

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 7 November 2022

APPLICATION NO:
P/2021 /0676

LOCATION:
LAND NORTH EAST OF MAELOR
WORKS CROSS LANES WREXHAM
LL13 0UW

DATE RECEIVED:
17/05/2021

COMMUNITY:
Sesswick

DESCRIPTION:
CODI FFERM SOLAR A
CHYFLEUSTER STORIO BATRIS /
ERECTION OF SOLAR FARM AND
BATTERY STORAGE FACILITY

CASE OFFICER:
MP

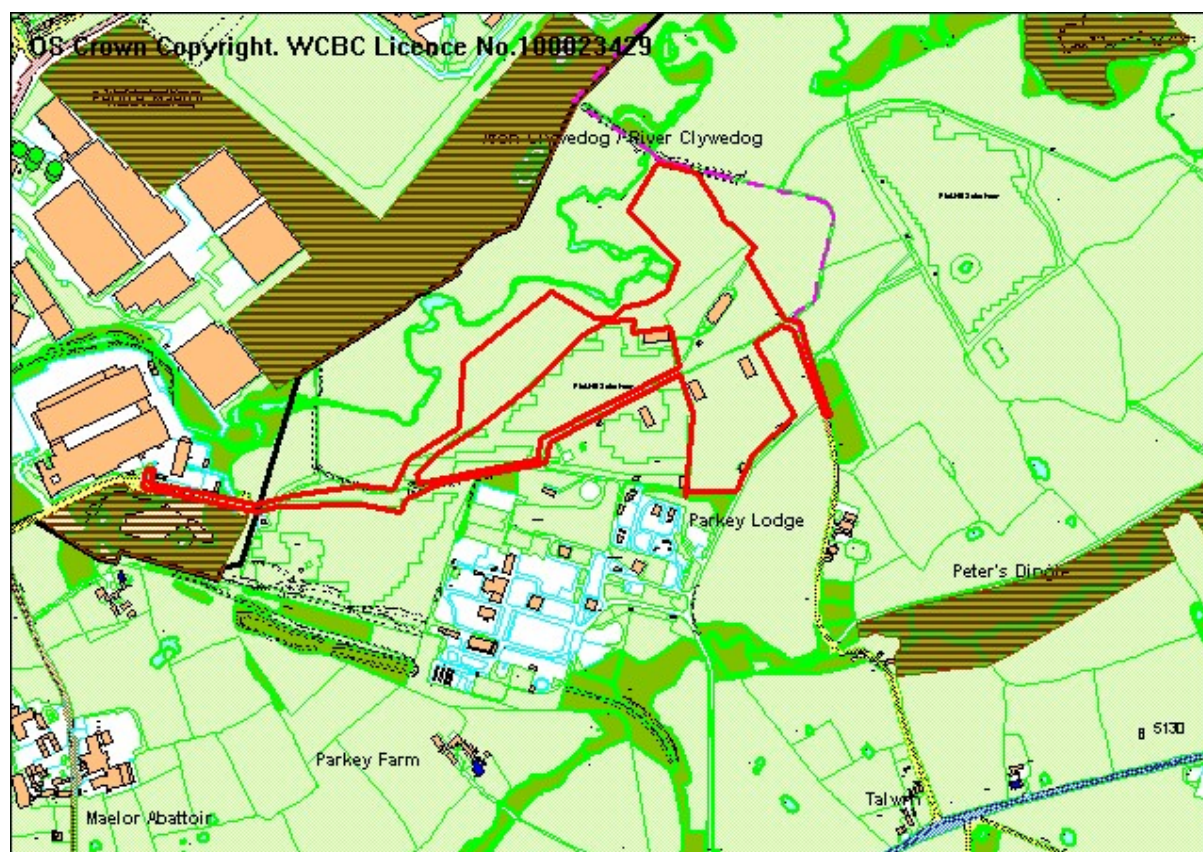
WARD:
Marchwiell

AGENT NAME:
MISS HELEN
DONNELLY

APPLICANT(S) NAME:
NOVUS RENEWABLE SERVICES
LTD

THE SITE

The site consists of an area of 9.3 hectares between the Maelor Gas Works and Wrexham Industrial Estate, surrounding the existing Pickhill Solar Farm. It lies to the south of the Clywedog valley. There are two access points - one to the west via Bedwell Road and Sesswick way, and one to the south-east via Pickhill to the B5130 Cross Lanes to Holt Road.



PROPOSAL

As above

There are two distinct elements to the proposed development:

1. Solar photovoltaic panels and associated infrastructure; and
2. A battery storage facility.

The proposed solar park, although adjacent to an existing solar park, would be operated separately from it. For the purposes of the consideration of the application, it is not considered to be an “extension”.

The proposed solar park would have a maximum export capacity of 5.7MWp. The battery storage facility would have an import/export capacity of 16MWh.

The proposed PV panels would be very similar in size and appearance to the units installed within the existing solar park, but each PV panel would have an increased generation capacity of 560-580kW.

The panels would be mounted on frames with a maximum height of 3.1m supported by a single stanchion. They would be arranged in rows facing south to maximize energy generating potential.

The layout has been designed to retain the second world war brick buildings, trees and hedgerows, along with additional planting and enhancements for biodiversity.

Within the proposed development, the battery modules would be stored within the container type structures, arranged within a racking system with an internal cabling and a fire suppression system. Each container would have a heating, ventilation and air cooling (HVAC) unit.

The applicant has reconsidered the proposed access route into the site and due to the constraints associated with travelling through the existing solar park for construction purposes, an alternative access route is now proposed to the east of the site. This access route will follow an un-named road from the B5130 which leads on to a private lane.

HISTORY

Adjoining solar farm

P/2015/0005 ERECTION OF 5MW PHOTOVOLTAIC CELL (SOLAR PANEL) SYSTEM Withdrawn 17/4/2015

P/2015/0463 INSTALLATION OF SOLAR FARM (INCORPORATING PHOTOVOLTAIC SOLAR PANELS) TO GENERATE UP TO 5MW OF POWER. Granted 17/12/2015

P/2016/0142 APPLICATION FOR APPROVAL OF DETAILS RESERVED BY CONDITIONS IMPOSED UNDER PLANNING PERMISSION

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P/2015/0463 (Conditions 04, 05, 06, 07, 12, 13, 17). Granted 2/6/2016

P/2016/1103 APPLICATION FOR A NON-MATERIAL AMENDMENT TO PLANNING PERMISSION P/2015/0463 TO REFLECT CHANGES IN THE DESIGN 'AS BUILT' RELATING TO MODULE LAYOUT, INVERTER POSITIONS, FENCE POSITIONS, COMBINER BOXES, DRAINAGE DETAILS, DNO SUBSTATION, INVERTER CABINS, CUSTOMER SUBSTATION, DEER FENCE. Granted 4/1/2017

P/2017/0479 APPLICATION FOR VARIATION OF CONDITION 3 IMPOSED UNDER PLANNING PERMISSION P/2015/0463 TO EXTEND TIMEFRAME FOR DEVELOPMENT TO 36 YEARS. Withdrawn 25/9/2019

P/2019/0440 APPLICATION FOR REMOVAL OR VARIATION OF CONDITIONS IMPOSED UNDER PLANNING PERMISSION P/2015/0463 (Conditions 02, 03, 05, 09, 10, 11, 12).. Granted 6/9/2019

P/2021/0287 DIWYGIO DEUNYDD DEUNYDDOL I DILEU AMODAU 08 (ADRODDIAD GWERTHUSO) A 09 (MONITRO A CHYNNAL A CHADW TERM HIR) CANIATAD CYNLLUNIO P/2019/0440 / NON MATERIAL AMENDMENT TO REMOVE CONDITIONS 08 (VERIFICATION REPORT) AND 09 (LONG TERM MONITORING AND MAINTENANCE) OF PLANNING PERMISSION P/2019/0440. Granted 26/4/2021

DEVELOPMENT PLAN

The site is outside any settlement limit defined by the Wrexham Unitary Development Plan. It is within a Hazardous Site Consultation Zone and is partly within a Zone C2 Floodplain. Policies PS1, PS1, PS2, GDP1, EC4, EC6, EC12, EC13, and T8 are relevant.

Planning Policy Wales 11 and the following Technical Advice Notes (TAN) are also relevant:

TAN5	Nature Conservation
TAN6	Sustainable rural communities
TAN8	Renewable Energy
TAN15	Development and Flood Risk
TAN18	Transport are relevant, together with Planning Policy Wales 11.

CONSULTATIONS

Community Council

Raises concerns and object to revised proposal on access grounds.

Concerns:

The potential of background noise from the generators and other apparatus when in operation, in combination with the existing solar farms in the vicinity. Whereas the existing solar farms do not appear to be causing noise pollution, when an additional one of this size is added to the mix, in combination they may generate a more noticeable noise level.

At the public consultation stage, Councillors were assured that this would not be a problem, but it should be noted that neighbouring communities already suffer from various background noises, both day and night, generated by a variety of operators located on the Industrial estate. Regular complaints are received about these noises, and therefore any possible additional noise nuisance would not be acceptable.

The need for hedgerow screening so that the solar panels are not a prominent visible feature seen from the homes of residents living in fairly close proximity to this site.

Objection

The revised change relating to the proposed access to the site is noted, that being via the B 5130 and the unnamed lane near Talwrn House. SCC objects to this revised access plan

Reasons:-

The safety of road users

The B5130 would take the construction traffic along a less suitable B Road, used by walkers on a regular daily basis, where there are no pavements or grass verges for the most part and through a settlement with a 30mph speed restriction. There is regular congestion at the Cross Lanes traffic lights and nearby co op shop. The speed restriction is frequently ignored to the detriment of walkers. This would put the safety of road users, in particular pedestrians and cyclists at risk.

The unsuitable unnamed link road to the site, part of which is privately owned.

The unnamed lane (quarter of a mile in length) from the B5130 is poorly surfaced, single track with a sharp bend and steep slopes, unsuitable for large vehicles. It is a 'No Through' road serving two residences. The turn off is also in close proximity to Shaw Lane and Watery Lane junctions with the B5130, which would require the use of a 3 or 4 way traffic light system on the B5130. This would create congestion and hold ups for many weeks.

The latter end of the unnamed lane is privately owned by the land owner at Parkey Farm, who has requested the support of SCC in his expressed non acceptance of trespass.

There is an alternative access which avoids these issues that being the one presented in the original proposal, via Sesswick Way and previously named

Tetra Pak road, 'described in the original application as ' a more practical access'.

SCC would support the original proposal of access, but not the revised proposal.

Local member

Consulted 21/7/2021

Highways

Initial Response

Traffic Generation

The highway impact of the proposal would be during the construction and decommissioning periods.

The Construction Traffic Management Plan (CTMP) includes an estimate of traffic to be generated during the 16 week construction programme.

A maximum of 25 personnel, travelling by minibus or shared cars will create up to 13 arrivals/departures within the weekday peak periods.

The maximum weekly need for HGV movements is estimated to be 77. This is around 30 per day for one week, with a significantly lower number of HGV movements in other weeks. It is appreciated that robust assumptions have been used in this estimation, and that in reality HGV movements are likely to be spread across a longer time frame.

The HGVs used are expected to be similar to those already using this part of the highway network.

It is noted that no abnormal loads are expected, but that the appropriate applications will be made if they are used.

When operational, the site is expected to require 1-2 visits per month for maintenance, with a negligible impact on the highway network.

Access

The site is accessed from Tetra Pak Road, which joins Sesswick Way at a priority junction.

Sesswick Way junction and Tetra Pak Road are of an appropriate standard to support the development. Tetra Pak Road already serves an existing solar park.

Construction Traffic Management Plan

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An appropriate Construction Traffic Management Plan (CTMP) has been submitted. The CTMP does not specify a route for vehicles to take, it is agreed that with no sensitive roads or locations to avoid, drivers may select an appropriate route. It is assumed that vehicles will travel through Wrexham Industrial Estate to the A534.

The CTMP confirms that adequate on-site parking would be provided and no parking or unloading would be permitted on the public highway.

Temporary signage warning drivers of the additional HGV movements would be agreed between the Principal Contractor and Wrexham Council's Highways Department.

Conclusion

The highways impact of this development is short term, limited to the construction and decommissioning phases. The impact when operational is negligible. Therefore, there is no highways reason why planning permission should not be granted.

Additional Response

Following the previous response a revised layout plan has been submitted, proposing an alternative access route to the east of the site. This follows an un-named road from the B5130, leading on to a private lane.

The proposed access junction off the B5130 has good visibility and has previously been used by similar traffic during the construction of the solar farm at Bridge Farm. An amended Construction Traffic Management Plan has also been submitted, which is appropriate.

Conclusion

As previously established, the highways impact of the development would be limited to the construction and decommissioning phases. The new proposed access route is appropriate, with a suitable Construction Traffic Management Plan in place. There is no highways reason why planning permission should not be granted.

Public protection

No objection subject to a noise condition and comments

Contaminated Land

Recommend conditions

Ecology Officer

Satisfied with the proposal provided that in addition to the NRW conservation plan condition, the following general ecological conditions are placed on the permission:

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No development shall take place (including, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Mineral planning authority. The CEMP Biodiversity shall include the following.

- Risk assessment of potentially damaging construction activities.
- Identification of “biodiversity protection zones”.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works, pre commencement surveys and the distribution of results.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

An ecological compliance audit shall be carried out by a qualified ecologist, independently of the appointed principal ecologist, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. A copy of the completed audit reports should be submitted to and approved in writing by the Local Planning Authority after each phase of development.

Tree officer
Consulted 2021

WG Landscapes, Nature and Forestry Division

1. Agricultural Land Classification (ALC): Technical Assessment

A detailed ALC Survey has been undertaken of the site by Amet Property (Report Ref: Agricultural Land Classification – Land to the North of Maelor Gasworks, dated 31st August 2022 – Issue 1). The ALC Survey Report has been validated by the Department and has been completed to an acceptable standard as per ‘Guidelines and Criteria for Grading the Quality of Agricultural Land’ (MAFF 1988). **The Report confirms that the area surveyed contains 6.0ha ALC Subgrade 3b, 0.8ha Grade 4 and 1.1ha Grade 5 – Total of 7.9ha surveyed.**

2. Agricultural Land Classification (ALC): Advice:

The ALC Survey Report (Report Ref: Land to the North of Maelor Gasworks, dated 31st August 2022 – Issue 1) can be accepted as an accurate reflection of the agricultural land quality on the site.

HSE

Do not advise against granting permission

Natural Resources Wales

Continue to have concerns with the application as submitted although advises that they can be overcome by attaching conditions regarding European protected species and ground water protection to any planning permission granted. Advises that the documents identified below must be included in the approved plans and documents condition on the decision notice. Without the inclusion of these conditions and documents NRW would object to this planning application.

1. Construction and Environment Management Plan (CEMP) (within the Surface Water Management Plan - Appendix D).
2. Flood Consequences Assessment (FCA) (ref: 258/FCA/v2, May 2021, Corylus Ltd).

Protected Species

Great Crested Newts (GCN)

Great crested newts and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and they are classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN 5).

The application site has been subject to assessment in respect of the GCN and additional information submitted in respect of this:
Etive Ecology Ltd. (June 2022). Proposed Solar Park Marchwiell, Wrexham.
Great Crested Newt Mitigation Strategy.

The ecological submission confirms the presence of this species within and in the environs of the application site and has included additional mitigation following a meeting held between the developer, the local planning authority and NRW on the 15/06/2022.

NRW advises that the overall proposal has the potential to cause disturbance to great crested newts and/or loss or damage to their resting places during construction and operational phases. Advises that implementation is subject to regulation under the provisions of a derogation licence.

The Regulations allow the approval of a scheme that would be likely to result in disturbance or harm to GCN, but only if it satisfies an appropriate Habitats Directive derogation purpose and two tests before a licence can be issued from Natural Resources Wales.

In the case of development, the applicable derogation purpose is:

- “Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic

nature, and beneficial consequences of primary importance for the environment.”

Furthermore, the licence can only be issued by NRW on condition that there is:

- “no satisfactory alternative”, and that
- “the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

Paragraph 6.3.7 of TAN 5, states that the Local Planning Authority should not grant planning permission without having satisfied itself that the proposed scheme either would not impact adversely on any GCN’s on the site or that, in accordance with Paragraph 6.4.23 of Planning Policy Wales (11th Edition), the requirements for derogation must be satisfied when considering development proposal applications. The LPA may as part of its assessment process materially consider representations from NRW as the relevant licencing authority.

NRW advises that the habitat onsite is likely to support medium meta population of GCN and as the solar farm covers a substantial area (approx. 9.3 hectares), these works will result in significant direct and indirect disturbance during construction and for some time thereafter while habitats re-establish. GCN are known to readily utilise improved grassland in the wider area. NRW welcomes the measures outlined in terms of general site management, soil mounds, provision of hibernacula, pond creation, hedgerow creation and rough grassland corridor. The additional mitigation area proposed will cover approximately 1.6ha which will contain additional features suitable for CGN. NRW therefore advises that the scheme as proposed satisfactorily demonstrates no likely detriment to the maintenance of the favourable conservation of the local population of GCN.

NRW advises that the Council’s Ecologist should be consulted regarding the suitability of the plan for local environmental receptors and as the mitigation area now adjoins the Clywedog river, there may be further opportunities for in-river / riparian corridor management which could provide biodiversity gain.

NRW recommends the following conditions if planning permission is to be granted:

Condition 1: No development shall commence until a GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

The GCN Conservation Plan should include but not necessarily be limited to: Submission of details and associated plans concerning GCN avoidance and mitigation measures including, but not limited to: fence design, specifications and proposed locations; consideration of access issues across fence lines (including PROW if applicable); fence monitoring and maintenance requirements; and supervised removal of barrier fences. Submission to include proposed timescales and reporting requirements;

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- Submission of a long term site management plan (not less than 25 years) that includes defined aims and objectives together with current and favourable conservation status of the local population of GCN; habitat management prescriptions; 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 undertake identified or contingency actions;
- Site liaison and wardening, licensing requirements for undertaking habitat management and surveillance;
- Current and any proposed changes to tenure of the dedicated ecology area to the satisfaction of the LPA (we advise tenure to accord with the definition of “responsible” body under Section 7 of the Environment Act 2021’); 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;
- Detail of the skills and competencies required by those undertaking management and maintenance works, surveillance or activities. The detail shall also specify requirements for European Protected Species licenses for each of the specified activities;
- Provision for periodic review mechanism for the Conservation Management Plan;
- Contingency measures that are capable of being implemented in the event of failure to undertake or appropriately implement identified management or surveillance prescriptions;
- Submission of details concerning the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots;
- Details of timing, phasing and duration of construction activities and conservation measures;
- Timetable for implementation demonstrating that works are aligned with the proposed development;
- Ecological Compliance Audit, including key performance indicators;
- Persons responsible for implementing the works;
- Post construction monitoring plan. Monitoring plan to include:
 - Methodology: The Wales Great Crested Newt Monitoring Scheme shall be used with surveys being carried out annually for the first 5 years thereafter on a biennial basis from year 6. However, monitoring shall be carried out on an annual basis if fish or invasive non-native species are detected;
 - Duration: timescale to accord with operational and decommissioning phases of the proposal
 - Surveys shall be abundance counts and habitat quality assessments using Habitat Suitability Index (HSI) scores;
 - Identification of individuals/bodies being responsible for monitoring and reporting results;
 - Each water body shall be individually numbered on site.
- Submission of a biosecurity risk assessment.

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Reason: To ensure that an approved GCN Conservation Plan is implemented, which protects the species affected by the development.

We advise that any submitted conservation plan references consideration of any planning condition or obligation requirements, including suggested 'Heads of Terms' required for the purposes of informing the detail of any future Section 106 agreement.

It is suggested any planning obligation (Section 106 Agreement/Unilateral Undertaking) includes consideration of the following suggested provisions in respect of ecology. It is advised that suggested provisions be incorporated within any preliminary "Heads of Terms" document:

- a) Requirement to enter into a Section 39 Agreement under the Wildlife and Countryside Act 1981 (as amended) or Section 16 Management Agreement under the Environment (Wales) Act 2016 before commencement of construction or other date defined by the LPA. The applicant to pay all reasonable public sector costs associated with the completion of the management agreement;
- b) [Annual / biennial] liaison meetings;
- c) Management plan review and approval by the LPA or another body approved by the LPA' ;
- d) Tenure and any proposed changes to tenure shall be carried to the satisfaction of the LPA in consultation with NRW

Bats

NRW concurs with the conclusions and recommendations of the Report in regard to bats.

Otter

NRW concurs with the conclusions and recommendations of the Report in regard to otters.

Flood Risk

NRW's original concerns related to the impacts of the proposal on flood risk elsewhere, specifically increases in flood risk north of Field 2, west of Field 1a, and upstream of the site near the Mainetti building.

Additional information clarifies that the increases north of Field 2 and west of Field 1a are within the land ownership boundary of the Applicant, as confirmed in Figure A1. These increases in flood risk therefore do not impact third party land.

In respect to the increases identified near the Mainetti building, the additional information explains that the identified increases are due to model instabilities and this is considered to be a reasonable explanation. Further work to the model has been undertaken (which has not been submitted for review) which has improved the stability of the model. The outputs from the improved model indicate that the increase in flood depths in vicinity of the Mainetti building are now below 5 mm.

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NRW is satisfied the letter demonstrates that the proposal is not expected to result in unacceptable increases in flood risk elsewhere and therefore removes its concerns for this application, subject to your Authority securing the proposed mitigation measures recommended in the FCA.

Groundwater protection and land contamination

We note that the site was subject to previous industrial uses including a World War II munitions factory. Conditions recommended.

Protected Sites

Special Area of Conservation (SAC)

NRW advise that the proposal may affect the River Dee and Bala Lake SAC. The application is located within close proximity of River Clywedog which is hydrologically linked to the River Dee and Bala Lake SAC.

However, NRW is satisfied that the development would not have an adverse effect if the developer adheres to the Construction and Environment Management Plan (CEMP) (Surface Water Management Plan Appendix D).

NRW advises that the application as submitted is unlikely to increase the amount or concentration of phosphate discharged directly or indirectly into the SAC.

Site of Special Scientific Interest (SSSI)

NRW advises that the proposal has the potential to impact upon the Afon Dyfrdwy (River Dee) SSSI. However, providing the impact pathways referenced above for the SAC are adequately addressed, NRW is satisfied that the features of the SSSI will also be adequately safeguarded

Welsh Water

No objection subject to comments and conditions

Press Notice expired

18/8/2021

Site Notices

expired 4/4/2022

Representations received

2 representation received

- Support proposal, but strongly object to contractors using the lane. This is a single track no-through road used daily by residents, walkers and horse riders. It is in a poor state of repair.
- The main entrance to the west should be used, or the Gas site to the east.
- Support for the scheme referring to off-setting of electricity used at nearby water treatment works which would allow benefits to be

delivered locally and reduce dependence on grid power. Explains there is a synergy between Welsh Water 2050, the Wellbeing of Future Generations Act and climate mitigation projects. Outlines that the benefits of the scheme should be viewed in the light of the Welsh Government's wider Climate Emergency.

SPECIAL CONSIDERATIONS

Principle of the development: Policy PS12 of the UDP supports proposals for the generation of energy from renewable sources will be supported provided the wider environmental benefits and not outweighed by detrimental impacts on the landscape, public safety and the local environment.

The site is located adjacent to the south of the Wrexham Industrial Estate bordering the former Tetra Pak site. The site is bordered to the north by the River Clywedog and the edge of the southern boundary of the prison site. This is considered to be a suitable site for such a development, fitting into a semi – industrial landscape. The main issues for consideration are technical matters in terms of landscape impact, ecology, flood risk, noise and access.

Best and Most Versatile land (BMV): Around 75% of two of the fields within the application site are identified as BMV land on the Welsh Government's Predictive Agricultural Land Classification map. The Applicant has however undertaken a detailed assessment of agricultural land classification. The Welsh Government's Landscapes, Nature and Forestry Division have reviewed and validated the Assessment. The Report confirms that the site contains Grade 4 and Grade 5 land. Only land classed as Grade 1, 2 and 3a is classed as Best and Most Versatile (BMV) land. The development will therefore not result in the loss of BMV land and therefore there would be no conflict with policies EC2 and paragraph 3.59 of PPW11, which seek to protect BMV land from development.

Landscape: The topography of the site is dictated by former industrial uses and the existing solar park. To the south, the principal gas distribution centre and the a former railway embankment create a visual break, the former Tetra Pak site to the east and the back drop of the prison site to the north. A significant proportion of the site currently houses former munitions buildings scattered at regular intervals as a result of the historic use of the Wrexham Industrial Estate. Whilst a public right of way skirts close to the eastern boundary, any views into the site are considered to be set against this industrial context.

The application has been accompanied by a full Landscape and Visual Impact Assessment. This concludes that the site will be set against existing industrial buildings and wider industrial development. Views from outside the site have been assessed as slightly adverse from a very limited number of properties in the surrounding area.

The greatest adverse impact relates to views from the public right of way passing the east of the site. This is inevitable because the footpath is located

in close proximity to the boundary. The visual effect is not considered to be unacceptable given that current views through to the site consist of a semi industrial / historically industrial landscape.

Having regard to the above, the proposals will not adversely impact upon the landscape and therefore accords with policy GDP1.

Ecology: The application is supported by an Ecology Report which confirms the presence of Great Crested Newts (GCN) within the site and the surrounding area. GCN are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

The development has the potential to cause disturbance to GCN including loss or damage to their resting places. The development of the site will therefore also require a derogation licence which is issued by NRW. Derogation licences are only issued where NRW are satisfied that there is no satisfactory alternative and if the action authorised will not be detrimental to the maintenance of the GCN at a favourable conservation status in its natural range. The development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’.

PPW11 paragraph 6.4.23 requires the Council, as Planning Authority, to have regard to the above requirements when determining planning applications to avoid situations where derogation licences are not subsequently granted. Paragraph 6.3.7 of TAN5 also advises that planning permission should not be granted unless the Council is satisfied a proposal will not adversely impact upon GCN.

The application site adjoins an existing solar farm and therefore is in a location where existing infrastructure, including connection to the electricity grid in the vicinity with the capacity to accommodate the development, is available.

The application is accompanied by a Great Crest New Habitat Mitigation Strategy and Management Plan. The measures proposed for the site include the provision of hibernacula, pond creation, hedgerow creation and a rough grassland corridor. NRW have advised that the scheme as proposed therefore demonstrates no likely detrimental to the favourable conservation of the local population of GCN. However, the submissions do not include all of the requirements outlined by NRW therefore a condition requiring an appropriate mitigation scheme will be required if planning permission is to be granted. Subject to the incorporation of these matters into a mitigation strategy and its subsequent implementation, it is considered that the development proposed would not cause detriment to the favourable conservation of the local population of GCN.

The delivery of low carbon and renewable energy is essential to reducing reliance on fossil fuels to generate electricity. Paragraph 5.7.14 of PPW11

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confirms the Welsh Government's target for Wales to generate 70% of its electricity consumption from renewable energy by 2030. Paragraph 5.7.15 of PPW11 identifies the Planning system as having an active role to meet this target in terms of new renewable energy generating capacity. The proposal will make a modest but nevertheless important contribute to the generation of renewable energy in the County Borough and towards meeting the Welsh Government's target. The benefits of increase renewable energy generation capacity are therefore considered to be in the public interest.

The Ecology Report confirms that features that provide high or medium bat roost potential within the site, such as mature trees will be retained. Hedgerows will also be retained and additional woodland is proposed. NRW concurs with the Report's conclusions and recommendations in regard to bats.

The Ecology Report advises that the development proposed will not prevent otters from accessing the site once complete; although measures to prevent them from accessing areas of excavation will be required during construction. Subject to these matters being addressed, NRW concurs with the Report's conclusions and recommendations in regard to otters.

NRW has advised that construction works do have the potential to generate pollution reaching the River Dee and Bala Lake SAC and Afon Dyfrdwy SSSI. However, the application is accompanied a by a Construction Environment Management Plan and provided this is implemented, NRW is satisfied that the development will not have an adverse impact on protected sites in accordance with policy E6. This could be secured by condition.

Flood risk: The site lies partially within Zone C2 as defined by the Development Advice Map. The proposal is considered to be less vulnerable development. The application is accompanied by a Flood Consequences Assessment as well as further information submitted in response to initial concerns raised by NRW. NRW have since confirmed that their initial concerns have been addressed.

TAN15 paragraph 6.5 advises that development within zone C2 should only be permitted the specific tests are met:

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; **or**,
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and,

- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and;

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- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

The proposal does not comply with i.-iii. Nevertheless, given the nature of the development, the site will not be routinely occupied other than for routine maintenance. On this basis, the flood risk to humans is relatively low. Furthermore, the elements of the development that would be potentially subject to significant damage in the event of a flood, namely the proposed batteries and switch gear, are to be located outside of Zone C2.

In light of the submissions made by the applicants, NRW has advised that the proposal would not result in unacceptable increases in flood risk elsewhere, subject to a condition to secure the development being carried out in accordance with measures recommended in the FCA.

Whilst the proposals do not fully accord with parts i-iii of paragraph 6.5 of TAN15, the nature of the proposal and the proposed site layout mean that the impacts of flooding on the development itself are not unacceptable and nor does the development unacceptably increase risk of flooding off-site. Accordingly, it accords with the overall objectives of TAN15 as well as UDP policy EC12.

Highways: The construction period is scheduled to last for 16 weeks with up to 13 daily arrivals and departures associated with construction workers. The maximum weekly need for HGV movements is estimated to be 77, although this will only be during the second week of construction. In other weeks, the number of HGV movements is likely to be between 5 and 38, with 6 weeks where no HGV movements are expected at all. Following completion of the development, the site is expected to require 1-2 visits per month for maintenance.

The proposed access junction off the B5130 has good visibility and has previously been used by similar traffic during the construction of the solar farm at Bridge Farm.

The Council's Highway Officer has advised that the proposal would not pose an undue risk to the safety of highway uses and there are no highway reasons as to why planning permission should not be granted. In such terms, the proposal accords with policy GDP1.

Noise: The Community Council (CC) has expressed concerns about noise, particularly in conjunction with the existing adjoining solar farm. However, the CC has suggested that the latter does not appear to be causing noise pollution. The proposed solar farm comprises solar panels, inverters and batteries. It is considered that these elements are unlikely to generate significant levels of noise either by themselves or in combination with the adjoining solar farm. The Council's Public Protection Officer raises no objection to the proposal subject to a condition being imposed regarding noise generation. With such a condition imposed, the proposal would accord with policy GDP1(f).

Ground contamination: The historic use of the site means there is potential for contamination. The Council's Public Protection Officer and NRW have raised concerns in this regard, both in terms of controlled waters adjacent to the site and public safety. Planning conditions are therefore required to ensure that the associated risks are appropriately mitigated.

Phosphorous: The development will not generate foul water and therefore will not give rise to an increase in phosphorous entering the River Dee Special Area of Conservation.

CONCLUSION

The site is considered to be an appropriate location for the proposed development. The proposed solar farm would not harm the surrounding landscape. Having regard to layout of the site and the mitigation measures proposed, nor would it give rise to unacceptable flood risk, pollution or highway impacts. On this basis, the proposal accords with the relevant development plan 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.
2. The development shall only be carried out in strict accordance with the following plans and documents:
 - i. WR-EX-258-02B Site Plan
 - ii. WR-EX-258-06-1Q Site Layout
 - iii. WR-EX-258-15-1A PV panel details
 - iv. WR-EX-258-15-2 CCTV and fence details
 - v. WR-EX-258-15-3 Battery store palisade fence
 - vi. WR-EX-258-15-4 Battery store auxiliary transformer
 - vii. WR-EX-258-15-5 Battery system details
 - viii. WR-EX-258-15-6 Switch gear/control room
 - ix. WR-EX-258-15-7 ISO Storage container
 - x. WR-EX-258-15-8 Transformer
 - xi. WR-EX-258-15-20A Enhancements, Management & Monitoring
 - xii. Construction and Environmental Management Plan (CEMP)
 - xiii. Flood Consequences Assessment (FCA) reference 258/FCA/v2 May 2021, Corylus Ltd.
 - xiv. Appendix D (Construction and Environment Management Plan) of the Surface Water Management Plan, reference 258/SP12 (v3) April 2021, Corylus
 - xv. Aboricultural Report Corylus Feb 2021 Rev 1
 - xvi. Construction Traffic Management Plan Acstro Feb 2021 Rev 5
3. The development hereby permitted shall be removed and the land restored within 30 years of the date of this permission or within 6 months of the cessation of the use of the development for the generation of electricity,

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whichever is the sooner. All plant, equipment machinery and/or materials forming part of or connected with that use shall be removed not later than one month after that date.

4. A Decommissioning Plan shall be submitted to and approved in writing by the Local

Planning Authority prior to the first beneficial use of the development for the generation of electricity. The Decommissioning Plan shall include details of the works necessary to revert the site to its original condition, including the method for the removal of all the solar panels, sub-stations, inverter stations, structures, enclosures, equipment and all other apparatus above and below ground level from the site, details of their destination in terms of waste/recycling, and details as to how the site is to be restored to its original condition. The Decommissioning Plan shall also include a timeframe for such works which will address both time limits set out in Condition 3.

5. The development shall be carried out in accordance with the Construction Traffic Management Plan dated February 2022 Rev 5, and provision shall be made within the site for contractor parking. The Plan as is approved shall be fully implemented.

6. No development shall commence until a GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

The GCN Conservation Plan should include but not necessarily be limited to:

i. Submission of details and associated plans concerning GCN avoidance and mitigation measures including, but not limited to: fence design, specifications and proposed locations; consideration of access issues across fence lines (including PROW if applicable); fence monitoring and maintenance requirements; and supervised removal of barrier fences. Submission to include proposed timescales and reporting requirements;

ii. Submission of a long term site management plan (not less than 25 years) that includes defined aims and objectives together with current and favourable conservation status of the local population of GCN; habitat management prescriptions; 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 undertake identified or contingency actions;

iii. Site liaison and wardening, licensing requirements for undertaking habitat management and surveillance;

iv. Current and any proposed changes to tenure of the dedicated ecology area to the satisfaction of the LPA (we advise tenure to accord with the definition of "responsible" body under Section 7 of the Environment Act 2021'); 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;

v. Detail of the skills and competencies required by those undertaking management and maintenance works, surveillance or activities. The detail shall also specify requirements for European Protected Species licenses for each of the specified activities;

vi. Provision for periodic review mechanism for the Conservation Management Plan;

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- vii. Contingency measures that are capable of being implemented in the event of failure to undertake or appropriately implement identified management or surveillance prescriptions;
 - viii. Submission of details concerning the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots;
 - ix. Details of timing, phasing and duration of construction activities and conservation measures;
 - x. Timetable for implementation demonstrating that works are aligned with the proposed development;
 - xi. Ecological Compliance Audit, including key performance indicators;
 - xii. Persons responsible for implementing the works;
 - xiii. Post construction monitoring plan. Monitoring plan to include:
 - Methodology: The Wales Great Crested Newt Monitoring Scheme shall be used with surveys being carried out annually for the first 5 years thereafter on a biennial basis from year 6. However, monitoring shall be carried out on an annual basis if fish or invasive non-native species are detected;
 - Duration: timescale to accord with operational and decommissioning phases of the proposal
 - Surveys shall be abundance counts and habitat quality assessments using Habitat Suitability Index (HSI) scores;
 - Identification of individuals/bodies being responsible for monitoring and reporting results;
 - Each water body shall be individually numbered on site.
 - xiv. Submission of a biosecurity risk assessment.
7. No development shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.
- 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 - 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The remediation strategy and its relevant components shall be carried out in accordance with the approved details.
8. Prior to the operation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority.

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The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

10. No infiltration of surface water drainage into the ground Site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

11. No development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

12. Hard and soft landscaping shall be carried out in accordance with the details shown on drawing no. WR-EX-258-15-20A. All soft landscaping shall be carried out in the first planting season (November to March) or seeding season (April to September) following the first beneficial use of the development.

13. The landscaping scheme as carried out in connection with condition no. 12 shall be retained for a minimum of 10 years. Within this timescale, any planting becoming severely damaged or seriously diseased, or is in poor physiological condition and/or are removed shall be replaced with trees or shrubs of the same size and species to those originally required to be planted and within the next available planting season (November to March) or seeding season (April to September).

14. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved details as referred to in condition 2. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.

15. The rating level of any noise generated by reason of this development shall not exceed the pre-existing background level at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Method for rating and assessing industrial and commercial sound.

REASON(S)

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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 the interests of the visual amenity of the locality and to define the terms of the planning permission, in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
4. In the interests of the visual amenity of the locality and to define the terms of the planning permission.
5. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
6. To ensure that an approved GCN Conservation Plan is implemented, which protects the species affected by the development in accordance with policy EC6 of the Wrexham Unitary Development Plan.
7. To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination
8. To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
9. To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks. A site investigation may not uncover all instances of contamination and this condition ensures that contamination encountered during the development phase is dealt with appropriately.
10. To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.
11. Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.
12. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
13. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
14. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
15. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

Your attention is drawn to Highway Supplementary Notes - Refer to Statement of Applicant's Rights and General Information on our planning web site at:-
http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm

Further advice on compliance with condition no. 7 may be obtained by contacting the Council's Contaminated Land Officer on 01978 298771 or 298333, or contaminatedland@wrexham.gov.uk

Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Council's Contaminated Land Officer prior to commencement of works on site.

You are advised that this grant of planning permission was made following the completion of an Agreement under Section 106 of the Town and Country Planning Act. Before undertaking any work under this permission you are advised to obtain full details of the Agreement and ensure that you are able to comply with its terms.

You are advised that the planning permission hereby granted does not authorise any building over, diversion, connection or other interference with any sewer, public or private, which crosses the site. You are advised to contact Welsh Water, PO Box 10, Treharris, CF46 6XZ (Tel: 01443 331155) in this regard, prior to undertaking any groundwork in connection with the development. Should you be required to depart from the details hereby approved, you should contact the Council's planning department to seek further advice with regard to the submission of amended plans and / or a new planning application.

Detailed advice has been issued by Natural Resources Wales (NRW) which is available on the Council's planning applications website.

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage:

https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk

Warning: An European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/europeanprotected-species/?lang=en>

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The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

All works relating to this development which are audible beyond the site boundary should be carried out only between 7.30 and 18.00 hrs Monday to Friday, and 08.00 to 14.00 hrs on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60, Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If however there are urgent or unavoidable circumstances requiring works outside of the specified times, permission to proceed may be sought by contacting the Council's Environmental Health and Housing Standards at: healthandhousing@wrexham.gov.uk or on 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environmental Health & Housing Standards Team on 01978 292040 for further advice and information.

The Applicant is advised that under the Environmental Protection Act 1990,

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dust from construction and/or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Environmental Health & Housing Standards Team on 01978 292040 for further advice and information.
