

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 April 2024

APPLICATION NO:
P/2023/0752

LOCATION:
LAND NORTH OF MAELOR WORKS
ACCESS ROADS TO MAELOR
GASWORKS CROSS LANES
WREXHAM
LL13 0UW

DATE RECEIVED:
17/10/2023

COMMUNITY:
Marchwiell

CASE OFFICER:
JP

WARD:
Marchwiell

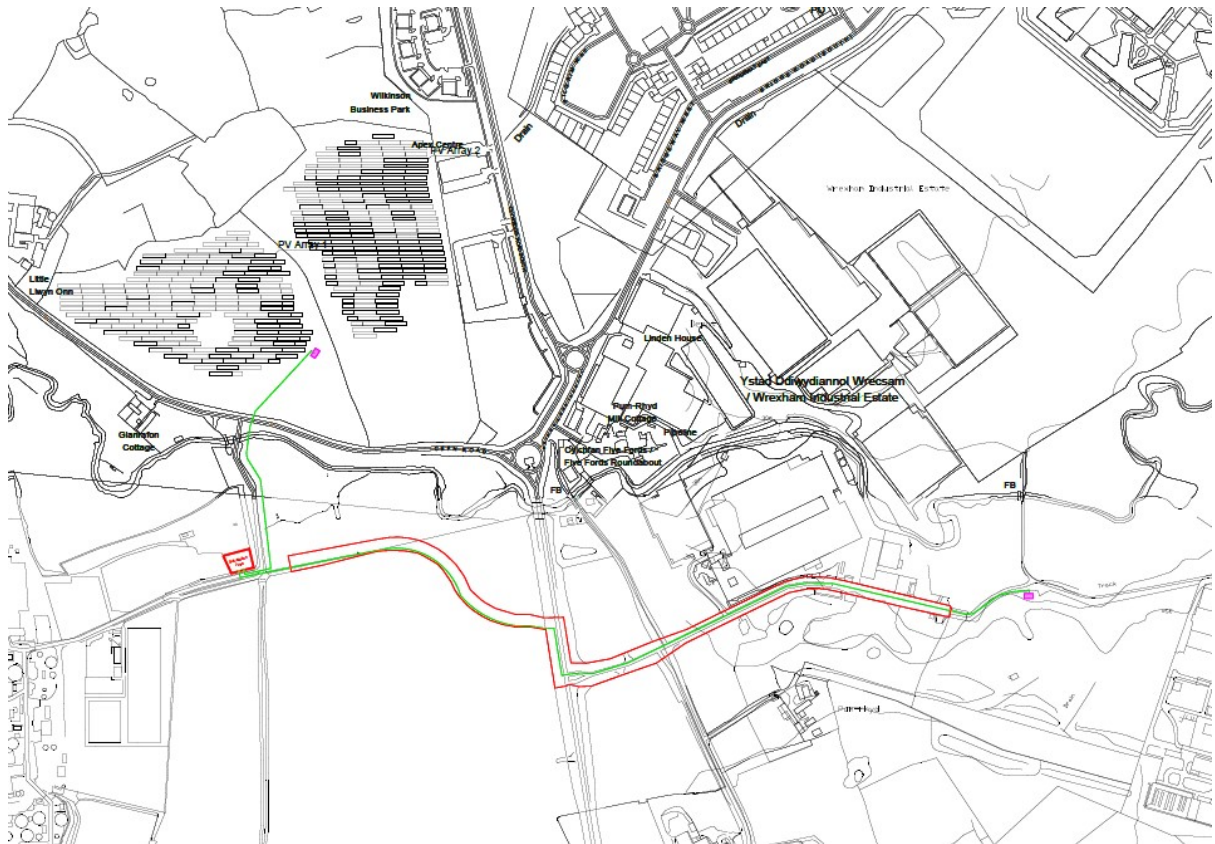
DESCRIPTION:
GOSOD CEBL FOLTEDD UCHEL
WEDI'I GLADDU / INSTALLATION OF
BURIED HIGH VOLTAGE CABLE

AGENT NAME:
INNOVA RENEWABLES
LTD
MR KIRK DENTON

APPLICANT(S) NAME:
MR KIRK DENTON
INNOVA RENEWABLES LTD

THE SITE

The application site is situated between Cefn Solar Farm and Wrexham Solar Farm, to the south of the Wrexham Industrial Estate.



PROPOSAL

Permission is sought for the installation of an underground high voltage cable. The proposed underground cable would be approximately 1.17km long.

HISTORY

Various history relating to the solar farm sites.

NATIONAL POLICY AND GUIDANCE

Planning Policy Wales 12

Technical advice note (TAN2) 5: nature conservation and planning

Technical advice note (TAN) 15: development and flood risk (2004)

Future Wales Plan (2020-40)

Future Generations of Wales Act 2015

DEVELOPMENT PLAN

Wrexham Local Development Plan.

Policy SP2: Location of Development

Policy SP14: Natural Environment

Policy SP16: Minerals Supply and Safeguarding

Policy SP18: Climate Change

Policy RE1: Development and Renewable Energy/Low Carbon Technology

Policy DM1: Development Management Considerations

Policy NE1: International and National Nature Conservation Designations

Policy NE3: Trees, Woodlands and Hedgerows

Policy MW1: Minerals Safeguarding

CONSULTATIONS

Sesswick Community Council

No response received

Marchwiel Community Council

No response received

Councillor J Pritchard

Objects for the following reasons:

The village of Cross Lanes was promised the new link road would take the pressure off in respect of heavy traffic travelling through the village to the Industrial Estate. This promise now seems to have disappeared.

The access road to this site is through the village of Cross Lanes because the only alternative route is through Isycoed and this would be prohibited because of the weight limit on Pickhill Bridge.

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 April 2024

A promise was made by Wrexham Planning Department that any industrial development in the future would be to the Northern side of the Industrial Estate. There have been concerns about development on this site for 2 years with activities taking place on the site that Planning Enforcement are aware of without any permission being granted.

The traffic flow in recent months has tripled in the Village of Cross Lanes as per the traffic monitoring system installed by the Community Council. If this access is allowed to go ahead the Village of Cross Lanes will be affected seriously by the heavy vehicles going to the site.

When former Gas Works site was in due in use the number of vehicle was very minimal, probably 2 or 3 daily as the planning department have indicated they have no records of previous traffic movement.

Objects to any development on this site as previous works without permission has destroyed our open countryside, trees and hedgerows. Industrial buildings have been erected without any planning permission being sought. Any applications for development that have not had planning permission should be refused.

Natural Resources Wales

Raise no objection subject to conditions being imposed relating to protected species and biosecurity. Further advice is given in respect of the following matters:

- *Protected Species*
Advise that the proposed development could harm or disturb Great Crested Newts and Bats or their breeding sites and resting places. Therefore, recommend that conditions should be attached to secure appropriate avoidance and mitigation measures. Advises that provided these measures are implemented, the proposed development is unlikely to be detrimental to the maintenance of the population of GCN at a favourable conservation status in its natural range.
- *Biosecurity*
Considers biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues relate to invasive non-native species (INNS) and diseases. Recommends that a condition be imposed requiring the submission and implementation of a Biosecurity Risk Assessment.
- *Flood Risk*
Advises that the Flood Risk Map confirms the application site lies partially within Zone C2 of the Development Advice Map (DAM). The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 2 (Rivers). However, given the nature of the proposed development, consider the proposals could be acceptable subject to the developer being made aware of the potential

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 April 2024

flood risks. Advises that there should be no ground raising or deposition of material within any flood zones.

- ***Protected Sites***

Notes the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC) but advises the proposed development is unlikely to increase the amount of phosphorus entering the catchment.

Dwr Cymru/Welsh Water

Advises that the site is crossed by public sewers and rising mains and recommends details for the protection of the structural condition of these assets are submitted. Also recommends that the site layout be amended to take into account the location of the assets crossing the site.

North Wales Minerals and Waste Planning Service

Considers that the submitted Minerals Safeguarding Assessment provides sufficient information to enable the Local Planning Authority to establish whether the proposed development meets the criteria Policy SP16 and MW1.

Advises that any sterilisation of mineral that may occur as a result of this development is not sufficient in quantity to override the need for the cable and its association with delivery of low carbon and renewable energy. Also advises that the operation of the solar development for a limited period of 40 years will mean that any viable material would not have been permanently sterilised. Also advises that the likelihood of this site specific narrow corridor of being actively worked for mineral extraction is low by nature of its position and route with the field.

Ecology Officer

Recommends the inclusion of a condition to require the submission and approval of GCN RAMS.

Highways Officer

Raises no objection subject to a planning condition requiring a CTMP and agreement of the technique for the installation of the cable across and along the highway.

Public Protection Officer

Recommends the inclusion of conditions and Advisory Notes in relation to construction noise, dust management and the burning of waste.

Contaminated Land Officer

No comments to make

Ramblers Association

Advises the development is close to Public Right of Way footpath Marchwiel 39 and that this should not be diverted or blocked by the development, nor during construction.

Rights of Way Officer

No response received

Publicity

The application has been advertised by both press and site notice and notifications sent to 22 nearby properties.

2 representations received expressing the following comments:-

- Support the application and welcome the fact the water treatment works is trying is using solar to become more self-sufficient / reduce electricity costs / reduce the burden on the grid.
- Do not object to the proposal however would like to be involved in CTMP owing to the cable fully passing their site.

SPECIAL CONSIDERATIONS

Principle of Development: The LDP does not have any policies that deal specially with energy infrastructure. However, policy SP18 deals with climate change. Of relevance to this proposal is the requirement to reduce carbon emissions and promote the supply of renewable energy. Policy RE2 also supported developments that generate energy from renewable sources, subject to them being appropriate in terms of siting and landscape impact.

The application does not propose development that generates energy from renewable sources. However, it proposes infrastructure associated with two solar farms and therefore supports the generation and distribution of energy generated from renewable sources. Considered in this context, the proposed development is acceptable in principle and accords with the objectives of the two policies.

Mineral Safeguarding: The proposed development would cross land within a designated Mineral Safeguarding Area. Policy SP16 seeks to protect minerals from unnecessary sterilisation. Policy MW1 states that non-mineral development within Mineral Safeguarding Areas will only be permitted where it can be demonstrated that:

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

The policy requires that applications for development in a Mineral Safeguarding Area be supported by a Mineral Safeguarding Assessment

(MSA).

The application is accompanied by a MSA. This concludes that due to the position and route of the cable it is unlikely the proposed development would sterilise mineral resources. It also concludes that there is a significant overriding need for renewable energy and associated infrastructure.

The MSA has been reviewed by the North Wales Mineral and Waste Planning Service (NWMWPS) who have advised that it provides sufficient information to establish whether the proposed development meets the criteria in policies SP16 and MW1.

NWMWPS advise that any sterilisation of mineral that may occur is not sufficient in quantity to override the need for the cable and the associated delivery of low carbon and renewable energy. Moreover, the operation of the solar farms is for a limited period of 40 years meaning that any mineral resources would not be permanently sterilised. Finally, NWMWPS consider the likelihood of this site specific narrow corridor being actively worked for mineral extraction is low due to its position and route.

Having regard to the above, the proposed development accords with policies SP16 and MW1.

Flood Risk: The site lies partially within Zone C2 of the Development Advice Map (DAM). The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 2 (Rivers).

The proposed development is for utilities infrastructure, which is defined as less vulnerable development in TAN15. TAN15 advises that less vulnerable development should only be permitted Zone C2 if it is determined to be justified in that location.

NRW raise no objection on the grounds flood risk provided there is no ground raising or deposition of material within the flood zones.

The application is accompanied by a Flood Risk Addendum (FRA). This concludes that there would be no increase in flood risk and that the development would not be at risk from a flooding event given that it would be completely underground. The FRA also confirms that there would be no increase in ground levels. Finally, the location of the development has been selected in order to support the operation of the consented solar farms.

It is considered that the proposed routing of the underground cable is justified by the operational requirement to provide the necessary infrastructure to serve the consented solar farms. It is essential infrastructure supporting the delivery of clean renewable energy from adjacent solar farms which is supported by the LDP. Being contained wholly underground, the development would not be at unacceptable risk of flooding and would not increase flood risk in the vicinity. It therefore complies with policy SP18 and the advice contained in TAN15.

Ecology/Biodiversity: The application is accompanied by a Preliminary Ecological Appraisal. This concludes that the proposed cable would cross primarily low value habitats. There would be a low risk of encountering protected species given that GCN and roosting bats are potentially present in close proximity to the proposed development. However, mitigation measures are recommended which would adequately minimise the risk of there being an adverse impact on protected species. These can be secured via an appropriately worded planning condition.

The proposed development may require the removal of a section of established hedgerow depending on the method of installation. An appraisal of the hedgerow accompanies the application and details that a 110m length of hedgerow was assessed against the criteria within the Hedgerow Regulations 1997. The hedgerow is likely to support nesting birds, which are protected under the Wildlife and Countryside Act 1981 (as amended). As a result it is considered to qualify as 'important' under the Hedgerow Regulations.

Where trenchless techniques cannot be used for the installation of the cable, that a 5m section of hedgerow may require removal. The application proposes that the hedgerow would be reinstated and would be subject to enhancement in the form of planting at least five native hedgerow species. This would improve species richness and overall biodiversity value. This is considered to be acceptable and in accordance with Policy NE3 of the LDP. The hedgerow reinstatement works could be secured via suitably worded planning condition.

In order to comply with chapter 6 of PPW 12 the application must demonstrate a Net Biodiversity Benefit (NBB). This could be secured by a suitably worded condition.

Highway Safety: The Highway Officer raises no objection subject to a suitably worded condition requiring the submission and implementation of a Construction Traffic Management Plan (CTMP).

Transport impacts resulting from the development would occur at construction stage only. A CTMP could be required by a suitably worded condition to require details of the methodology of laying the cable and measures to safeguard the highway and its users during construction, including measures to minimise mud and dust build up on the highway.

The Highway Officer has expressed some concern over detailed aspects of the work required to lay the proposed cable, including directional drilling, guarantees over exact the depth of the works and a requirement to avoid existing services. Protection measures for Highway Authority land are also requested. The concerns are noted, however the requirements of the Highway Authority are not governed by planning legislation and as such it would not be prudent to impose planning conditions to address the issues. The applicant would need to seek agreement with the Highway Authority separately regarding any works within Highway Authority controlled land.

Having regard to the above, the development would not give rise to highway safety concerns and therefore accords with policy DM1.

Dwr Cymru/Welsh Water Assets: Dwr Cymru/Welsh Water (DC/WW) advise that the proposed development site is crossed by public sewers and rising mains. DC/WW has rights of access to its apparatus at all times.

DC/WW recommend that details for the protection of the structural condition of these assets are submitted to them. They also recommend that the site layout be amended to take into account the location of the assets crossing the site.

The applicant's agent has been made aware of DC/WW's comments and confirms that discussions have taken place between the two parties. A revised layout plan has not been submitted. However, the location of DC/WW's assets and their protection is not a matter within the scope of planning control and is instead a matter for the applicant to liaise directly with DC/WW over. Should the layout/route of the cable require amending, a further application for planning permission would need to be submitted.

Visual Impact: In order to comply with Policy DM1 of the LDP, the proposed development must accord with or enhance the character and appearance of the site and surrounding landscape.

The cable route would predominately be constructed via directional drill technique with the potential for open trenching to be used to construct one section, as detailed earlier in the report. Once the development has been completed and the land restored there would be minimal impact upon the landscape. A suitably worded condition could require a scheme of restoration and landscaping.

Having regard to the above, the proposed development accords with policy DM1.

CONCLUSION

The proposed development is intended to support the generation and distribution of renewable energy and would not give rise to flood risk, ecology, highway safety or visual amenity concerns. It therefore accords with the relevant LDP and national planning policies.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 April 2024

2. The development shall only be carried out in strict accordance with the details shown on the approved Location plan and as contained within the application documentation.

3. The development shall be carried out in strict accordance with the findings and recommendations contained within the Proposed Cable Route Cefn Park and Wrexham Pv. Ecological Appraisal. Etive Ecology, 20/06/2023 approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.

4. No development shall take place until a Great Crested Newt Reasonable Avoidance Measures scheme has been submitted to and approved in writing by the Local Planning Authority. The Reasonable Avoidance Measures scheme shall include, but not necessarily be limited to:

- Build upon the principles outlined in the ecological report (above).
- Details and associated plans concerning GCN reasonable avoidance and mitigation measures including, but not limited to, one-way amphibian fence design and locations (prior to and throughout the duration of any work).
- Measures to be taken to prevent or reduce accidental capture or killing of GCNs during the construction phase.
- Ecological Compliance Audit.
- Works to be carried out under the appropriate licence issued by NRW under the provisions of Regulation 55 (2) of the Conservation of Habitats and Species Regulations 2017 (as amended) if works cause death injury or disturbance to protected species and or cause damage or destruction to their breeding sites and resting places.

The Reasonable Avoidance Measures scheme shall be carried out in accordance with the approved details.

5. No development shall take place until a bat Reasonable Avoidance Measures scheme has been submitted to and approved in writing by the Local Planning Authority. The Reasonable Avoidance Measures scheme shall include, but not necessarily be limited to:

- Build upon the principles outlined in the ecological report (above).
- Details and associated plans concerning bat reasonable avoidance and mitigation measures (prior to and throughout the duration of any work).
- Details and timings for climbed endoscope inspections and/or activity surveys.
- Ecological Compliance Audit.
- Works to be carried out under the appropriate licence issued by NRW under the provisions of Regulation 55 (2) of the Conservation of Habitats and Species Regulations 2017 (as amended) if works cause death injury or disturbance to protected species and or cause damage or destruction to their breeding sites and resting places.

The Reasonable Avoidance Measures scheme shall be carried out in accordance with the approved details

6. Prior to the commencement of development, a Biosecurity Assessment shall be submitted to and approved in writing by the Local Planning Authority. This assessment must include:

- i) appropriate measures to control any INNS on site; and

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 April 2024

ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme. The works shall only be carried out in strict accordance with such details as are approved.

7. Any sections hedgerow to be removed during construction works shall be replanted during first available planting season following the first use of the development. The hedge shall comprise blackthorn *Prunus spinosa* (5%), hawthorn *Crataegus monogyna* (80%), dog rose *Rosa canina* (5%), field maple *Acer campestre* (5%), hazel *Corylus avellana* (5%) - British provenance 60-80cm bare rooted 1+1 transplants, with spiral rabbit guards. They shall be planted in 2 staggered rows, 45cm apart with plants at 30cm spacing. Species are to be planted in same species groups of 3 to 7 plants and the hedge will be protected with stock proof post and wire/netting erected 1m from planting, with planting on the public side of any boundary. Planting shall be watered to full ground capacity on completion, maintained weed free within the first 3 years, any dead dying or failing to thrive planting replaced annually within the first 5 years and fencing maintained for a minimum of ten years.

8. The planting scheme implemented in connection with condition no. 7 shall be permanently retained. Any planting which becomes severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced within the next available planting season by plants of similar size and species to those originally required to be planted.

9. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented in full.

10. No development shall commence until a detailed plan to provide net benefit for biodiversity (NBB) has been submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented as approved prior to the first beneficial use of the development and shall be retained thereafter for the lifetime of the development.

11. Within three months of commencement of development a scheme of land restoration and landscaping shall be submitted for the written approval of the Local Planning Authority, to include a timescale for implementation. Land restoration and landscaping shall thereafter be carried out in accordance with the approved scheme.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. In order to protect wildlife interests in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.
4. In order to protect wildlife interests in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 April 2024

5. In order to protect wildlife interests in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.
6. To control non-native invasive species in accordance with Policy SP14 of the Local Development Plan.
7. To replace any hedgerow lost by the development hereby permitted in accordance with Policies NE3 and SP14 of the Wrexham Local Development Plan.
8. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies DM1 and SP14 of the Wrexham Local Development Plan.
9. To ensure no detriment to highway safety in accordance with Policy DM1 of the Local Development Plan
10. To ensure the development delivers net benefit to biodiversity in accordance with Policy 9 of Future Wales and Paragraph 6.4.5 of Planning Policy Wales (Edition 12).
11. In the interest of restoring the visual amenities of the site in accordance with Policy DM1 of the Wrexham Local Development Plan

NOTE(S) TO APPLICANT

Highways Authority Notes

We remind the applicant that the cable installation, or indeed any new apparatus is subject to the applications for and the provision of a Section 50 agreement in advance. For this authority to be able to accept privately owned cables within council land or adopted highway, we would need:

1. Confirmation that all administrative fees and expenses associated with the design, installation and long term maintenance/security of the cable route is assured.
2. A bond will be required to ensure the interests of the public highway are maintained throughout the completion of works and defects liability period via the S50 agreement.
3. To minimise health and safety risks the applicant should register with a recognised service records company to ensure that the appropriate service records are provided when any standard searches are carried out in the future by potential contractors/applicants proposing to carry out work close to the cable(s). eg Linesearch or similar.
4. Details must be submitted of the proposed installation of the cabling including physical marking on site, possibly via chambers at changes in direction, marker posts etc. These features and the cable(s) must be maintained by the applicant in perpetuity. A marker tape, clay pots or similar visible protection above the cable should be provided.
5. The details provided are indicative, and the exact location must be agreed in writing with the highways department in advance of commencing such works. May we suggest a meeting to walk the proposed route, so we can consider minimising the extent under the highway and relocating parts within the verge.
6. Dimensioned and scaled layouts showing the proposed route must be coordinated with and show other mains services present in the road for review prior to approval and commencement of installation.

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 April 2024

We request a meeting on site with the applicant, and ask this response be attached as an Advisory Note to any approval.
