

From: Horton-Taylor, Leo

Sent: 18 June 2024 11:05

To: Gwyn Humphreys

Cc: Hulbert, Cerys; Ryan, Vincent

Subject: RE: PLANNING APPLICATION CONSULTATION - P/2024/0155, LAND NORTH OF BRONWYLFA ROAD, RHOSTYLLEN, WREXHAM, LL14 4EP

Hi Gwyn,

Apologies for the delay in coming back to you on this but please see the below comments made in response to the consultation response from the Landscapes, Nature and Forestry Division of Welsh Government:

We recognise the provisions of paragraph 3.58 of PPW 12 which states that Best and Most Versatile (BMV) land should be conserved as a finite resource for the future, however, paragraph 3.59 goes on to confirm that development on BMV land is permissible so long as an appropriate search sequence has been carried out, and that there is an overriding need for the development. The submitted Site Selection Report (SSR) assesses a number of sites across a range of ALC Grades including both BMV and non-BMV land. ALC grade was one of a range of factors that was considered in assessing a given site's suitability to support the development proposals. The most appropriate site (within a viable distance of the point of connection, limited environmental constraints and designations, and suitable access) happens to comprise BMV land. Whilst this is a valid constraint, the limited statutory designations meant that this site performed well against the criteria set out within the SSR.

Paragraph 3.59 of PPW 12 states that: *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 [our emphasis] directed to land of the lowest grade'.*

We consider that paragraph 5.7.12 of PPW 12 establishes a clear overriding need for the development, indeed battery storage is essential in the shift to 100% renewable energy generation; meaning that development on the site is appropriate considering the lack of a suitably available sites in lower ALC Grade free from other environmental designations.

In response to the points raised by the consultee each point is addressed in turn below:

- a) The 'RAG' status for sites containing predicted BMV agricultural land is inconsistent.
 - o BMV was not the sole reason for a site being awarded red/amber/ green. A combination of statutory environmental designations, physical features and policy constraints of each site is assessed and accordingly given a value, BMV was considered as a key part of each site's assessment. These assessments and professional judgement were carried out by Chartered Town Planners with extensive experience in renewable energy development.
- b) It is unclear how 'considerable weight' has been given in the search sequence or assessment to protecting BMV agricultural land from development.
 - o As with all planning decisions and assessments a development cannot be considered in a policy silo. It must be considered against the development plan as a whole and the planning balance undertaken, weighing up a number of often competing land use pressures. The same approach is required during site selection and substantial weight was apportioned to BMV but statutory designations including Ecology, landscape, Heritage and flood risk were also considered, (as directed by paragraph 3.59 of PPW) along with the prospects of gaining access to the site noting the considerable size of the infrastructure required for the development. In addition, as recommended by the NFCC guidance two points of access to the site was an important consideration from a safety perspective, many of the sites assessed were not able to provide this.
- c) The weight given to BMV land in the assessment compared to other constraints is unclear

- All site constraints were considered, the weight applied to BMV formed part of the overall consideration of the site's suitability for the proposed development. This included site availability, land use, topography, environmental designations (landscape, ecology, flood risk), access and local highway network, heritage and public rights of way.
- d) It is unclear if there is an 'overriding need' for use of BMV agricultural land
- The development comprises essential national infrastructure and is required in order for Welsh Governments to meet energy production and distribution targets by 2050. Further, Paragraph 5.7.12 of PPW states that *'Energy storage has an important part to play in managing the transition to a low carbon economy. The growth in energy generation from renewable sources requires the management of the resultant intermittency in supply, and energy storage can help balance supply and demand. Proposals for new storage facilities should be supported wherever possible.'*
- e) How was the application of the sequential test undertaken.
- The site selection process was undertaken at project conception and the assessment of sites carried out in accordance with the SSR. The process was inevitably refined as more information became available. The most appropriate site (the current site) was then considered in the context of sequentially available sites of a lower ALC Grade but no suitable sites of the correct size, with suitable abnormal load access or free from environmental constraints, were identified. Due to the nature of the development, there is no merit in searching for smaller sites to break up the development due to the costs of connecting the development to the grid.
 - The definition of an available site is set out within the submitted SSR which states that a site was considered available where there is an established economically advantageous / valued use or potential use, meaning that it is unlikely that the site would be made available for an ESS or evidence of direct landowner engagement.

The proposed development has very clear locational requirements, with proximity to the Legacy Substation being extremely important for purposes of efficiency and viability. For efficiency because the longer the cable route the greater the amount of energy is lost in the transmission process, and for viability because the further to the connection point the more expensive the cable connection will be, meaning that the cost of the energy increases.

One of the fundamental points of 3.58 of PPW 12 is protecting the finite BMV land resource. Importantly, this development is fully reversible at the end of its operations life, with the land being capable of being returned to agricultural use once the site has been restored. Battery storage facilities have a limited functional life due to the technology involved and the restoration of the site to its current condition can be secured via a suitable planning condition.

We trust that this addresses the comments made by the Welsh Gov Division, if you require anything further on this please don't hesitate to ask.

Kind regards,

Leo
Leo Horton-Taylor
 Planner

Stantec
 Studio 117, The Creative Quarter, 8a Morgan Arcade
 Cardiff CF10 1AF

From: Arwel.Williams@gov.wales <Arwel.Williams@gov.wales> **On Behalf Of** LQAS@gov.wales

Sent: 10 April 2024 17:14

To: Gwyn Humphreys

Cc: LQAS@gov.wales; planning <planning@wrexham.gov.uk>

Subject: PLANNING APPLICATION CONSULTATION - P/2024/0155, LAND NORTH OF BRONWYLFA ROAD, RHOSTYLLLEN, WREXHAM, LL14 4EP

Dear Gwyn Humphreys,

Re: Planning application consultation response – P/2024/0155 - Proposed development Land North of Bronwylfa Road, Rhostyllen, Wrexham.

Thank you for the formal consultation request concerning agricultural land quality and the application of BMV policy (Planning Policy Wales 12, paragraph 3.58 and 3.59) regarding the above proposed development. This response is made in accordance with Annex B5 and B6 of [Technical Advice Note \(TAN\) 6](#).

1. 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 application consultation documents. A copy is attached for reference.

The ALC survey report (see attached - Ref: 2104/4, Agricultural Quality of Land to the North of Bronwylfa Road, Wrexham – dated 11th January 2024) 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’ \(MAFF 1988\)](#).

2. Agricultural Land Classification (ALC) – Advice:

The ALC Survey Report (Ref: 2104/4, Agricultural Quality of Land to the North of Bronwylfa Road, Wrexham – dated 11th January 2024) can be accepted as an accurate reflection of the agricultural land quality on the site. This confirms the site contains 5.5ha Grade 2 (very good quality) agricultural land. **The site is therefore confirmed as entirely containing Best and Most Versatile (BMV) agricultural land and Planning Policy Wales (PPW) paragraphs 3.58 and 3.59 apply in this case.**

3. Response:

The Department, as a Specialist Consultee, advises the applicant that it has concerns with the application and provides the following observations:

- i. **Site Selection Report; Appendix 9 Table of Findings** - Of the 29 sites considered:
 - a. The ‘RAG’ status for sites containing predicted BMV agricultural land is inconsistent.
 - b. It is unclear how ‘*considerable weight*’ has been given in the search sequence or assessment to protecting BMV agricultural land from development.
 - c. the weight given to BMV land in the assessment compared to other constraints is unclear.
 - d. It is unclear if there is an ‘*overriding need*’ for use of BMV agricultural land.
 - e. how was the application of the sequential test undertaken.

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

‘Planning Policy Wales (PPW) 12, 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 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 Wyn 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