

**Land to the North and West of Maelor Gas Works
Parkey Lane
Marchwiel
Wrexham
LL13 0UW**

**Application under Section 73 of the Town and Country Planning Act 1990 to Vary
Conditions 2,3,5,9,10,11 and 12 of Planning Permission P/2015/0463**

Planning, Design and Access Statement

June 2019



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1 Introduction

- 1.1 This statement accompanies a planning application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of conditions 2, 3, 5, 9, 10, 11 and 12 of planning permission P/2015/0463.
- 1.2 The development was purchased by Wrexham Solar Park Limited (the “applicant”) after it was completed. It was discovered that the development had not been undertaken in accordance with the plans and details approved under application P/2015/0463. The applicant is now seeking to regularise the unauthorised works through the proposed S73 planning application.
- 1.3 A Protected Species Licence was issued by Natural Resources Wales (NRW) to the previous developer of the site and the applicant will apply for an amendment to the license to accord with the ecological mitigation and enhancement measures now proposed.
- 1.4 Two technical reports have been submitted with the application which should be read in conjunction with this supporting statement. They are as follows:
- Review of Drainage Measures, produced by Hydro-Logic Services, reference K0871/pw
 - Habitat Management and Maintenance Plan produced by Smart Ecology Limited, reference 2019-017 v.1.

2 The Site and Planning History

- 2.1 The application site is located approximately 2.5km to the southeast of Wrexham and to the south of Wrexham Industrial Estate (WIE). The site measures 10 hectares in area and lies within a former Second World War munition works.
- 2.2 There is a Public Right of Way (PROW) approximately 250 metres to the east of the site.
- 2.3 WIE contains an important network of habitats including County Wildlife Sites and protected species such as Great Crested Newts (GCNs). WIE is the subject of a “Living Landscape” scheme operated by the North Wales Wildlife Trust.

- 2.4 Planning permission was granted in 2015 by Wrexham County Borough Council (the "LPA") for a development of a solar panel photovoltaic (pv) panel installation, capable of generating up to 5MW of electricity.
- 2.5 A subsequent condition compliance was approved by the LPA in 2016 under application PP/2016/0142 for the approval of details reserved by conditions 4 (decommissioning plan), 5 (final layout), 6 (construction vehicles compound), 7 (decommissioning statement) and 12 (drainage scheme).
- 2.6 A non-material amendment for changes to the module layout, inverter positions, fence positions, combiner boxes, drainage details, DNO substation and inverter cabins was approved by the LPA under application P/2016/1103.
- 2.7 An application was submitted in 2017 (reference P/2017/0479) to vary condition 3 of permission P/2015/0463 to extend the operational period of the development from 30 years to 36 years. The application is pending at the time of writing this report and will be withdrawn should the S73 planning application, which is the subject of this statement, be approved.
- 2.8 The solar pv development has been installed and is operational. However, the habitat mitigation and management as required by condition 9 has not been implemented as the land required for the mitigation does not lie within the applicant's control, hence the need to vary the conditions of planning permission P/2015/0463.
- 2.9 There have also been minor variations between the development as constructed and the approved plans.

3 Conditions to be Varied

- 3.1 The conditions to be varied, the proposed revised wording and the reasons for doing so are set out within Table 1 below.

Table 1: Conditions to be Amended

Condition	Original Wording	Proposed Wording	Reason for Change
2	The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) WIL-20115-9010-01-010-Rev C , WIL-20115-9010-01-020-Rev B, WIL-20115-9010-01-030-Rev B, WIL-20115-9010-01-060-Rev B, WIL-20115-9010-01-070-Rev B, WIL-20115-9010-01-00-Rev B and WIL-20115-9010-01-090-Rev B and contained within the application documentation.	<i>The development shall only be carried out in strict accordance with the details shown on the approved drawing(s)</i> WIL-20115-9010-01-010-Rev C, WIL-20115-9010-01-060-Rev B, WIL-20115-9010-01-070-Rev B, WIL-20115-9010-01-00-Rev B, WIL-20115-9010-01-090-Rev B, WREX/ASH/03-01a WREX/ASH/03-02a, WREX/ASH/03-03a WREX/ASH/01H and contained within the application documentation.	The plans have been amended to accord with the minor changes that have occurred to the site layout and to incorporate the amendments to the habitat mitigation measures. The plan numbered WIL-20115-9010-01-020-Rev B has been deleted as this is the existing site location plan and is no longer required. Plan numbered WIL-20115-9010-01-030-Rev B has been deleted and the extent of the land ownership is shown on plan WREX/ASH/01H.
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, whichever is the sooner.	<i>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, whichever is the sooner.</i>	Solar panel longevity and efficiency has increased in recent years. Increasing the time period for the panels to remain on site, and in operation, will increase the maximum solar gain to accord with the panel capabilities. Alternatively, if the LPA considered it appropriate, the condition could be deleted as condition 4 covers the restoration of the site.

5	Notwithstanding the details contained on the approved plan numbered WIL-20115-0901-01-010 Rev C and WIL-20155-9010-01-030-Rev B, the final position of all solar arrays and associated ancillary buildings, enclosures and equipment shall be submitted to and approved in writing the local planning authority. The development shall be carried out in accordance with the details as may be approved.	<i>Delete Condition</i>	This condition is no longer required as the development has been completed and what is shown on the plans is sought to be retained.
9	The development shall be carried out in strict accordance with the habitat mitigation, improvement, management and monitoring measures detailed in the following approved documents: a) Habitat Management Plan complied by Sarah Broad BSc (Hons) of Magnificent Science Company dated 10th-14th October 2015 b) Method Statements for Great Crested Newt, Bats, European Badger and European Otter complied by Sarah Broad BSc (Hons) of Magnificent Science Company dated 10th-14th October 20	<i>Within 6 months of the date of this permission, the habitat mitigation measures as shown on approved plans numbered WREX/ASH/03-01a, WREX/ASH/03-02a and WREX/ASH/03-03a shall be completed in full and shall be retained as such thereafter. The management and monitoring of these habitat measures shall be undertaken in accordance with the Habitat Management and Maintenance Plan produced by Smart Ecology numbered 2019-017v.1..</i>	The mitigation measures previously proposed were disproportionate and unreasonable given the scale and nature of the development approved and the majority lies within land not within the ownership of the applicant. The mitigation now proposed is largely within the application site and is considered to be proportionate with the scale of the development.

10	Hedgerow gapping up and creation, along with maintenance and monitoring of such planting shall be carried out in the first available planting season following the first beneficial use of the development for the generation of electricity in accordance with the detail contained in the approved Habitat Management Plan complied by Sarah Board BSc (Hons) of the Magnificent Science Company dated 10th-14th October 2015.	<i>The entire landscaping scheme as shown on the approved plans numbered WREX/ASH/03-01a, WREX/ASH/03-02a and WREX/ASH/03-03a shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner Any plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing</i>	The revised condition ties the landscaping to the approved plans with a clear condition regarding replacement planting.
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11	The development hereby approved shall not in any circumstances commence until the local planning authority has been provided with either: a) A licence issued by Natural Resource Wales pursuant to Regulation 53 of the Conservation and Habitat Regulation 2010 authorizing the specified activity/development to go ahead; or b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a license	<i>Delete condition</i>	The development has commenced and is operational. The applicant will apply for a variation to the existing Great Crested Newt License. As this is covered by separate legislation, the condition is not required.
12	No part of the development shall commence until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in strict accordance with the details approved. Those details shall include: i. A timetable for its implementation, and ii. A management and maintenance for the lifetime	The Sustainable Drainage System (SuDS) as shown on the plan numbered WREX-ASH-01H shall be retained while the development is in operational use. The management and maintenance of the SuDS shall be undertaken in accordance with the SuDs report produced by Hydro-Logic Services referenced K0871/pw	The SUDs scheme has been partly implemented and has been assessed by the applicant's drainage consultant and has found to be satisfactory and adequate for the scale of development at the site.

	of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime		
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4 Planning Policy Context

- 4.1 The starting point for the determination of any planning application is set out in law within Section 38(6) of the Planning and Compulsory Purchase Act 2004. This states that the determination "...must be made in accordance with the plan unless material considerations indicate otherwise".
- 4.2 The relevant Development Plan is the Wrexham Unitary Development Plan 1999-2011, adopted in 2005. The policies that are of relevance to the consideration of the application are those that relate to renewable energy and biodiversity.
- 4.3 Strategic policy (PS12) refers to developments of renewable energy. The policy states that they will be supported provided that "...the wider environmental benefits are not outweighed by any detrimental impact of the proposed development...on the landscape, public safety and the local environment".
- 4.4 Strategic policy PS11 (Biodiversity) gives encouragement to proposals which improve the biodiversity value of a site.

- 4.5 Policy EC6 (Biodiversity Conservation) states that development either within or close to sites of biodiversity interest will only be permitted where it can be clearly demonstrated that the need for the development outweighs the need to safeguard the intrinsic nature conservation value of the site. Where such development is permitted, damage should be kept to a minimum and compensatory measures should be provided. Measures are required to improve the biodiversity value of sites and enhance their natural conservation interest.
- 4.6 The Wrexham Local Plan was submitted by the LPA to the Welsh Government and to the Planning Inspectorate in November 2018. A subsequent consultation on Focussed and Minor Editing Changes commenced in early January 2019. At the time of the submission of this application, a date for the public examination of the draft Local Plan is awaited. As such, the policies cannot be afforded significant weight at this stage of the Local Plan process, but they are a material consideration.
- 4.7 Objective SO10 of the emerging local plan is to "Reduce carbon emissions and maximise our resilience to and mitigate and adapt to the impact of climate change" which will be achieved in part through the support of the use of renewable energy resources and low carbon technology.
- 4.8 Policy RE2 (Renewable Energy Schemes) supports the generation of energy from renewable and low carbon sources.
- 4.9 Policy SP19 (Climate Change) of the emerging local plan requires developments to mitigate against the effects of climate change by taking into account a reduction in carbon emissions and the promotion of increasing the supply of renewable energy.
- 4.10 Policy SP15 (Natural Environment) is also relevant. Development will only be supported where it protects, conserves and enhances the natural environment including protected species and their habitats.
- 4.11 The national planning guidance "Planning Policy Wales: December 2018" is a material consideration and while it must be read as a whole, the paragraphs that are of relevance are discussed below.
- 4.12 Paragraph 5.9.16 states that in determining applications for the range of renewable and low carbon energy technologies, planning authorities should take into account:
- the contribution a proposal will make to meeting identified Welsh, UK and European targets;
 - the contribution to cutting greenhouse gas emissions; and
 - the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development.

- 4.13 Paragraph 5.9.17 states that planning authorities should give significant weight to the Welsh Government's targets to increase renewable and low carbon energy generation as part of the overall approach to tackling climate change and increasing energy security. Only the direct, irreversible impacts on statutorily protected sites should be considered, and in all cases considerable weight should be attached to the need to produce more energy from renewable and low carbon sources. In determining applications for the range of renewable and low carbon energy technologies, planning authorities should take into account:
- the contribution a proposal will make to meeting identified Welsh, UK and European targets;
 - the contribution to cutting greenhouse gas emissions; and
 - the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development.
- 4.14 Paragraph 6.4.5 states that planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species and must provide a net benefit for biodiversity.

5 Planning Policy Considerations

- 5.1 The requirement to increase low carbon energy production has been highlighted in recent months following the declaration of a "climate emergency" by the Welsh Environment Minister and the Welsh Assembly Member for Wrexham, Lesley Griffiths. Emissions of greenhouse gases within Wales must fall by 95% over the next 30 years for Wales to make a "fair contribution" to the commitments made by the UK within the 2016 Paris Agreement on Climate Change.
- 5.2 The principle of solar pv development has previously been agreed at this site, and the regularisation of the changes to the site layout will ensure the efficient operation of the development. This, combined with the extension of the operating period, will contribute significantly to low carbon energy production as required by both national and local planning policies.
- 5.3 The landscape impacts of the development have previously been assessed. Any potential impacts associated with the presence of the solar pv development for a minimum of an additional four years will be offset against the benefits of generating low carbon energy.

- 5.4 Desktop records have identified a population of GCNs within 500 m of the site and the closest pond with records of GCNs is located 270 m east of the site. The proposed mitigation measures have been agreed with the LPA and NRW at a pre-application stage. The proposed mitigation is considered to provide adequate mitigation and enhancement for GCNs.

6 Design and Access

- 6.1 The proposed changes to the layout of the panels and associated infrastructure are relatively minor in the context of the site and the wider area. The site does not lie within a designated landscape and there are no Public Rights of Way in close proximity.
- 6.2 The proposed biodiversity mitigation features are proposed within the red line of the site. They have been designed to not only to provide appropriate mitigation and enhancements but to also be discrete features within the landscape.
- 6.3 Access will remain the same as previously approved

7 Conclusion

- 7.1 The principle of solar pv panels has previously been found to be acceptable at the application site. The proposed variations to the conditions will ensure that the development can continue to be operated efficiently, meeting a need for renewable energy and contributing towards a low carbon future whilst enhancing biodiversity.
- 7.2 The proposed amendments are considered to accord with the policies of the adopted Local Plan, the emerging Local Plan and Welsh Planning Guidance.