear William

Thank you for completing step 1 of the HSE Planning Advice Web app, which confirms that part of your proposed development falls within the HSE consultation zones for the major accident hazard pipeline Maelor/Y Waen (WN080) W130 NE Wales operated by Wales and West Utilities (Transco Ref: 1859).

As mentioned in our earlier email, Battery Energy Storage Systems are usually not a relevant development in relation to land-use planning in the vicinity of major hazard sites and major accident hazard pipelines, as they do not, in themselves, involve the introduction of people into the area.

Therefore, this application does not relate to a relevant development on which to consult the HSE Land Use Planning (LUP) team, as it would not lead to a material increase in the number of people within a consultation distance. There is, therefore, no need to consult with the HSE LUP team, and the HSE LUP team have no further comments to make on this Pre-Application consultation.

Please note that as part of the proposed development will be near a major accident hazard pipeline, you will need to consult the pipeline operator (if you haven't already done so).

Regards,
Sue Howe

HSE's Land Use Planning Support Team
Chemicals, Explosives and Microbiological Division 5
HSE, Harpur Hill, Buxton, Derbyshire, SK17 9JN

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From: William Griffiths <Will.Griffiths@innova.co.uk> on behalf of Legacy <Legacy@innova.co.uk>
Sent: 04 December 2023 10:18
To: LUP enquiries <LUPenquiries@hse.gov.uk>
Subject: RE: Proposed Development at Land North of Bronwylfa Road, Rhostyllen, Wrexham

Morning Sue,

Thank you for your time this morning.

I have now completed step 1 – see attached pdf. It advises that HSE have an interest as our development boundary crosses a pipeline operated by Wales and West Utilities. We are aware of this gas pipeline from previous utilities searches.

As discussed, the proposed development comprises an energy storage system connected by a cable (which will cross the identified pipeline) to Legacy substation. Once constructed, the development will not attract people to the area for work, save for one or two visits per month for maintenance.

Please can you advise how we should proceed?

Kind regards,

William Griffiths
Project Manager

T 01242 436705
E will.griffiths@innova.co.uk

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

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From: LUP enquiries <LUPenquiries@hse.gov.uk>
Sent: Friday, December 1, 2023 3:52 PM
To: Legacy <Legacy@innova.co.uk>
Subject: Re: Proposed Development at Land North of Bronwylfa Road, Rhostyllen, Wrexham [Filed 01 Dec 2023 17:03]

Dear William

Thank you for your enquiry.

Please can you provide access to the 'HSE Web App'?

I have set up an account with the details provided and with the email address 'will.griffiths@innova.co.uk'. The group administrator e-mail address specified should within the next half hour receive an e-mail from 'donotreply@pa.hsl.gov.uk' which will provide the log-in details to the Web App. Note, if your e-mail is not received, please check your spam or junk e-mail filters - the e-mail may have been incorrectly classified. Your internal IT support may need to add the specified e-mail address to a 'whitelist' to permit the e-mail to arrive.

The Web App is located here: <https://pa.hsl.gov.uk/>

Your group identifier will be on the left hand side of the e-mail, but to clarify, it is: **BUSINESSIRD2**

To use the app, it will require some initial set-up. When you have logged into the system, please click on the User Admin tab, and click your e-mail address. Please then set appropriate levels of permissions in the boxes that appear below. (Please note that this is the same method that you can use to grant permissions to other users that join your group). Further detail can be found in the user guide.

Further users at your business should now join the group by clicking the 'Join an existing group' link, and completing the form provided with their own e-mail address and the Group Identifier (provided on your initial e-mail with log-in details). The user will receive an e-mail, with a link that they should click to verify their e-mail address. You should then (as a group admin) receive an e-mail from the system which will allow you to permit the user to join your group, and they will then be able to log-in.

Within the Web App, there are two distinct enquiry phases. The free 'Phase 1' enquiry will generate a PDF report that indicates whether or not the enquiry area is within or outside of any HSE consultation zones. To obtain HSE's advice, the enquiry will need to be continued to the 'Phase 2' stage, which generates another PDF with HSE's advice which is expressed as whether HSE would advise against the granting of planning permission or whether HSE would not advise against. Details of how to proceed through each enquiry stage are available via the user guide.

Please note a user guide can be found from the log-in page of the Web App.

The proposal is crossed by an underground gas pipeline, however I am unsure if this pipeline is classified as a 'major hazard pipeline' – please advise how I can confirm this? This is shown in phase 1 of the Web App.

HSE's pre-application advice with respect to land use planning is only required where a development lays wholly or partially within a HSE consultation distance. HSE's Land Use Planning Web App can be used to establish if the proposed development site is within such a consultation distance. This element can be obtained with no cost.

You will then be able to plot your development land to identify whether the site falls within a HSE consultation zone, if it does fall within a HSE consultation zone then forward the output pdf received and we will then provide you with a credit for each pre-application consultation required so that you may then obtain our formal pre-application advice, again via the web app i.e. Phase 2.

Please advise how I can confirm locations of COMAH establishments.

[COMAH - Public information on establishments subject to the COMAH \(hse.gov.uk\)](#) then [public information about establishments in your area](#)

We are simply obliged to consult with HSE, as part of our Pre Application Consultation (the confusion over who within HSE is consulted having sparked this email exchange).

The Web App instructions above are how to consult with HSE regarding a Welsh Pre Application consultation.

Should you have any further queries, please do not hesitate to contact us.

Regards

Sue Howe
HSE's Land Use Planning Support Team
Chemicals, Explosives and Microbiological Division 5
HSE, Harpur Hill, Buxton, Derbyshire, SK17 9JN

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From: William Griffiths <Will.Griffiths@innova.co.uk> on behalf of Legacy <Legacy@innova.co.uk>

Sent: 30 November 2023 16:18

To: LUP enquiries <LUPenquiries@hse.gov.uk>; Legacy <Legacy@innova.co.uk>

Subject: RE: Proposed Development at Land North of Bronwylfa Road, Rhostyllen, Wrexham

Dear Sue,

Thank you for the response.

To aid in ensuring we consult HSE correctly, I have provided a few responses in red below where I have queries and would appreciate your guidance.

Kind regards,



William Griffiths
Project Manager

T 01242 436705
E will.griffiths@innova.co.uk

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

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From: LUP enquiries <LUPenquiries@hse.gov.uk>

Sent: Wednesday, November 29, 2023 2:37 PM

To: Legacy <Legacy@innova.co.uk>

Subject: Re: Proposed Development at Land North of Bronwylfa Road, Rhostyllen, Wrexham

Dear William

Thank you for your enquiry.

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines

Battery Energy Storage Systems are usually not a relevant development in relation to land-use planning in the vicinity of major hazard sites and major accident hazard pipelines.

This is because they do not, in themselves, involve the introduction of people into the area. HSE's land use planning advice is mainly concerned with the potential risks posed by major hazard sites and major accident hazard pipelines to the population at a new development. **Noted.**

However, if the proposed development is located within a safeguarding zone for a HSE licensed explosives site then please contact HSE's Explosives Inspectorate. Their contact email is Explosives.planning@hse.gov.uk.

The HSE Land Use Planning Web App can be used to find out if a site is within an explosives site zone (as well as in zones for major hazard sites and major accident hazard pipelines). If you require access to the HSE Web App then please contact the Land Use Planning Team (lupenquiries@hse.gov.uk) **Please can you provide access to the 'HSE Web App'?**

If the development is over a major accident hazard pipeline or in the easement around a major accident hazard pipeline, please consult the pipeline operator. **The proposal is crossed by an underground gas pipeline, however I am unsure if this pipeline is classified as a 'major hazard pipeline' – please advise how I can confirm this?**

If the development involves a new substation or the storage of electrical energy such as in a large battery storage unit and the development is proposed adjacent to a COMAH (Control of Major Accident Hazards) establishment then please consult the operator of the COMAH establishment. **Please advise how I can confirm locations of COMAH establishments.**

If the development involves a substation or the storage of electrical energy such as in a large battery storage unit and is proposed in the vicinity of a nuclear site the Office for Nuclear Regulation (ONR) does wish to be consulted over such proposals. They can be contacted on ONR-Land.Use-Planning@onr.gov.uk **Proposal is not located in the vicinity of a nuclear site.**

I am not aware of the 'Health and Safety Regulation' that you asked me about, therefore I will forward your email to the Concerns and Advice team to enquire if they can help you with this. They can be contacted at 'advice@hse.gov.uk' and they should contact you.

I don't believe I asked for 'Health and Safety Regulation', moreover that was the response received from the Business.Enquiries@hse.gov.uk address I first contacted – see attached email. We are simply obliged to consult with HSE, as part of our Pre Application Consultation (the confusion over who within HSE is consulted having sparked this email exchange) .

If you have any further questions please contact us.

Regards

Sue Howe
HSE's Land Use Planning Support Team

Chemicals, Explosives and Microbiological Division 5
HSE, Harpur Hill, Buxton, Derbyshire, SK17 9JN

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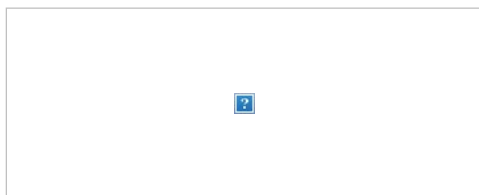
From: William Griffiths <Will.Griffiths@innova.co.uk> on behalf of Legacy <Legacy@innova.co.uk>
Sent: 28 November 2023 12:44
To: LUP enquiries <LUPenquiries@hse.gov.uk>
Cc: Simon Gamage <Simon@innova.co.uk>; Richard Turner <Richard@innova.co.uk>
Subject: FW: Proposed Development at Land North of Bronwylfa Road, Rhostyllen, Wrexham

Good afternoon,

Innova have commenced Pre-Application Consultation for a proposed Energy Storage System development near Wrexham. This consultation runs until 2nd January 2024. As part of this process, we are obliged to advise statutory consultees of the consultation and where materials relating to the application can be found – HSE is a statutory consultee. I provided the below notice (email dated 27th November) to HSE's Business.Enquiries@hse.gov.uk, who advised they can only deal with commercial and scientific enquiries to HSE, not ones concerning health and safety regulation. I subsequently contacted PlanningGatewayOne@hse.gov.uk and received the below response advising they only cover matters in England.

I was therefore hoping you could provide the appropriate contact to whom I can forward the notice to. Please note we have a statutory 28-day consultation period backdated from 2nd January 2024 so a timely response would be much appreciated.

Kind regards,



William Griffiths
Project Manager

T 01242 436705
E will.griffiths@innova.co.uk

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

www.innova.co.uk

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From: PlanningGatewayOne <PlanningGatewayOne@hse.gov.uk>
Sent: Tuesday, November 28, 2023 9:45 AM
To: Legacy <Legacy@innova.co.uk>
Subject: RE: Proposed Development at Land North of Bronwylfa Road, Rhostyllen, Wrexham

Good morning,

Thank you for your email.

Unfortunately we would be unable to assist with a development in Wales as Planning Gateway One covers the whole of England only. (The team is not regionalised like some other statutory consultees).

Please contact your Local Building Control Authority who should be able to assist you further with this Pre-Application request.

I hope this explains our position.

Kind regards

Lisa Gaskill

Operational Support | Planning Gateway One | Building Safety Regulator
Health and Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS
☎: ✉: PlanningGatewayOne@hse.gov.uk

Text ☐ ☐ Description automatically generated with medium confidence



From: William Griffiths <Will.Griffiths@innova.co.uk> **On Behalf Of** Legacy
Sent: 27 November 2023 17:46
To: PlanningGatewayOne <PlanningGatewayOne@hse.gov.uk>
Cc: Buxton Business Enquiries <Business.Enquiries@hse.gov.uk>
Subject: RE: Proposed Development at Land North of Bronwylfa Road, Rhostyllen, Wrexham

Please find attached formal notice under Town and Country Planning (Development Management Procedure) (Wales) Order 2012

Purpose of this notice: this notice comprises a formal request for a pre-application consultation response under article 2D of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012

Proposed Development at: Land North of Bronwylfa Road, Rhostyllen, Wrexham

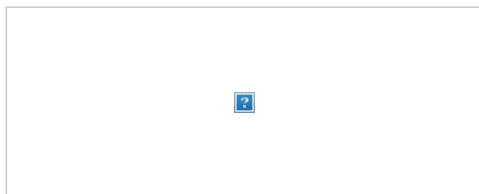
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is intending to apply for planning permission: *for the installation and operation of an Energy Storage System (ESS) including energy storage units, substation, site access, cable connection, landscaping and ancillary infrastructure.*

A copy of the proposed application; plans; and other supporting documents can be viewed online at

<https://innova.co.uk/projects/legacy-ess/>

In accordance with the requirements of article 2E of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, a consultation response must be sent to legacy@innova.co.uk or using our free postal address 'FREEPOST Innova' by 2 January 2024



William Griffiths

Project Manager

T 01242 436705

E will.griffiths@innova.co.uk

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

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From: Buxton Business Enquiries <Business.Enquiries@hse.gov.uk>

Sent: Monday, November 20, 2023 11:25 AM

To: Legacy <Legacy@innova.co.uk>; William Griffiths <Will.Griffiths@innova.co.uk>

Subject: RE: Proposed Development at Land North of Bronwylfa Road, Rhostyllen, Wrexham

Good morning William,

Thank you for your email. Unfortunately we can only deal with commercial and scientific enquiries to HSE here, not ones concerning health and safety regulation.

Can I suggest you contact the HSE Concerns and Advice Team directly, if you are unable to identify a specific email address for these notifications? You can ask for advice at [Making an advice request - Customer Self-Service \(hse.gov.uk\)](https://www.hse.gov.uk/customer-service/).

Best regards,

Jeremy Potter



Business Enquiries

HSE Science and Research Centre

Harpur Hill, Buxton, Derbyshire, SK17 9JN

From: William Griffiths <Will.Griffiths@innova.co.uk> **On Behalf Of** Legacy

Sent: 17 November 2023 16:59

To: Buxton Business Enquiries <Business.Enquiries@hse.gov.uk>

Subject: Proposed Development at Land North of Bronwylfa Road, Rhostyllen, Wrexham

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From: [PlanningGatewayOne](#)
To: [Legacy](#)
Subject: RE: Proposed Development at Land North of Bronwylfa Road, Rhostyllen, Wrexham
Date: 28 November 2023 09:45:09
Attachments: [image003.jpg](#)
[image004.png](#)
[image005.jpg](#)

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Horton-Taylor, Leo

From: Paul Pemberton <Paul.Pemberton@wrexham.gov.uk>
Sent: 21 November 2023 09:19
To: Legacy
Subject: Consultation re Energy storage system

Morning thanks for the recorded correspondence received yesterday. I am the local member for the area of the proposed development. I regret to inform that I will not be supporting the development at this location. I have my reasons which I will outline at planning committee. Mainly too close to properties, safety, visual intrusion, and a few more. regards. Paul

Cllr Paul H Pemberton .Ponciau Ward.

Member of Rhosllanerchrugog Community council. Chair of Homes & Environment scrutiny committee. Chair of Constitution working group., Member of Licensing committee. Member of the Grievance Committee, Chair of independent group.

Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.

Ewch i weld - mi fedrwch chi dalu, rhoi gwybod, gwneud cais, dweud eich dweud, a dod o hyd i wybodaeth ar-lein yn www.wreccsam.gov.uk. Arbedwch bapur - meddyliwch cyn argraffu!

Mae'r neges e-bost hon ac unrhyw atodiadau wedi eu bwriadu ar gyfer yr unigolyn neu'r sefydliad y'i cyfeirir atynt yn unig. Am yr amodau llawn ynglŷn â chynnwys a defnyddio'r neges e-bost hon, ac unrhyw atodiadau, cyfeiriwch at www.wreccsam.gov.uk/top_navigation/disclaimersw.htm

We welcome correspondence in Welsh. We will respond to any correspondence in Welsh and this will not lead to any delay.

Take a look - you can pay, report, request, have your say and find information online at www.wrexham.gov.uk. Save paper - think before you print!

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