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LL572DW

Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

19/01/2023

Dear Sir/Madam,

PROPOSAL: ERECTION OF SOLAR FARM AND BATTERY STORAGE FACILITY

LOCATION: LITTLE LLWYN ONN, CEFN ROAD, LLWYN ONN, WREXHAM, LL13 0NY

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 22nd December 2022.

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

Condition: No development or phase of development, shall commence until a Landscape Ecological Management Plan (LEMP)

We also advise that based on the information submitted to date, the documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these documents we would object to this planning application. Further details are provided below.

- Cefn Solar Farm: Flood Consequence Assessment. Corylus Planning & Environmental Ltd. REF: 321/SP10 (v1) October 2021
- 'ETIVE ECOLOGY Ltd 21/12/22 Proposed Solar Farm & Battery Store Little Llwyn Onn, Cefn Road, Wrexham (P/2022/0541) Ecological Addendum' dated 21/12/22
- updated drawing 'Cefn Park; CE/321/L, Rev L' dated 16/08/21.

Protected Species

We note the following reports have been submitted in support of the above application

- Cefn Farm, Wrexham – Proposed Solar Park: Ecological impact assessment. Etive Ecology. April 2022).

- Proposed Solar Farm, Cefn Park, Wrexham, Great Crested Newt Mitigation Strategy. Etive Ecology. May 2022
- Great Crested Newt Mitigation Etive Ecology Ltd October 2022.
- Ecological Impact Assessment Etive Ecology Ltd October 2022
- Biodiversity Metric 3.1 Calculation Tool
- 'ETIVE ECOLOGY Ltd 21/12/22 Proposed Solar Farm & Battery Store Little Llwyn Onn, Cefn Road, Wrexham (P/2022/0541) Ecological Addendum' dated 21/12/22
- updated drawing 'Cefn Park; CE/321/L, Rev L' dated 16/08/21.

Great Crested Newts (GCN)

We note that the submitted ecological reports have identified that GCN are present at the application site. GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

We advise that the proposed development is not likely to harm or disturb the GCN or their breeding sites and resting places at this site, providing the condition below will be attached to any planning permission for this scheme and the 'Etive Ecology Ltd 21/12/22 Proposed Solar Farm & Battery Store Little Llwyn Onn, Cefn Road, Wrexham (P/2022/0541) Ecological Addendum' dated 21/12/22 and updated drawing 'Cefn Park; CE/321/L, Rev L' dated 16/08/21 is included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted:

We note from the method statement that it is intended to develop full details of the proposed habitat creation and management at the time of the licence application. We would advise that the preparation and implementation of management is captured within a Landscape and Ecology Management Plan (LEMP) condition.

Condition: No development or phase of 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:

- Submission of a long-term site management plan (for a duration of construction and operation of the scheme) that includes:
 - defined aims and objectives.
 - target habitat conditions against which to measure condition
 - habitat management prescriptions for aquatic and terrestrial habitats.
 - appropriate amphibian reasonable avoidance measures
 - contingency measures if fish or invasive non-native species (INNS) are detected.
 - proposals that are capable of being implemented in the event of failure to undertake or to appropriately implement identified or contingency actions
 - site liaison and wardening; detail of the skills and competencies required by those undertaking the works or activities including whether they require European Protected Species licenses for the activities proposed.
 - licensing requirements for undertaking habitat management and surveillance.
 - current and any proposed changes to tenure of the compensation area,

- tenure of the compensation area to be approved by the LPA in consultation with NRW.
- persons or bodies responsible for undertaking management and surveillance together with required skills and competencies.
- reporting requirements; and proposed dates for updating or revising the management plan
- a biosecurity risk assessment

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.

In respect of an appropriate planning obligation, we advise that provisions include:

Long term Management

Suggested planning obligation provisions will need to consider the following within any preliminary "Heads of Terms" document and subsequent obligation;

- management Plan review and update,
- implementation of management,
- funding,
- liaison,
- restrictions on the future use of the dedicated great crested newt mitigation area.

Bat species, Otter, Water Vole

We advise that the submitted ecological impact assessment report is satisfactory with regard to Bat species, Otter and Water Vole for the purposes of informing the planning decision making process.

Provided these avoidance 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 species or their breeding sites and resting places at this site.

NRW would refer the Planning Authority to the letter from the Welsh Government to Chief Planning Officers dated 01 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

Flood Risk

The planning application proposes less vulnerable development (a solar farm). Our Flood Risk Map confirms the site to be partly within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls partly into Flood Zone 3: Rivers.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of a Flood Consequences Assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level.

The FCA submitted in support of this application (Cefn Solar Farm: Flood Consequence Assessment. Corylus Planning & Environmental Ltd. REF: 321/SP10 (v1) October 2021) shows that the flood risks and consequences could be managed to an acceptable level. The FCA should be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or grant the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Protected Sites

Our following advice is given on the understanding that there would be no new foul drainage requirements arising from the proposal. We would wish to be reconsulted if this is not the case.

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. As part of this package, we issued a [Planning Position Statement](#), in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.

However, the proposal 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.

Permitting

The site is within the Dee Water Protection Zone (DPZ). Given that battery storage facilities are proposed, the applicant may need to obtain consent for the storage of potentially hazardous/corrosive materials on site (depending on the thresholds of controlled substances being used/stored on site). Please see [Dee Water Protection Zone](#) for further information and advice.

The applicant has noted their intention to connect the cable between the North and South sites “...with a directional drill from the northern site to pass under Cefn Road and the River Clywedog, emerging on agricultural land adjacent to the FFWTW access road...” and “The necessary permits for this work, if required, will be sought from the relevant authorities.”

Please note that The Environmental Permitting Regulations (2016) require a bespoke Flood Risk Activity Permit to be obtained for any works or structures located in, under, over or within 8 metres of the bank top of the River Clywedog, a designated “main river”. Further advice and guidance is available on our website at:

<http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en>

Other Matters

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.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

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