

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
7 December 2015

APPLICATION NO:
P/2015 /0396

LOCATION:
LAND SOUTH OF FRANCIS LANE
HOLT WREXHAM
LL13 9YB

DATE RECEIVED:
27/05/2015

COMMUNITY:
Holt

DESCRIPTION:
INSTALLATION OF SOLAR FARM
AND ASSOCIATED DEVELOPMENT
(SIZE 10.2 HECTARES AND UP TO
4.61MW)

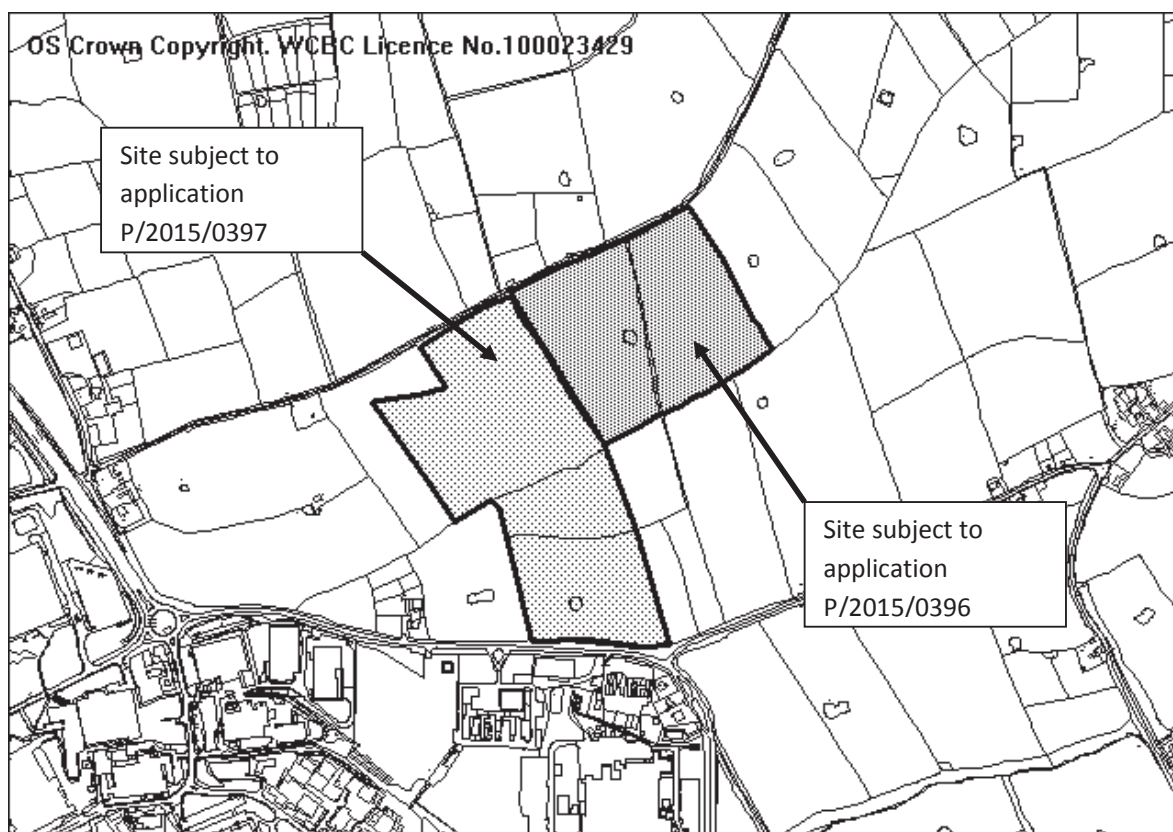
CASE OFFICER:
MP

WARD:
Holt

AGENT NAME:
TGC RENEWABLES LTD

APPLICANT(S) NAME:
TGC RENEWABLES LTD

THE SITE



PROPOSAL

Planning permission is sought for the installation of a solar farm consisting of photovoltaic panels attached to mounting frames together with 8 buildings to house associated equipment and a substation. The development will generate up to 4.61 MW of electricity.

HISTORY

Adjacent site

P/2015/0397 Installation of solar farm and associated development (size 12.6 hectares and up to 6.37Mw). Pending (see separate agenda item).

DEVELOPMENT PLAN

Outside of the settlement limit and within a Special Landscape Area. Policies PS2, PS12, GDP1, EC4 and EC6 are applicable.

Planning Policy Wales (particularly Chapter 12) and Technical Advice Note 8 (TAN) Renewable Energy are also directly relevant.

CONSULTATIONS

Community Council:

Members wish to object to both applications P/2015/0396 and P/2015/0397 for the following reasons:

- a) They are in a very flat rural location and the buildings on P/2015/0396 would be visible from the main A534 and very visible from nearby properties also in the case of this application and we believe in the case of P/2015/0397 that there is a property very near;
- b) The planning if granted would result in an extension to the Industrial estate and this has already extended enough in what was a very rural area;
- c) These plans if granted could result in a cumulative effect in the very near future we fear;
- d) There is always the risk in the future of the sites becoming a derelict eyesore should anything happen financially or the use no longer be viable;
- e) What plans are there in the case of point d) for restoration of the land?;
- f) There is also the case in P/2015/0396 Francis Lane site of the problem of access which would result in further problems for residents who purchased properties in a rural area where there are narrow lanes, because they wanted to live in the countryside and certainly

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	not have to look out at hundreds of unsightly solar panels.
Local Member:	Notified 29.5.2015
Public Protection:	Recommend a condition be imposed requiring a noise report to be submitted prior to first use of the substation.
Highways:	Have made the following comments: - There are two accesses (west and east) to the site, however it is not clear which access is to be used to serve the site once completed. Please ask the applicant to clarify this; - It would appear possible to provide adequate visibility from both accesses subject to trimming of existing hedgerows/maintenance of verges; - The access should be a minimum width of 5.5m and be hard bound for a minimum distance of 10 metres behind the highway boundary. No gates shall be erected within 10m of the highway boundary; - Construction will take place over a 14 week period. Typical vehicle movements will be approximately 10-22 per day, although the site would experience higher volumes of traffic in the initial stages when establishing the site compound; - As Francis Lane is particularly narrow (2.9m) for the majority of its length, it would seem reasonable to require the applicant to construct a number of passing places. If Francis Lane is to be used for access to the site, I would recommend passing places are provided across both access places with a third passing place being provided just east of the existing highway sign (Give Way 150 yards). The passing places should be 16m in length and provide an overall carriageway width of 5.5m; - I would recommend a 'Highway Condition Survey' (Before/After Construction) if access via Francis Lane is proposed; - Details of proposed warning signs during construction on the approaches to the

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- site accesses will be needed. Please ask the applicants to include this detail;
- It is anticipated that up to 20 vehicles could be on site at any one time. The submitted parking and turning details appear acceptable;
 - It would be preferable for the site to be accessed via the same access off Bryn Lane that will be used to serve the development proposed by P/2015/0396.
- NRW: Have made the following comments:
- Object as insufficient information has been provided to rule out potential adverse effect on Great Crested Newts;
 - Significant soil compaction could reduce natural infiltration rates and increase surface water runoff rates from the sites. It may be appropriate to include a planning condition requiring a Soil Management Plan to be implemented to mitigate against soil compaction and help ensure the soil structure is kept in a good condition;
 - The development, at over 4km from the Maelor landscape of special historic interest would not affect the visual setting of the historic landscape;
 - The applicant should ensure that appropriate pollution prevention measures are followed;
 - A Site Waste Management Plan should be drawn up prior to the scheme's commencement.
- Parks, Countryside & ROW: Has made the following comments/recommendations:
- Footpath Holt no.26 is, in some places, offset by up to 7 metres from the existing hedgerow. If a further hedgerow is planted to the west it will need to be at least 2 metres from the edge of the footpath to allow for outward growth. Security fencing should be located behind the hedge rather than directly adjacent to the footpath;
 - Kissing gates required where the path enters the site;
 - Any buildings and structures associated with the development should be located away from the footpath and security

	cameras should not directly overlook the footpath. If the footpath requires closure during the construction/decommissioning phase, the developer should apply for a temporary traffic regulation order to cover the duration of the works. If the works affect the surface of the right of way, we would expect the surface to be reinstated to footpath standard.
Wales and West Utilities:	No objection but their equipment may be at risk during construction. The promoter of the works is advised to contact Wales and West Utilities prior to commencement of development.
Welsh Government (Land Use Planning):	Low probability of Best and Most Versatile land – predicted subgrade 3b. The sites are located close to a site which was surveyed in accordance with the MAFF 1988 guidelines. This was identified as subgrade 3b and was on very similar soils to the site subject of this application.
Press Notice:	Expired 26.6.15
Site Notice:	Expired 24.6.15
Neighbours:	The owners/occupiers of 49 properties notified 23.6.15.
	6 representations in support received (it is worth noting none from anyone who lives near to the site or indeed in the County Borough) making the following comments: - Support renewable energy proposals; - Will supply 1020 local homes with power; - The site is close to the industrial park and vast quantities of energy is required in close proximity that can be used efficiently; - The proposal would support the local energy distribution network, protect agricultural land from development, diversify a rural business and deliver substantial biodiversity enhancements; - The community benefit payments of £500-£1000 per MW installed on the site would be a major boost to local communities given cut backs in services from the council and government;

- Supply opportunities for local companies during construction;
- North Wales colleges are providing education and apprenticeships for people who want to work in the energy industry;
- Diversities the range of renewable energy installations in the area

6 representations received **objecting** to the application and expressing the following concerns;

- Many suitable places for solar farms that do not include beautiful countryside and arable land;
- Claims that livestock can graze under the panels turns out not to be the case;
- Ecological/wildlife impacts;
- Additional traffic along Francis Lane;
- Unclear if the site will be lighted;
- Rainfall from the site will put huge demand on ditches;
- Industrial Estate would be a more suitable location;
- Views will be spoilt;
- Set a precedent for similar developments;
- Will encourage applications for other developments;
- Visual impact;
- Cumulative impact – two solar farms proposed adjacent to each other;
- Loss of amenity to the users of Francis Lane;
- Access during construction is feasible via Bryn Lane;
- Considerable planting will be needed. What guarantees are there that this will take place;
- What guarantees will be put in place to ensure the panels are removed after 25 years;
- Who will take responsibility for decommissioning if the TGC are no longer in business;
- Loss of good agricultural land.

SPECIAL CONSIDERATIONS

Policy: The most up to date planning policy relevant to this type of development is Planning Policy Wales (PPW) (Chapter 12) and TAN8. PPW states that the Welsh Government is committed to playing its part in helping the UK to achieve its target of generated 15% of energy from renewable sources by 2020. As such it is supportive of this type of development subject to the impact of them being minimised.

TAN8 advises that other than in circumstances where the visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar arrays should be supported. Further practice guidance was issued by the Welsh Government in 2011 and advises that this type of development should be carefully designed and sited to minimise their impact.

Policy PS12 of the Wrexham UDP deals specifically with renewable energy development. It states that proposals will be supported provided that the wider environmental benefits are not outweighed by any detrimental impacts of the proposed development (including any electrical transmission facilities needed) on the landscape, public safety and the local environment.

There are no UDP policies that seek to prevent this type of development in rural locations but proposals must be considered in light of policy GDP1 in respect of visual and landscape impact.

Visual Impact: The site sits within a relatively flat rural landscape and is bounded by trees and mature hedgerows. The solar panels will be sited in rows that extend across the site from west to east. There will be a north-south linear break in the rows of panels of approximately 50 metres in width within which the route of footpath Holt no.26 traverses the site.

The solar panels will, at their highest, be 3 metres above ground level and set at a 25 degree angle. Whilst tops of the panels will be visible when passing the site boundary with Francis Lane, the existing trees and hedgerows surrounding the site and on adjacent land mean the development will not be prominent within nor will it have a significant impact upon the wider rural landscape. The visual impact of the development when viewed from Francis Lane can be minimised by allowing the existing field boundary hedges to grow higher. A landscape management scheme can be secured by condition.

With the exception of the proposed substation the buildings associated with the development will have flat roofs and none exceeds 3.2 metres in height. They will all be located in excess of 100 metres from the Francis Lane boundary of the site. The substation will be located in the south-west corner of the site and will have a footprint of 6.9m x 5.7m and a pitched roof 4.9m high. None of the buildings will be readily visible from outside of the site being

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screened by the solar panels and/or the existing trees and hedgerows bounding the site.

By itself the proposed development will not have a significant impact upon or detract from the rural landscape surrounding the site. However I appreciate that this development is not proposed in isolation but has been put forward in conjunction with proposals for another and larger solar farm on the adjoining land. Given that the adjoining proposal is the larger of the two I will comment on the cumulative impact of both developments in the following agenda item, application reference P/2015/0397.

Decommissioning and restoration of the site will be secured by planning condition. Whilst I appreciate that the development has a lifespan of up to 25 years the condition will apply to anyone who has an interest in the site at that time.

Amenity: The nearest dwellings to the site are in excess of 300 metres away. The development will not generate significant noise and at that distance it will not prove overbearing. I also consider it unlikely that the noise of construction will be particularly harmful to amenity.

I appreciate that the development will generate traffic during a proposed 14 week construction period that will pass dwellings to the west of the site. If permission were granted a condition could be imposed to ensure that construction works only take place between 7.30 and 18.00 Monday to Friday, 08.00 to 14.00 on a Saturday and at no time on a Sunday or a Bank Holiday. Based on the details provided in the proposed traffic management plan this will mean that there will be around 2-3 vehicle movements an hour during the day. In my opinion this is unlikely to have a significant impact upon residential amenity.

Glare: The solar panels are made up of photovoltaic cells encased in a glass treated with an anti-reflective coating. The purpose of the coating is to maximise the amount of light that reaches to photovoltaic cells and in turn the amount of electricity produced. I am therefore satisfied that the development will not give rise to significant glare.

Agricultural Land: The applicants commissioned an assessment of the site which concluded it is grade 3b agricultural land. The Welsh Government's Land Use Planning Unit have reviewed the details submitted and advised that the assessment was not carried on in accordance with the appropriate guidance. However Land Use Planning Unit has advised that there is a low probability of the site being Best and Most Versatile (BMV) agricultural land – it is likely to be grade 3b. In light of this advice I conclude the development is therefore unlikely to result in the loss of BMV land. Accordingly policy EC2 (which seeks to protect BMV land) is not applicable.

Ecology: The application is accompanied by a habitat assessment which recommended that further surveys of the site be carried out in respect of

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Great Crested Newts (GCN). Whilst the applicant has also submitted a GCN Method Statement as far as I am aware no further detailed surveys have been conducted.

The population of the GCN within and in the vicinity of the Wrexham Industrial Estate is considered to be of national importance and whilst the Method Statement proposed some habitat creation within the site I am not satisfied that sufficiently detailed mitigation proposals have been submitted to demonstrate that the development will not adversely impact upon that population. Indeed in the absence of adequate mitigation proposals the development does not accord with policy EC6.

Highways: Two existing accesses to the site will be used during construction and for maintenance once the development is operational. Subject to ensuring hedges and verges are maintained both accesses have adequate visibility in both directions. The width and design of the accesses accords with the recommendations made by Highways.

It is anticipated that over the proposed 14 week construction period there may be between 12 and 22 vehicle movements along Francis Lane. Francis Lane would be accessed via Hugmore Lane. Whilst I appreciate that Francis Lane is narrow (around 2.9 metres wide) and generally unsuitable for significant volumes of traffic the increase in traffic will only be for a limited period. Furthermore, based on the details provided in the submitted traffic management plan, it is likely that there will typically be around 2-3 vehicle movements an hour on average during that period. The submitted plans also propose the creation of three passing places as recommended by Highways which should limit the risk of conflicting vehicle movements along Francis Lane.

Once the solar farm is operational it will be visited by a transit van or similar once a month for maintenance purposes. The applicants have not confirmed which of the two accesses when the site is operational but based on the submitted plans I anticipate that both will be required. However one vehicle visiting the site once a month is unlikely to represent a material increase in traffic using Francis Lane.

Whilst I note the preference expressed by Highways for the site to share an access of Bryn Lane with the solar farm proposed by application P/2015/0397, in light of the above I consider it unlikely that the development poses a significant risk to highway safety and as such there would be no reason to refuse permission because access is proposed via Francis Lane.

The submitted traffic management plan confirms that warning signs will be provided on the approaches to the site access at 50, 100, 150 and 200 metres from the access. The content/appearance of the signs is something the applicants would need to agree with Highways.

PROW: The development will provide sufficient clearance either side of footpath Holt no.26 and will therefore not obstruct or prevent use of it. I note the request by Parks, Countryside & Rights of Way for kissing gates to be provided where the footpath enters the site and whilst this may be desirable the development does not propose any changes to the footpath. As such it is not essential, in planning terms, for the gates to be provided to make the development acceptable.

Other Matters: The Council is currently in the process of preparing its Local Development Plan to replace the Unitary Development Plan. As part of this process the Council have commissioned a review of employment land within the County (the Employment Land Review, ELR) which is a key piece of evidence that will be used to inform the emerging LDP strategy, policies and land allocations.

Wrexham Industrial Estate is the key strategic employment area in the County Borough and is identified as a Key Business Sector Area in the Wales Spatial Plan (2008 update). It follows therefore that the focus for future employment development over the lifetime of the LDP (2013 – 2028) will be the Industrial Estate. In order to meet future employment land requirements, the ELR recommends that there is a need for an extension to the WIE of between 20-30 hectares exclusive of ecological mitigation.

Work is currently underway to select the most appropriate site(s) to accommodate the identified need for an extension. Were the solar farms proposed for this and the adjoining site to proceed, the land could not be considered for allocation. This would significantly reduce the number of potentially suitable sites for the extension.

Whilst it is not inevitable that this site will be allocated, if no other suitable sites are identified then the proposed solar farms would prevent the future expansion of the industrial estate and in turn severely restrict the ability to evaluate the most sustainable options to accommodate future growth. Given the importance and strategic nature of the need for an extension on the WIE, it is considered to be integral to the formation of the emerging preferred strategy and key to delivering the agreed vision and objectives for the LDP in respect of economic growth.

CONCLUSION

In the absence of adequate ecological mitigation proposals the development conflicts with policy EC6 of the Wrexham Unitary Development Plan. The proposed development will also prejudice the forthcoming LDP by preventing proper consideration being given to the suitability of all potentially available sites on the edge of the Wrexham Industrial Estate for allocation for employment use.

RECOMMENDATION: That permission be REFUSED

REASON(S)

1. Insufficient information has been submitted to demonstrate that the development can take place without adverse impact upon Great Crested Newts, a statutorily protected species. In the absence of such information, the development conflicts with policy EC6 of the Wrexham Unitary Development Plan.
 2. The proposed development will prejudice the forthcoming LDP by preventing proper consideration being given to the suitability of all potentially available sites on the edge of the Wrexham Industrial Estate for allocation for employment use.
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