

Wrexham County Borough Council
Development Control
16 Lord Street
Wrexham
LL11 1LG

18th March 2021

Dear Sir/Madam,

Subject: Non-material amendment to planning application P/2019/0440 to remove condition 8 (verification report) and condition 9 (long term monitoring and maintenance) in the absence of the requirement for the remediation of contaminated land.
Ref: 041/SP1

We have been instructed by Wrexham Solar Park Limited to submit an application for a Non-Material Amendment to Wrexham County Borough Council for the removal of condition 8 and condition 9 of planning permission P/2019/0440.

Planning permission was granted by Wrexham County Borough Council in June 2015, under application reference P/2015/0463 for the following development:

Installation Of Solar Farm (Incorporating Photovoltaic Solar Panels) To Generate Up To 5Mw Of Power

The planning permission was varied by a Section 73 planning application approved in September 2019 under application reference P/2019/0440. That application sought to vary conditions 2, 3, 9, 10, and 12, and to remove conditions 5 and 11 from approved application.

Condition 8 of the S73 application P/2019/0440 requires a verification report to be submitted to Wrexham County Borough Council; demonstrating completion of the works set out in the approved remediation strategy, and effectiveness of the remediation, approved under planning permission P/2015/0463; as well as a long-term monitoring and maintenance plan and reporting of this to Wrexham County Borough Council. This condition 8, of application P/2019/0440, being comparative to condition 15 of application P/2015/0463.

Condition 9 within the approved application P/2019/0440, similarly, requires a report to be submitted to Wrexham County Borough Council on the monitoring, maintenance and contingency action carried out in accordance with a long-term monitoring and maintenance plan, to be submitted as part of condition 8; as well as a submitting a final report for approval by Wrexham County Borough Council, demonstrating that all long-term remediation criteria have been met and

documenting the decision to cease monitoring. This condition 9, of application P/2019/0440, being comparative to condition 16 of application P/2015/0463.

The applicant is seeking to have these conditions removed as it has been established that they should not have been applied to the S73 planning permission. Emails exchanges with Council Officers are attached at Appendix A.

Following the approval of the original planning application, a Phase 2 Site Investigation Report was submitted to the Council for approval as required by condition 13 of that planning permission. It was approved by the Council and Natural Resources Wales in June 2016 (reference P/2016/0143).

The Phase 2 report identified that there was no contaminated land present which required remediation and therefore there was no requirement to produce a verification report. However, despite this, conditions 15 and 16 of the original planning permission were applied again to the S73 as conditions 8 and 9.

The applicant cannot comply with these conditions for the aforementioned reason. Conditions 8 and 9 should therefore not have been applied to the S73 application. In this circumstance, the removal of these conditions is considered to be a non-material amendment.

Please do not hesitate to contact me should you require any additional information.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'ATG', with a long horizontal stroke extending to the right.

Adam Thomas

for Corylus Planning & Environmental Ltd

Appendix A

From: contaminatedland <contaminatedland@wrexham.gov.uk>
Sent: 04 March 2021 14:00
To: Matthew Phillips; Helen Donnelly
Cc: contaminatedland
Subject: RE: Compliance with Conditions - P/2019/0440

Dear All,

Re: Compliance with conditions – P/2019/0440

I have looked at the records the Contaminated Land Team hold in relation to the above application and the associated application P/2015/0463 and I can provide the following comments:

P/2015/0643 – I can confirm that a phase 1 land quality report and a phase 2 intrusive site investigation report was submitted for approval. My former colleague, Helen Bradshawe, reviewed the later report (Williams Farm PH2 Contaminated Land & Soil Sampling Report V2.1 (not dated)) and after some additional information was provided agreed that no remedial works were required. Unfortunately, our copy of the report is corrupted on our system so I am unable to provide a copy of it.

Helen wrote to Mr P Downes, The Magnificent Science Company Limited, on the 31 March 2016 informing him that she is recommending the discharge of the contaminated land conditions, the planning officer was copied into this letter.

P/2019/0440 – The Contaminated Land Team was consulted as part of the planning process and as we had previously recommended the discharge of the contaminated land conditions from P/2015/0643 we responded with no comments. We therefore did not recommend condition 8.

It is important to note that Natural Resources Wales (NRW) are a statutory consultee of the Planning Department and they may have made separate recommendations with regards to contamination conditions in relation to risks to controlled waters.

I can confirm that I am in agreement with Matthew's suggestion below to resolve this issue, however as stated above I cannot speak on behalf of the NRW.

Kind regards Stacey

Stacey Inglis MA (Hons) MSc
Contaminated Land Officer

Swyddog Tir wedi ei Halogi

From: Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>

Sent: 04 March 2021 12:59

To: 'Helen Donnelly' <hd@corylus-ltd.co.uk>

Cc: contaminatedland <contaminatedland@wrexham.gov.uk>

Subject: RE: Compliance with

Conditions - P/2019/0440 [Helen](#),

The only way to formally address the issue would be to make a discharge of condition submission or to make a non- material amendment to vary the condition. However I think a more pragmatic response may be to simply write a formal letter to request whether any further action is needed in respect of the condition in light of the previous approvals. I can ask Contaminated Land whether to confirm whether they agree or not. We would then hold that letter, the response from Contaminated Land and our response to you on file so that there is a clear record of compliance.

Matthew

From: Helen Donnelly [<mailto:hd@corylus-ltd.co.uk>]

Sent: 04 March 2021 12:19

To: Matthew Phillips

Cc: contaminatedland

Subject: RE: Compliance with Conditions - P/2019/0440

Dear Matthew,

Thank you for getting back to me so promptly.

The issue that we have is that the approved Phase 2 report (ref P/2016/0143) states there was no need for further site investigation and no remediation was required.

The condition applied to P/2019/0440 requires the submission of a verification report to demonstrate that works set out in the remediation strategy were undertaken. As there was no remediation strategy, and as far as we are aware, no unexpected contamination was found, how do we comply with this condition?

I have checked and only a phase 1 land quality report was submitted with the original planning application (P/2015/0463).

Kind regards

Helen Donnelly | Principal Planner

t 01242 907030 dd 01242 436521 e hd@corylus-ltd.co.uk

Corylus Planning & Environmental Ltd | The Old Dairy | Yanworth | Cheltenham | Gloucestershire
| GL54 3LQ

www.corylus-ltd.co.uk



We take your privacy seriously and will only use your personal information to administer your account and provide the services you have requested from us.

This message from Corylus Planning & Environmental Ltd. is confidential and subject to copyright. It is intended only for the use of the individual or entity to which it is addressed. If you have received this email in error, please advise by return email and delete the original message from your system. If you are not the intended recipient of the email, any disclosure, copying, distribution or use of its contents is strictly prohibited. We reserve the right to monitor any communication entering or leaving our systems for compliance or quality control/training purposes. We cannot guarantee that this message and any attachments are virus free and you are advised to use your own virus checks. "Corylus Planning & Environmental Ltd." is a limited company registered in England under number 5592402 and our registered office is at Oakley House, Tetbury Road, Cirencester, Gloucestershire, GL7 1US

From: Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>

Sent: 04 March 2021 08:12

To: Helen Donnelly <hd@corylus-ltd.co.uk>

Subject: Compliance with

Conditions - P/2019/0440

Helen,

Further to your emails regarding the above an application that partly discharged condition 13 (contamination) of P/2015/0463 was submitted. Our reference was P/2016/0143 and it was determined on 2 June 2016. The details submitted for the condition and the decision will be available online.

Condition 08 of P/2019/0440 was worded to reflect the fact that the requirements of the pre-commencement parts of the original contamination condition had been met but not the verification.

Regards

Matthew Phillips

Arweinydd Rheoli
Cynllunio/Planning Control
Lead Cynllunio a
Rheoleiddio/Planning and
Regulatory