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Ein Cyf/Our ref ENQ/2024/1174
Dyddiad/Date 29 January 2025
Gofynner am/Ask for Nick Atkinson
Rhif Cyswllt/Contact No [redacted]
E-bost/E-mail [redacted]

Ms L Rice
EIA Co-Ordinator
Dulas Ltd
Unit 1 Dyfi Eco Park
Machynlleth
Powys SY20 8AX
(SENT BY E-MAIL)

Dear Ms Rice

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

PROPOSAL: Development of 1MW Solar Farm and Associated Infrastructure
LOCATION: Land adjacent to Hafod House Farm, Hafod, Ruabon, Wrexham, LL14 6HF

I refer to your recent enquiry for the above proposal. The response below is based on the information provided within your submission.

National Policy:

- Future Wales - The National Plan
- Planning Policy Wales 2024 Edition 12 (PPW)

Technical Planning Guidance Notes (TAN):

- TAN5 Nature Conservation and Planning
- TAN12 Design
- TAN18 Transport
- Technical Advisory Note (TAN) 24 – The Historic Environment.

Development Plan policies:

As you are aware from our subsequent correspondence, the Wrexham Local Development Plan (adopted in 2023) has recently been subject of an appeal to the High Courts.

The Court of Appeal judgement handed down on the 20th of December 2024 concluded that the Planning and Compulsory Purchase Act 2004 (the 2004 Act) does not impose a duty on a Local Planning Authority to adopt a Local Development Plan. It has the effect of overturning the High Court judgement of 29 November 2003, which had concluded to the contrary.

Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.
We welcome correspondence in Welsh. We will respond to any correspondence in Welsh and this will not lead to any delay.

The Wrexham Local Development Plan (2013-2028) (LDP) was adopted by Full Council on 20th December 2023. The judgement of the 20th December 2024 does not, by itself, alter the status of the LDP as 'the development plan', as defined in section 38(4)(c) of the 2004 Act. In accordance with section 38(6) of the 2004 Act, any planning applications or appeals must be determined in accordance with the development plan unless material considerations indicate otherwise. The LDP therefore remains adopted and therefore the starting point for the determination of planning applications until the Court orders to the contrary.

However, as I have confirmed to you, this position is likely to alter in the very near future, and there remains uncertainty regarding the status of the LDP in the medium to longer term, and whether or not this will remain as the Development Plan for the County Borough, and if not, what it will be replaced by.

As such, I am unable to provide you with a reliable policy basis against which any future application you may submit will be assessed, and therefore, I am unable to confirm for you whether or not any future planning application is likely to be supported by the Local Planning Authority at this time. Therefore, the advice contained within this response is limited to relevant material considerations/matters that you will need to address in any future submission.

Notwithstanding the above, I can confirm that the site is not presently designated as a solar local search area within the LDP. In this regard, I note the requirements of Policy RE2 (Renewable Energy Schemes) which notes the following:

'Proposals to generate energy from renewable energy and low carbon sources will be supported.

1. *Proposals for solar farms <10MW will be directed to the solar local search areas (LSA) identified on the proposals map.*
2. *Outside LSAs proposals for wind, solar, biomass, energy from waste, anaerobic digestion, hydropower and other renewable sources will be supported in appropriate locations.*

In assessing such proposals consideration will be given to the impacts of the development on the landscape, the number, scale, size, design and siting of the renewable installations and associated infrastructure, alone, cumulatively and in combination.'

In addition to addressing the aforementioned requirements, I would advise that justification for the siting of the development in this location and also the need for the proposal should be clearly set out and explained within a supporting planning statement. This should include confirmation of alternative sites that were considered, and why they were ultimately discounted.

Officer Comments

Landscape Impacts

The main consideration with any solar farm application is the potential impact of the development upon the character and visual appearance of the area, particularly given

such proposals are normally located in open countryside locations, such as this enquiry site.

The application site is presently an open, agricultural field. The site is not located within a landscape of any special designation, protection or sensitivity. Furthermore, I of the opinion that the site is reasonably visually constrained as a result of the surrounding trees, vegetation, topography and the existing boundary hedgerow, which results in the site having limited interconnectivity with the surrounding countryside and landscape.

However, developments for solar arrays do still have a high potential risk of resulting in harmful visual impacts to a locality and to the character of the wider surrounding countryside. In this instance, the site is located in close proximity and in a reasonably prominent location relative to the B5426 public highway and Hafod Road – although I accept that views into the site from gaps in the hedgerows are limited to a couple of sporadic locations.

In light of the above, it is possible that a solar scheme could be developed at the site, which has a limited visual impact, with many of the arrays and panels possibly being largely screened from view by this hedgerow. As such, it is possible that the main visual impact would therefore, arise from any associated buildings on the site, and also any perimeter fencing that would be erected.

In order to enable the Council to fully assess the visual impact of the proposal, any future application would need to be supported by a suitably detailed Landscape & Visual Impact Assessment, from appropriate viewpoints in the locality. In addition, the application would also need to be accompanied by a Glint and Glare Assessment for similar reasons.

In terms of the panels themselves consideration should be given to the use of dark panels, which are light absorbent to reduce the extent of glare that would arise. Furthermore, the height of the panels themselves should be kept to the minimum needed to generate electricity, in addition to keeping the number of other buildings or above ground structures and extent of hardstanding to an absolute minimum given the open countryside location of the site.

In terms of any perimeter fencing, I would not be supportive of high metal fencing in this location, due to the prominence of the site. Instead consideration should be given to the use of timber and wire deer style fencing, which would be more visually appropriate for the locality. This fencing should also be located so as to enable a scheme of landscape plantings and enhancement to take place – primarily along the boundaries of the site with the B5426 public highway and Hafod Road, which are most visually prominent to public views. This would help to further screen and soften the visual impact of the development. However, such plantings should be as well as, and not instead of, biodiversity net benefit measures, which I will cover later in this response.

Highways

Whilst it is noted that the B5426 is a busy public highway, it is likely that any significant highway impact arising from the development would be during the construction phase, rather than the operational phase.

As such, any future application you may submit should provide adequate data/information pertaining to the likely number and nature of vehicle movements during construction, and also during the operation of the site to enable the impact of the proposal on the highway network to be fully assessed in consultation with the Highway Authority. Any future application should be supported by a suitably detailed Construction Environmental Management Plan. This document should include information relating to construction hours, materials delivery times, but also include details of parking provision for contractors and vehicle compounds.

In addition, the CEMP will need to cover the following issues:

- Vehicle loads - Nuisance dust/emissions from vehicle load's being transported to/from site during the reclamation and construction phases.
- Nuisance dust - Nuisance dust from mud being deposited on the public highway during the reclamation and construction phases.
- On-site activities - Nuisance dust/emissions from on-site activities during the reclamation and construction phases.
- Details of the hours of construction.

I note your initial intention to utilise the existing field access, which would seem a logical and sensible option given the fall-back position that this represents for the existing and unrestricted agricultural use. This access point would clearly need to be widened and improved to enable use by construction traffic, and as such full details of the nature of the improvements, visibility splays available and turning provision within the site would need to be clearly demonstrated on the support suite of plans.

Unfortunately, it has not been possible to seek the views of the Highway Authority for the purpose of this enquiry. As such, it is strongly recommended that you engage directly with this key consultee prior to the submission of any future application, to establish the extent and nature of the information that would need to accompany any future application. The Highway authority can be contacted at: highwaysplanning@wrexham.gov.uk.

Trees and Landscaping

With the exception of the generic site layout plans you have submitted, I note that no detailed landscaping plans have been submitted with this enquiry, despite this representing an important consideration for any future application you may submit.

Should you proceed with the submission of a formal planning application, a detailed landscape plan will need to be submitted in support of the proposal, as this would not be appropriate to secure through condition post determination. This plan will need to contain details of the specific locations and species of plantings to be undertaken. The planting scheme will need to contain a mix of appropriate native and non-native species that will be resilient to future climate change, easy to maintain and provide appropriate habitat and green infrastructure corridors for the sites existing wildlife.

It appears unlikely from your submission, that any trees are required to be felled in order for this development to be delivered. However, should this be the case, please note that an appropriate Arboricultural Impact Assessment will need to be undertaken to assess the health and biodiversity value of any mature trees that would be lost. Furthermore, tree and hedgerow protection measures (including appropriate exclusion

zones during the construction phase) should also be included for any trees and hedgerows to be retained in the final submission.

In my opinion the existing trees and hedgerows presently forming the sites boundary treatment should be retained and also strengthened. As noted previously, this would help to soften the visual impact of the proposal and represents an opportunity for enhanced landscape features creating an overall higher quality final design.

This scheme should also be accompanied by a Landscape Ecological Management Plan, setting out how the landscape plantings will be managed and maintained throughout the lifetime of the development.

Ecology and Biodiversity Net Benefit

I can confirm that the entirety of the application site is not known to have any significant ecological sensitivity, nor provide discernible habitat for any protected species. However, it is noted that the site sits adjacent to a National Trust managed woodland and in close proximity to the Hafod Hall Country Park SAC and Aberdefyn Nature Reserve.

However, it is clear that any future application you may submit will need to be supported by an appropriately detailed Ecological Assessments of the site, to include appropriate mitigation measures as identified by the survey. Furthermore, any future application would need to demonstrate that Biodiversity Net Benefit was achieved across the entire site. This information would be require prior to the determination of any future planning application, and could not be secured through the imposition of a condition. The ecological assessment and biodiversity measures should also assess the impact of the development upon the adjacent woodland area, the nearby SAC, and the Aberdefyn Nature Reserve, including any mitigation measures as may be identified where within the assessment.

Site Constraints

It is noted that part of the site is located within a Minerals Buffer Zone where current LDP policies SP16 and MW1 apply. In particular, Policy SP16 protects such minerals from unnecessary sterilisation, unless the requirements of policy MW1 can be met where it can be demonstrated that:

i. the mineral does not merit extraction;
ii. the need for the development outweighs the need to protect the mineral;
iii. the mineral can be extracted before development commences;
iv. the development is temporary in nature and can be removed before the mineral is needed;
v. essential supporting infrastructure for the supply of the mineral would not be compromised.

As such, any future application you may submit will need to demonstrate how the proposal would not sterilise the potential for any future mineral extraction within the locality through the submission of an Assessment of the Mineral resource.

Furthermore, I note from a recent planning application at Hafod House Rest Home, that HSE confirmed the presence of a Gas Pipeline through that adjacent site. The

Council does not hold information relating to the full alignment and location of this gas pipeline, but it is possible that it will pass through or very close to the site in question.

As such, I would strongly recommend that you consult directly with both HSE and National Gas to ascertain if any such pipeline would affect this site and ultimately any future proposal, prior to the application being submitted. This is to include any associated buffer zones. This will also enable you to ascertain whether any assessments or information will be required to enable a positive consultation response to be received, or whether such a constraint would affect the final design and layout of the development – both of which would be preferable to ascertain prior to the submission of an application.

Flood Risk

The application site is not located within an area of increased flood risk, and the Council is not aware of any historic flood events having occurred at the site. As such, it is unlikely that flood risk will represent a constraint to the determination of any future application you may submit.

Notwithstanding the above comment, I would recommend that any future application you do submit is supported by a drainage strategy which demonstrates how surface water will be dealt with and drained efficiently so as to ensure that there is no increased risk of flooding to any surrounding land or onto any surrounding public highway.

Contamination

The site is a greenfield parcel of previously undeveloped land which is unlikely to have any potential for land contamination issues arising from past agricultural uses.

However, the site is located within close proximity to the Haford Enovert Landfill Site, which although regulated, is still a potential source of land contamination for the locality. As such, to negate any requests for additional information, or the imposition of conditions relating to ground contamination, it would be prudent for any future application to be accompanied by a Desk Based Contaminated Land Assessment, including any informed remediation measures where identified as necessary. I can advise however, that this document would not necessarily be required to validate any future application, but is still nonetheless recommended.

Ideally the assessment would cover the following matters:

- Identification of any remedial measures required to deal with any hazards identified;
- A Remediation Strategy (where necessary), including remediation options appraisal; and
- A verification plan and report.

Historic Environment

As you are aware, the site is located in close proximity to the Hafod Hall Care Home, which contains two separate listed buildings. It is likely that the application site was once owned/attached to the hall and arguably formed part of its setting.

In discussion with the Council's Conservation Officer, a review of old maps would suggest that the application site was once the formal gardens to the hall and featured ponds/lakes, lawns etc.

As such, any future application should be supported by an appropriately detailed Heritage Statement/Assessment or Heritage Impact Assessment to demonstrate what contribution the application site makes to the significance of these heritage assets, but also what impacts would arise from the development proposed

Conclusion

As I have set out above and during our previous correspondence, I am unable at this time to provide you with a likely policy position and basis by which this application will be assessed when finally submitted. As such, I am unable to confirm the Council's position as to whether or not any future application would be viewed favourably at an officer level. I would also note that as a major application, this would require determination by the members of the Wrexham Council's Planning Committee in line with the adopted scheme of delegation.

However, hopefully the above information sets out the main considerations that the Local Planning Authority will take into account in the determination of any future application, and what is needed to address these matters.

We aim to determine planning applications as efficiently as possible. To help with this it is essential that applications are submitted with all the information that the Council will need to determine them. In this instance this will include:

- Completed Application Form;
- Location Plan;
- Site Plan;
- Existing Plans;
- Proposed plans including layout, elevations, section and levels;
- Landscape and Visual Appraisal;
- Glint and Glare Assessment;
- Landscape Scheme and management plan – including a planting plan;
- Biodiversity Matrix and mitigation to demonstrate Biodiversity Net Benefit;
- Drainage Strategy;
- Ecological Appraisal;
- Design and Access Statement;
- Planning Statement – giving detailed explanation of proposed use and how it will operate;
- Land Contamination Assessment and Remedial Measures Report;
- Tree survey and Arboricultural Impact Assessment (including methodology for working in area of trees to be retained) should any existing trees be affected;
- Construction Environmental Management Plan;
- Heritage Impact Assessment;
- Assessment of the Mineral resource.

Next Steps

I note that you have already approached the Local Planning Authority for a Screening Opinion as to whether the proposal would be deemed to be EIA development, which the LPA has confirmed not to be the case. As such, any future application need not be accompanied by an Environmental Statement.

Although there is no statutory requirement to do so, as you are no doubt aware solar farm developments can often be very locally sensitive. As such, I would strongly recommend that you undertake a public engagement exercise prior to the submission of any future application. This would be with local residents, representatives of the Community Council and also with the Local Ward Member for the area. This would be an opportunity to take on board any points of concern that may be raised, and potentially enable them to be designed out at this stage. This may also lead to a smoother application process in the longer term.

The advice is based on the planning policies, guidance and circumstances that apply at the time of this response. This advice may not be relevant may should policies or circumstances change before a formal planning application is submitted. You should also note that the above comments are the informal views of an Officer of the Council and do not commit the Council in the determination of any formal planning application.

Yours sincerely,



Nick Atkinson
Lead Officer – Development Management

From: Nick Atkinson
To: Lesley Rice
Cc: Rachel Kennedy
Subject: RE: ENQ/2024/1174 - Land adjacent to Hafod House Farm, Hafod, Ruabon
Date: Wednesday, February 12, 2025 11:23:42 AM
Attachments:

Good Morning Lesley,

Thank you for the e-mail.

My apologies for any confusion, as you are quite correct I am of the view that a usual/standard Landscape and Visual Assessment will be required for this application – as is the case with all planning applications for solar farm developments. However, given the visual impact of a solar farm upon the character of the surrounding area is usually the main consideration in the determination of any such planning application, this will need to be more detailed than for other development proposals/types. This should also be in addition to a glint and glare survey as set out within my response.

In terms of the scope of the assessment, I have no concerns with what you have set out in terms of the areas this document will need to cover. However, with regards to the specific viewpoints, unfortunately the Council does not employ a landscape architect to enable me to provide you with any further or specific advice on the appropriateness of these locations at this point in time. As such, this is a matter that you will need to liaise with your own Landscape Consultant to agree what they consider, in their professional judgement, to be the most appropriate locations prior to submission – but also to explain the reason/rationale for this within the document itself. Once received, the Council will assess this information and confirm if it is in agreement with the assessment and its findings as part of the overall consideration of the proposal.

Regards

Nick

Nick Atkinson
Swyddog Arweiniol - Rheoli Datblygiadau / Lead Officer – Development Management
Economi a Chynllunio / Economy and Planning
Cyngor Bwrdeistref Sirol Wrecsam / Wrexham County Borough Council

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From: Lesley Rice [redacted]
Sent: 12 February 2025 10:53
To: Nick Atkinson [redacted]
Cc: Rachel Kennedy [redacted]
Subject: RE: ENQ/2024/1174 - Land adjacent to Hafod House Farm, Hafod, Ruabon

Hi Nick,

Thanks for your response to our pre application request.

I would like to get clarification on your advice regarding the landscape and visual assessment. It is possibly due to interchangeable terms being used, but in the section relating to landscape, an LVIA is mentioned. An LVIA is the term we use for a report that would be required if the project had been screened as EIA. In the list further on in your advice, it is listed as a landscape and visual appraisal.

To ensure that we are providing the information that you require, the scope of the assessment is provided below:

Accordingly, it is accepted that a landscape and visual assessment, with supporting Landscaping Plan and visualisations, will be submitted with a planning application to evidence likely effects and any required mitigation or landscaping proposals to further reduce effects. The assessment will be conducted on the basis of relevant guidelines, and will focus upon: 1) effects to landscape features and character, 2) the visual amenity of residential properties bordering the proposed scheme, 3) visual effects to users of the highways network and public rights of way, The written assessment of landscape and visual effects within 2.5km of the potential Site will be supported by a calculation of theoretical visibility of the development within a 5km radius and photography from the following viewpoints. These have been selected, following extensive fieldwork, as publicly accessible viewpoints where the solar scheme would be visible (note that site is well screened from many potential viewpoints given the surrounding hedgerows and woodland). With reference to the draft ZTV in Figure 3:

a. VP1 - Hafod near junction with B5426

b. VP2 – Footpath north east of site near A483

c. VP3 – Wat's Dyke near Pentre-clawdd

d. VP4 – Cemetery in Rhosllanerchrugog

e. VP5 – Erddig National Trust property

The visualisations will be type 3 40 degree single frame visualisations.

Could you confirm that the scope of the assessment is satisfactory. We would also appreciate an indication of whether the VPs are acceptable.

Regards,

Lesley

www.dulas.org.uk

Dulas Ltd
Unit 1 Dyfi Eco Park
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SY20 8AX

Lesley Rice

EIA Coordinator

[redacted]

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From: Nick Atkinson [redacted]
Sent: 29 January 2025 17:33
To: Lesley Rice [redacted]
Cc: Rachel Kennedy [redacted]
Subject: ENQ/2024/1174 - Land adjacent to Hafod House Farm, Hafod, Ruabon

Good afternoon Lesley,

I write further to the recent pre-application enquiry you submitted to Wrexham Council for a proposal solar farm, and to the subsequent exchange of correspondence we have had regarding this matter.

Please see attached a copy of my advice relating to this proposal for your information. As previously discussed, this is not able to be specific with regards to the relevant Development Plan policies, which in turn means I am unable to confirm whether or not the proposal would be viewed favourably or not were an application to be made. However, I note your request that this advice still be provided despite the current uncertainty in this regards, which I have done, and the response primarily focussing on the constraints of the site and the relevant material considerations.

I will be on leave from tomorrow afternoon until the 11th February 2025. However, should you need to discuss this matter further once you have read this response, then please do not hesitate to contact me upon my return to the office.

Regards

Nick

Nick Atkinson
Swyddog Arweiniol - Rheoli Datblygiadau / Lead Officer – Development Management
Economi a Chynllunio / Economy and Planning
Cyngor Bwrdeistref Sirol Wrecsam / Wrexham County Borough Council

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